

Commission to Improve Standards of Conduct

Dear Chairman Tarnas and Members of the Judiciary and Hawaiian Affairs Committee,

Thank you for the opportunity to comment on bills recommended to the House of Representatives (House) by the Commission to Improve Standards of Conduct (Commission). The origin and justification of these bills is extensively discussed in the Commission's December 1, 2022 Final Report (Report) submitted to the House pursuant to HR 9.

The bills recommended by the Commission are a package that would increase transparency and accountability in state and county government and help restore public trust in government which has been severely eroded in the past few years by highly publicized instances of corruption and misconduct in state and county government.

With that in mind, I would like to comment on all the Commission bills in this testimony and submit it for each bill for your consideration.

First, I would like to commend the House for creating the Commission. It has been an honor to carry out the mandate of the House and serve with the distinguished and learned members the House appointed to the Commission. The members of the Commission worked very hard over a period of nine months, reaching out to public officials, community leaders, experts in various fields within the Commission's mandate and held extensive public hearings in drafting the bills recommended to the House. These public hearings are summarized in the Report at 13-18 and Appendix B of the Report which contains the Commission's minutes of these public meetings. The notice of the Commission's meetings with a link to a video recording of each meeting and testimony submitted and documents considered at each meeting can be found at the House webpage's a link to the Commission under House Special Committees.

The following is the list of bills recommended by the Commission with brief summaries and citations to the relevant parts of the Commission's Report where they are discussed.

HB 705 – Requires each house of the Legislature to post a report of the legislative allowance expenditures for each member of the respective house on the Legislature's website. The purpose of this bill is to "increase transparency and ease of access to information related to expenditure of taxpayer monies." Report at 28.

HB 706 – Requires all members of the Legislature to disclose certain relationships with lobbyists or lobbying organizations in their financial disclosures. The purpose of this bill is to "increase transparency and potentially uncover conflicts or self-dealing." Report at 28.

HB 707 – Makes it a class C felony to make false, fictitious or fraudulent claims against the state or a county, or any of their department or agencies, disqualifying a person from holding elective public office for a period of 10 years upon conviction of making a false, fictitious or fraudulent claim. This bill is modeled after the federal false claims statute. Report at 21. This bill comes

with two others – HB 710 (false statement) and HB 711 (fraud) which are also modeled after federal statutes. Federal, state and county law enforcement officials testified before the Commission that state and county law enforcement need statutes as their federal counterpart have to root out corruption in state and county government rather than always relying on federal enforcement to do this job.

HB 708 – Amends the information in the statement of expenditures reports that lobbyists and other individuals are required to file with the State Ethics Commission to include the identity, by bill number, resolution number or other similar identifier, of the legislative or administrative action that was commented on, supported by or opposed by the person filing the statement. Report at 28. As with other bills in the Commission’s package, this bill would increase transparency and expose any potential conflict of interest.

HB 709 – Requires a lobbyist training course to be designed and administered by the State Ethics Commission, makes the training course mandatory for all lobbyists who are required to register and renew their registration with the State Ethics Commission. The Commission found “that more education and training can be done to ensure that lobbyists have notice of the law, understand the application of the law, and comply with legal requirements.” Report at 29.

HB 710 – Is modeled after the federal false statement statute by establishing a class C felony offense for a person who dealing with state or county government to knowingly or willfully falsifies, conceals or covers up a material fact; makes materially false, fictitious or fraudulent statement or representation; or makes or uses any false writing or document known to have materially false information; and disqualifies a person from holding public office for a period of 10 years upon conviction of making a false statement. Report at 20. As with HB 707 on false claims, federal, state and county law enforcement testified before the Commission this bill is necessary for state and county law enforcement to root out corruption and misconduct in state and county government rather than always relying on federal law enforcement to do this job.

HB 711 – Is the last of three bills recommended by the state and county law enforcement coalition and is modeled after the federal fraud criminal statute in making it a class B felony for a person to obtain financial benefit or other gain by means of false statements, misrepresentations, concealment of important information or deception, and prohibiting a person convicted of fraud from being a candidate for public office for a period of 10 years. Report at 20.

