

**SYLVIA LUKE**  
LIEUTENANT GOVERNOR  
*Ke Ke'ena O Ka Hope Kia'āina*

32<sup>nd</sup> Legislature, State of Hawaii  
Senate Committee on Judiciary  
Senate Committee on Ways and Means

Testimony on  
**S.B. 3171 – RELATING TO MEETING NOTICES**

Chairs Rhoads and Dela Cruz, Vice Chairs Gabbard and Moriwaki, and Members of the Committees:

Thank you for the opportunity to provide testimony in **support of S.B. 3171 with proposed amendments as attached**. We have been in discussion with the Office of Information Practices and both of our offices agree that the proposed language which strikes the additional meeting posting requirements is clearer and reduces confusion.

Board meeting notices are statutorily required to be posted on the electronic calendars maintained by the State and the counties and each board or commission must maintain a list of names and postal or electronic mail addresses of persons who request notification of meetings. In addition, my office currently receives facsimile or hand-delivered physical copies of meeting notices and posts these documents daily in the Chamber of the State Capitol for the public to view. However, Hawai'i is a state of islands with numerous geographical barriers and it is impractical for those who live on the neighbor islands to fly to Oahu or for those who live on the windward or leeward of Oahu to drive to the Capitol to view these notices. Further, due to increased security measures at the State Capitol and other government facilities, it is unreasonable for residents and interested parties to physically enter a government building to view posted notices.

Chapter 92-7, Hawaii Revised Statutes, already ensures that residents and interested parties have a variety of methods to view board and commission notices and agendas: electronically available on an online calendar, posted physically at the board's office and the site of the meeting when feasible, and via email or physical mail. The proposed amendments will increase efficiency and decrease paper usage for state departments and agencies while ensuring public access to notices.

Thank you for the opportunity to submit testimony in strong support of S.B. 3171 with proposed amendments.

**S.B. NO. 3171**  
PROPOSED S.D. 1

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**A BILL FOR AN ACT**

RELATING TO MEETING NOTICES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. Section 92-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) No less than six calendar days prior to the meeting, the board shall post the notice on an electronic calendar on a website maintained by the State or the appropriate county and post a notice in the board's office for public inspection. The notice shall also be posted at the site of the meeting whenever feasible. ~~[The board shall file a copy of the notice with the office of the lieutenant governor or the appropriate county clerk's office and retain a copy of proof of filing the notice, and the office of the lieutenant governor or the appropriate clerk's office shall timely post paper or electronic copies of all meeting notices in a central location in a public building, provided that a failure to do so by the board, the office of the lieutenant governor, or the appropriate county clerk's office shall not require cancellation of the meeting. The copy of the notice to be provided to the office of the lieutenant governor~~

~~or the appropriate county clerk's office may be provided via electronic mail to an electronic mail address designated by the office of the lieutenant governor or the appropriate county clerk's office, as applicable.]"~~

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: \_\_\_\_\_

BY REQUEST

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
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HONOLULU, HAWAII 96813  
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To: Senate Committees on Judiciary and Ways and Means

From: Cheryl Kakazu Park, Director

Date: February 22, 2024, 9:46 a.m.  
State Capitol, Conference Room

Re: Testimony on S.B. No. 3171  
Relating to Meeting Notices

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Thank you for the opportunity to submit testimony on this bill, which would replace the Sunshine Law requirement for the Lieutenant Governor (LG) or appropriate County Clerk to post meeting notices in a central location in a public building with a requirement that they “ensure access” to those notices. The Office of Information Practices (OIP) offers **comments and a suggestion**.

Under current law, a board must provide a copy of its notice to the LG or Clerk, who must then post a paper or electronic copy in a central location in a public building. The LG has historically met this requirement by posting paper copies in the Capitol basement and the Clerks have historically posted paper copies in a prominent county office building. However, the current law does not require either those specific locations or the posting of paper copies. The LG, for example, could meet this requirement by posting it on an electronic monitor, if one was installed, that would scroll through meeting notices at a location where the public can enter the State building without going through security.

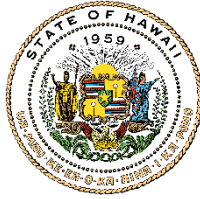
Even after the primary method of posting notice became electronic posting on an electronic calendar in 2014, the requirement for boards to provide meeting notices for the LG and Clerks to post in a public location remained in the Sunshine Law because at that time the Legislature wanted to ensure that people who were accustomed to looking at meeting notices posted in a central location by the LG or Clerk could still do so. Ten years later, S.B. 3171's proposed change would not require any sort of affirmative posting of notices by the LG or Clerk, but instead would just require that the LG or Clerk make paper or electronic copies of meeting notices available to the public. Since the same information is already available on the electronic calendars maintained by the State and the counties, specifying that the LG or Clerk must provide notices on request would not add much in the way of additional public outreach.

OIP therefore questions what additional value to the public would be provided by having the LG and Clerks provide copies of notices upon request. If these Committees believe that after 10 years the public has fully adapted to electronic posting and it is no longer necessary for meeting notices to also be posted in a central location, **it might be more straightforward for these Committees to simply eliminate the requirement for boards to file a copy of their notices with the LG or Clerk in the first place**, rather than continuing to require boards to do this additional filing.

Thank you for considering OIP's testimony.