HB 712 – Would encourage public boards to maintain any electronic audio or visual recording of a board meeting as a public record on the board’s website regardless of whether written minutes of the meeting have been posted and to submit a copy of the recording to the State Archives. Report at 27. A similar bill in the last regular session of the Legislature was supported by the Commission, passed by the Legislature but vetoed by the Governor (SB 3172, SD 1, HD 2, CD 1). Report at 10. The Commission has attempted to address the concerns raised by the Governor in this bill.

HB 715 – Prohibits lobbyists from making prohibited gifts to legislators and state employees with administrative fines imposed for violations. Report at 33.

HB 716 – Requires the Office of Elections to prepare a voter information guide to educate voters on each candidate's positions and their candidate statements and provide ballot question analyses and appropriates funds for the preparation and distribution of guides and analyses. The Commission found "Hawaii's voter turnout is well below the national average for each election" and "registered voters may not have access to or be aware of information on the candidates or issues on the ballots." Report at 34.

HB 717 – Prohibits under certain circumstances legislators and state employees from hiring or promoting relatives or household members and from making or participating in certain other employment-related decisions and from awarding a contract to or otherwise taking official action on a contract with a business if the legislator's or employee's relative or household member is an executive officer of or holds a substantial ownership interest in the business, and imposing administrative fines for violations. Report at 29.

HB 718 – Authorizes the Campaign Spending Commission to serve preliminary determinations of probable cause via first class mail instead of certified mail, establishes a presumption of receipt when mailed to the address contained in a candidate or committee organizational report. Report at 21.

HB 719 – Imposes a cap on charges for the reproduction of certain government records; waives the cost of duplication of government records provided to requestors in electronic format; imposes a cap on charges for searching for, reviewing and segregating records; provides a waiver of fees when the public interest is served by record disclosure; and appropriates funds to carry out the provisions of this act. Report at 27. A similar bill was supported by the Commission and passed by the Legislature last regular session (SB 3252, SD2, HD2, CD1) and vetoed by the Governor. Report at 10. The Commission has attempted in this bill to address concerns raised by the Governor.

HB 720 – Increases the amount of partial public financing available for all offices up for election in varied amounts with a downward adjustment of the minimum amounts of qualifying contributions for county prosecuting offices. The Commission noted "that increased amounts of partial public funding of elections proposed in this bill are intended as a floor, or a minimum level. If fiscal resources are or become available, the Commission encourages the Legislature to be bold and devote additional fiscal resources to further the purpose of this bill and to seek additional permanent funding sources for future elections. Implementation of this proposal would assist in diminishing the impact and influence resulting from Citizens United." Report at 32.

HB 721 – Eliminates the use of campaign funds to purchase up to two tickets for an event or fundraiser held by another candidate or committee. The Commission found "that this practice is commonplace amongst legislators and gives the appearances of impropriety since the

campaign funds of the purchaser/candidate are likely contributions made to the purchaser/candidate and not to the candidate holding the event or fundraiser.” Report at 33-34.

HB 722 – Expands the reach of the requirement to file a notice of intent to hold a fundraiser or fundraiser event by removing the current \$25 threshold. The Commission stated this bill would further public transparency and improve public confidence in campaigns. Report at 33.

HB 723 – Expands application of the Sunshine Law to legislatively appointed bodies, including task forces, working groups, special committees, and select committees. This bill would also require each chamber of the legislature to hold public hearings on its rules on a biennial basis. The Commission concluded given “the strict legislative timetable and deadlines mandated under Article III of the Hawaii State Constitution” it was not practical to apply the Sunshine Law to the Legislature. This bill would “better effectuate the spirit and intent of the Sunshine Law.” Report at 26.

HB 724 – Amends the prohibition against contributions to a candidate committee or noncandidate committee by state and county contractors by including state and county grantees and owners, officers and immediate family members of a state or county contractor or state or county grantee. Report at 33.

HB 725 – Establishes the Office of Public Advocate and codifies rights of the public with respect to the conduct and operation of the Legislature and its members. This bill would also specify procedures for the investigation and reporting of alleged violations of the public’s rights. “The Commission offers this proposal as an aspirational starting point for how the public and legislators can best engage with each other in a respectful and transparent manner during the legislative process. Collectively, the 13 rights of the public embody ideals of respect, fairness, openness, and dignity in the legislative process. The rights also require that official legislative business be conducted in a transparent and honest manner and that decisions be based on the merits of the legislation.” Report at 26-27.

HB 726 – Prohibits state and county elected officials from soliciting and accepting campaign contributions during any regular or special session of the Legislature, including any legislative recess days, holidays and weekends. This bill if enacted “would reduce the negative perception of legislators soliciting or accepting contributions from individual or organizations that have an interest in matters pending before the legislature during session.” Report at 32.

HB 727 – Limits the permitted uses of campaign funds to only those purposes that are directly related to the campaign of candidates. Report at 33.

HB 728 – Provides funds to county ethic boards “in an effort to ensure that these boards have adequate resources to continue their operations and pursue their respective missions.” Report at 30.

HB 729 – Requires the Campaign Spending Commission to publish on its website the names of candidate committees and noncandidate committees who fail to properly file an organizational report. The Commission found that this bill “would improve compliance and also bring awareness of noncompliance to the public.” Report at 28.

HB 730 – Limits the amount of cash contributions a candidate, candidate committee or noncandidate committee can accept in the aggregate in each election period to \$100 with a receipt required for each contribution. Report at 33.

HB 731 – Provides that a person waives the right to a contested case hearing if that person fails to request a contested case hearing within 20 days of the Commission’s preliminary determination. It would also allow the Campaign Spending Commission to file its final order with the Circuit Court of the First District for confirmation as a civil judgment, enforceable and collectible as any other judgment issued in circuit court. Report at 21.

HB 732 – Authorizes the Campaign Spending Commission to presume that a violation of a campaign spending law has occurred if a respondent fails to explain or otherwise respond to a complaint alleging a campaign spending violation. Report at 21.

HB 733 – Increases the amount of fine for campaign spending law violations that may be assessed against a noncandidate committee making only independent expenditures and that has received at least one contribution of more than \$10,000 or spent more than \$10,000 in an election period. It authorizes the Campaign spending Commission to order that the payment of a fine assessed against a noncandidate committee, or any portion thereof, be paid from the personal funds of an officer of the noncandidate committee. Report at 34.

HB 796 – Proposes a constitutional amendment to prohibit a person from serving as a member of the Legislature for more than 16 years during that person’s lifetime. “The Commission discussed this proposal at great length and considered the testimony received and personal viewpoints of each commissioner. The Commission looked at similar provisions for guidance and debated the well-balanced pros and cons of this proposal, which was reflected in the slim 4-3 margin by which the Commission adopted the motion to adopt this proposal.” Report at 35. Despite a turnover in the House of Representative of over 50% and the Senate of more than 33% in the last decade, “people feel a proposal like this is necessary and that a limit on the duration of holding state elected office may reduce the potential for corruption and allow for the periodic infusion of fresh ideas and services to constituents.” Id.

A handwritten signature in black ink that reads "Daniel R. Foley". The signature is written in a cursive, flowing style with a large, stylized 'F' at the end.

Respectfully submitted, Judge Daniel Foley (ret.)

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: House Committee on Judiciary & Hawaiian Affairs

From: Cheryl Kakazu Park, Director

Date: February 22, 2023, 2:00 p.m.
State Capitol, Conference Room 325

Re: Testimony on H.B. No. 723
Relating to the Sunshine Law

Thank you for the opportunity to submit testimony on this bill, which would apply the Sunshine Law, part I of chapter 92, to legislatively appointed bodies, as defined in the bill, and require the Senate and the House of Representatives to hold public hearings on their rules. In addition to the Sunshine Law's notice and other requirements, the bill would also require legislative appointed bodies to give the separate public notice required for an agency holding a public hearing. The Office of Information Practices (OIP) seeks clarification of what groups not already subject to the Sunshine Law this bill is intended to apply the Sunshine Law to.

The bill's purpose clause indicates that it is a proposal of the Commission to Improve Standards of Conduct (Commission) formed pursuant to H.R. 9 of 2022. Please note that **OIP was not part of the Commission or consulted** by the Commission regarding this or other bills proposing amendments to laws OIP administers, so although OIP administers the Sunshine Law **OIP has no information about what this proposal is intended to do and the proposal does not reflect input from OIP.**

Currently, the Sunshine Law's open meeting, notice, and agenda requirements as applied to "the state legislature or to any of its members" are preempted by the rules and procedures adopted by the Senate and the House of Representatives. An individual legislator thus is subject only to House or Senate rules and not the Sunshine Law in his or her capacity as a legislator, but if he or she sits on a board that is itself subject to the Sunshine Law the legislator is subject to the Sunshine Law in his or her capacity as a board member. The definition of a "board" subject to the Sunshine Law encompasses not just permanent boards typically created by statute or executive order, but also working groups, task forces, and similar bodies created by session law for a limited term. (OIP has previously held that a board created by a legislative resolution, which lacks the force and effect of law, is not generally a Sunshine Law board.) When such a group – or any other Sunshine Law board – includes legislators, the legislator members are subject to the Sunshine Law in the same way as the other board members.