**JOSH GREEN, M.D.**  
GOVERNOR | KE KIA'ĀINA

**SYLVIA LUKE**  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKUAĀINA 'Ō HAWAII'**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621  
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**DAWN N.S. CHANG**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

**RYAN K.P. KANAKA'OLE**  
FIRST DEPUTY

**DEAN D. UYENO**  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Testimony of**  
**DAWN N.S. CHANG**  
**Chairperson**

**Before the Senate Committees on**  
**WAYS AND MEANS**  
**And**  
**JUDICIARY**

**Thursday, February 22, 2024**  
**9:46 AM**

**State Capitol Conference Room 211 and Videoconference**

**In Consideration of**  
**SENATE BILL 3171**  
**RELATING TO MEETING NOTICES**

Senate Bill 3171 requires that the Office of the Lieutenant Governor or the appropriate county clerk's office ensure access to paper or electronic copies all meeting notices and deletes the requirement to post notices in a central location in a public building. **The Department of Land and Natural Resources (DLNR) supports this bill.**

This bill recognizes that most people get meeting notices on-line in the comfort of their home or office. It allows for those who still want a paper copy to be provided one at Lieutenant Governor's office, or the appropriate County Clerk's office. This bill will save trees, reduce waste, and help in the response against climate change.

Thank you for this opportunity to comment in support of this measure.

Council Chair  
Alice L. Lee

Vice-Chair  
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Tom Cook  
Gabe Johnson  
Tamara Paltin  
Keani N.W. Rawlins-Fernandez  
Shane M. Sinenci  
Nohelani U'u-Hodgins



Director of Council Services  
David M. Raatz, Jr., Esq.


Deputy Director of Council Services  
Richelle K. Kawasaki, Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
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WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

February 20, 2024

TO: The Honorable Senator Donovan Dela Cruz, Chair, and  
Members of the Committee on Ways and Means

The Honorable Senator Karl Rhoads, Chair, and  
Members of the Committee on Judiciary

FROM: Alice L. Lee  
Council Chair 

SUBJECT: **HEARING OF FEBRUARY 22, 2024; TESTIMONY IN SUPPORT OF SB3171, RELATING TO MEETING NOTICES**

I support this measure, which requires the Office of the Lieutenant Governor or the appropriate county clerk's office to ensure access to paper or electronic copies of all meeting notices and deletes the requirement to post notices in a central location in a public building.

I am providing this testimony in my capacity as an individual member of the Maui County Council.

I **support** this measure for the following reasons:

1. It acknowledges that the primary method for board posting and public viewing of meeting notices occurs digitally through websites, email, and other media, and that posting and viewing paper meeting notices hung on a board within a public building no longer serves the function it once did.
2. The measure also reduces the burden to board administrative staff by not requiring them to regularly maintain bulletin boards in public buildings with meeting notices that are nominally used while concurrently mandating that paper or electronic copies of meeting notices must be available to the public at all times.

Thank you for your consideration.

PETER L. FRITZ  
Attorney at Law  
EMAIL: [PLFLEGIS@FRITZHQ.COM](mailto:PLFLEGIS@FRITZHQ.COM)

Senate Committee on Ways and Means  
Honorable Senator Donovan M. Dela Cruz, Chair  
Honorable Sharon Y. Moriwaki, Vice Chair

Senate Committee on Judiciary  
Honorable Karl Rhoads, Chair  
Honorable Mike Gabbard, Vice Chair

RE: **SB 3171 Testimony in Support**  
Hearing: February 22, 2024 at 9:46 a.m.

Dear Chairs, Vice Chairs and Members of the Committees and all:

My name is Peter Fritz. I am an attorney that has been reviewing the notices are posted on the state calendar and bringing deficient notices to the Office of Information Practices (OIP). I am testifying **in Support of SB 3171 and proposing an amendment to ensure that the notice filed with the Lieutenant Governor is identical to the notice posted on the State Calendar.**

This bill mandates the Office of the Lieutenant Governor or the appropriate county clerk's office to ensure access to paper or electronic copies of all meeting notices.

Access to paper notices is required by the Americans with Disabilities Act (ADA) because many individuals with disabilities cannot use a computer.

To ensure that the notices filed with the Lieutenant Governor are the same as the notices posted on the state calendar, this bill needs to be amended to delete language stating that there are no penalties for not filing a notice with the Lieutenant Governor or County Clerk. I am aware of situations when a notice amended to correct noncompliance with the Sunshine Law was posted on the state calendar; however, the amended notice was not filed with the Lieutenant Governor. This meant that any person requesting this notice from the Lieutenant Governor would not have the same notice that was posted on the state calendar.

The problem of different agendas can be avoided if the bill is amended to read as follows:

"(b) No less than six calendar days prior to the meeting, the board shall post the notice on an electronic calendar on a website maintained by the State or the appropriate county and post a notice in the board's office for public inspection. The notice shall also be posted at the site of the meeting whenever feasible. The board shall file a copy of the notice with the office of the lieutenant governor or the appropriate county clerk's office and retain a copy of proof of filing the notice, and the office of the lieutenant governor or the appropriate clerk's office shall [~~timely post~~] ensure access to paper or electronic copies of all meeting notices [~~in a central location in a public building.]; ~~provided that a failure to do so by the board, the office of the lieutenant governor, or the appropriate county clerk's office shall not require cancellation of the meeting.~~]~~

The copy of the notice to be provided to the office of the lieutenant governor or the appropriate



Geter L. Fritz  
Testimony in Support of SB 3171  
Hearing February 22, 2024 at 9:45 a.m.  
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county clerk's office may be provided via electronic mail to an electronic mail address designated by the office of the lieutenant governor or the appropriate county clerk's office, as applicable."

I respectfully request that this bill be passed with amendments to ensure that the notices that are filed with Lieutenant Governor or County Clerk's office are identical to the notices posted on the state calendar.

Thank you for the opportunity to testify.