This bill would apply the Sunshine Law (except where a bill or resolution specifies otherwise) to a "legislatively appointed body," defined as a "task force, working group, special committee, or select committee that has a membership consisting entirely of state legislators who were appointed by one or both houses of the legislature or one or both of the presiding officers of each house of the legislature." Thus, it applies only to all-legislator bodies, not to task forces and other groups with both legislators and non-legislators among their membership. The definition suggests it could apply to groups appointed by the Senate President or House Speaker as well as to groups appointed by one or both legislative houses, but elsewhere the new requirement refers to such bodies as being created by either a legislative resolution or a bill.

It is not clear to OIP just what sort of groups, not previously subject to the Sunshine Law, this bill is intended to cover under the Sunshine Law (unless specifically exempted). If the bill's intended target is a group created by statute or session law, even if it includes legislators among its members, then the bill would seem unnecessary since such a group is already generally subject to the Sunshine Law. It is in any case not typical for task forces and working groups to consist entirely of legislators, although the legislative special or select committees also included in the definition could be all-legislator groups created by resolution.

OIP also notes that this new requirement mandates two different forms of public notice, both the Sunshine Law's usual meeting notice and an agency's notice of public hearing set out in part IV of chapter 92, which seems duplicative.

This bill is confusing. For OIP to effectively administer this new requirement if passed, OIP respectfully requests that the bill be amended to explain what groups not already subject to the Sunshine Law would become Sunshine Law boards based on this change to the law.

Thank you for considering OIP's testimony.



HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Wednesday, February 22, 2023, 2 pm, State Capitol Room 325 & Videoconference
HB 723

Relating to the Sunshine Law

TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Tarnas, Vice Chair Takayama, and Committee Members:

We are uncertain whether HB 723 would apply to working groups and task forces in which some of the appointee are not legislators. If that is the intent, we suggest amending HB 723 to be consistent with OIP's current interpretation that the Sunshine Law applies to non-legislative working groups and task forces created by session law but does not apply to non-legislative working groups and task forces created by any process other than a session law,

Thank you for the opportunity to submit testimony.

HB-723

Submitted on: 2/21/2023 9:38:44 AM

Testimony for JHA on 2/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gary Hooser	Pono Hawaii Initiative	Support	Written Testimony Only

Comments:

Committee Chair and Members,

Please accept this testimony in strong support of HB723.

HB723 - Expands application of the State's sunshine law to legislatively appointed bodies, including task forces, working groups, special committees, and select committees.

HB723 is part of a package of bills being proposed by the Commission to Improve Standards of Conduct (CISC) which was established by a unanimous vote in the State House of Representatives.

Please offer your strong support for all of the CISC recommendations on your agenda today as well.

Sincerely,

Gary Hooser

Pono Hawaii Initiative

HB-723

Submitted on: 2/17/2023 10:59:20 AM

Testimony for JHA on 2/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cathy Goeggel	Animal Rights Hawai'i	Support	Written Testimony Only

Comments:

We support more transparency in govt. and ask that you pass HB723

Mahalo

Testimony in Support of HB723

Submitted for: Judiciary & Hawaiian Affairs Committee Hearing, scheduled to be heard on Wednesday, 2/22/23 at 2:00 PM.

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the Committee,

My name is Greg Misakian and I strongly support HB723.

They say a picture is worth a thousand words, further below is the picture, and with just a few words I submit my testimony.

There are those who often oppose consumer protection Bills meant to help condominium owners and residents of Hawaii. The same group who often oppose these measures profit more when they are not enacted, are deferred, are improperly referred to the wrong committees, or are improperly triple referred. The game is clear and the rules are not, but the picture is 100% clear, unless you choose not to look. Hawaii needs better laws to ensure that Legislators, Attorneys, and all members of the public behave ethically and properly, and in the best interest of all.

Campaign Contributions of Yuriko Sugimura (aka Jane Sugimura), as seen at the State of Hawaii Campaign Spending Commission website:

Abercrombie, Neil	Individual	Sugimura, Yuriko J.	12/15/2009	\$1,000.00	\$1,500.00	Bendet Fidell & Sugimura AAL ALC	Attorney
Abercrombie, Neil	Individual	Sugimura, Yuriko J.	07/19/2010	\$100.00	\$1,700.00	Bendet Fidell & Sugimura AAL ALC	Attorney
Abercrombie, Neil	Individual	Sugimura, Yuriko J.	10/02/2009	\$500.00	\$500.00	Bendet Fidell & Sugimura AAL ALC	Attorney
Abercrombie, Neil	Individual	Sugimura, Yuriko J.	08/12/2010	\$100.00	\$1,800.00	Bendet Fidell & Sugimura AAL ALC	Attorney
Abercrombie, Neil	Individual	Sugimura, Yuriko J.	09/03/2010	\$500.00	\$2,400.00	Bendet Fidell & Sugimura AAL ALC	Attorney
Abercrombie, Neil	Individual	Sugimura, Yuriko J.	08/18/2010	\$100.00	\$1,900.00	Bendet Fidell & Sugimura AAL ALC	Attorney
Abercrombie, Neil	Individual	Sugimura, Yuriko J.	03/24/2010	\$100.00	\$1,600.00	Bendet Fidell & Sugimura AAL ALC	Attorney
Baker, Rosalyn	Individual	Sugimura, Yuriko J.	05/08/2017	\$150.00	\$550.00		Attorney / CPA
Baker, Rosalyn	Individual	Sugimura, Yuriko J.	05/07/2013	\$300.00	\$300.00		Attorney / CPA

Baker, Rosalyn	Individual	Sugimura, Yuriko J.	05/10/2016	\$200.00	\$400.00		Attorney / CPA
Baker, Rosalyn	Individual	Sugimura, Yuriko J.	06/23/2008	\$100.00	\$300.00		Attorney / CPA
Baker, Rosalyn	Individual	Sugimura, Yuriko J.	07/13/2011	\$200.00	\$500.00		Attorney / CPA
Baker, Rosalyn	Individual	Sugimura, Yuriko J.	05/10/2015	\$200.00	\$200.00		Attorney / CPA
Baker, Rosalyn	Individual	Sugimura, Yuriko J.	05/05/2012	\$200.00	\$700.00		Attorney / CPA
Baker, Rosalyn	Individual	Sugimura, Yuriko J.	05/02/2018	\$200.00	\$750.00		Attorney / CPA
Baker, Rosalyn	Individual	Sugimura, Yuriko J.	12/03/2019	\$500.00	\$500.00		Attorney / CPA
Baker, Rosalyn	Individual	Sugimura, Yuriko J.	05/06/2014	\$200.00	\$500.00		Attorney / CPA
Baker, Rosalyn	Individual	Sugimura, Yuriko J.	06/20/2010	\$200.00	\$300.00		Attorney / CPA
Belatti, Della	Individual	Sugimura, Yuriko J.	01/30/2019	\$200.00	\$200.00		
Belatti, Della	Individual	Sugimura, Yuriko J.	06/11/2018	\$250.00	\$250.00		
Caldwell, Kirk	Individual	Sugimura, Yuriko J.	11/24/2015	\$1,000.00	\$1,000.00	Bendet Fidell Sugimura	Attorney
Chang, Stanley	Individual	Sugimura, Yuriko	05/29/2020	\$150.00	\$150.00		
DeCoite, Lynn	Individual	Sugimura, Yuriko J.	04/25/2019	\$150.00	\$150.00		
Espero, William	Individual	SUGIMURA, Yuriko J.	10/05/2017	\$200.00	\$300.00		
Fukunaga, Carol	Individual	Sugimura, Yuriko J.	05/27/2014	\$250.00	\$250.00	Bendet Fidell Sugimura	Principal
Fukunaga, Carol	Individual	Sugimura, Yuriko J.	07/12/2011	\$200.00	\$200.00	Bendet Fidell Sugimura	Principal
Fukunaga, Carol	Individual	Sugimura, Yuriko J.	03/12/2015	\$125.00	\$125.00	Bendet Fidell Sugimura	Principal

Fukunaga, Carol	Individual	Sugimura, Yuriko J.	05/04/2012	\$200.00	\$500.00	Bendet Fidell Sugimura	Principal
Fukunaga, Carol	Individual	Sugimura, Yuriko J.	06/13/2018	\$300.00	\$1,325.00	Bendet Fidell Sugimura	Principal
Fukunaga, Carol	Individual	Sugimura, Yuriko J.	09/14/2017	\$400.00	\$525.00	Bendet Fidell Sugimura	Principal
Fukunaga, Carol	Individual	Sugimura, Yuriko J.	05/11/2009	\$200.00	\$200.00	Bendet Fidell Sugimura	Principal
Fukunaga, Carol	Individual	Sugimura, Yuriko J.	11/22/2017	\$500.00	\$1,025.00	Bendet Fidell Sugimura	Principal
Fukunaga, Carol	Individual	Sugimura, Yuriko J.	07/16/2010	\$200.00	\$400.00	Bendet Fidell Sugimura	Principal
Fukunaga, Carol	Individual	Sugimura, Yuriko J.	07/14/2011	\$100.00	\$300.00	Bendet Fidell Sugimura	Principal
Hashimoto, Troy	Individual	Sugimura, Yuriko J.	05/24/2018	\$1,000.00	\$1,000.00	Bendet Fidell Sugimura	Attorney
Hashimoto, Troy	Individual	Sugimura, Yuriko J.	11/21/2019	\$100.00	\$200.00	Bendet Fidell Sugimura	Attorney
Hashimoto, Troy	Individual	Sugimura, Yuriko J.	05/20/2022	\$1,000.00	\$2,000.00	Bendet Fidell Sugimura	Attorney
Hashimoto, Troy	Individual	Sugimura, Yuriko J.	11/02/2021	\$1,000.00	\$1,000.00	Bendet Fidell Sugimura	Attorney
Ichiyama, Linda	Individual	Sugimura, Yuriko	04/11/2018	\$100.00	\$200.00		
Ichiyama, Linda	Individual	Sugimura, Yuriko	02/24/2020	\$100.00	\$250.00		
Ichiyama, Linda	Individual	Sugimura, Yuriko	11/13/2019	\$100.00	\$150.00		
Ige, David	Individual	Sugimura, Yuriko J.	11/28/2017	\$1,000.00	\$1,000.00	Bendet, Fidell, Sugimura AAL ALC	Attorney
Ige, David	Individual	Sugimura, Yuriko J.	07/19/2018	\$100.00	\$1,100.00	Bendet, Fidell, Sugimura AAL ALC	Attorney
Ihara, Les	Individual	Sugimura, Yuriko J.	07/05/2016	\$100.00	\$200.00		
Iwase, Randall	Individual	Sugimura, Yuriko J.	01/29/2007	\$300.00	\$300.00		

Johanson, Aaron	Individual	SUGIMUR A, YURIKO J.	10/14/2015	\$300.00	\$300.00	CLAY CHAPMAN IWAMURA PULICE & NERVELL	ATTORNEY
Johanson, Aaron	Individual	SUGIMUR A, YURIKO J.	07/21/2016	\$300.00	\$600.00	CLAY CHAPMAN IWAMURA PULICE & NERVELL	ATTORNEY
Johanson, Aaron	Individual	SUGIMUR A, YURIKO J.	11/03/2021	\$1,000.00	\$1,000.00	CLAY CHAPMAN IWAMURA PULICE & NERVELL	ATTORNEY
Keith-Agaran, Gilbert	Individual	SUGIMUR A, YURIKO J.	01/08/2015	\$150.00	\$150.00		
Keith-Agaran, Gilbert	Individual	SUGIMUR A, YURIKO J.	01/15/2016	\$150.00	\$300.00		
Keohokalole, Jarrett	Individual	Sugimura, Yuriko	05/17/2018	\$200.00	\$250.00		
Keohokalole, Jarrett	Individual	Sugimura, Yuriko	03/11/2020	\$150.00	\$150.00		
Kong, Samuel	Individual	Sugimura, Yuriko J.	04/18/2018	\$100.00	\$150.00		
Kong, Samuel	Individual	Sugimura, Yuriko J.	04/24/2019	\$150.00	\$150.00		
Kong, Samuel	Individual	Sugimura, Yuriko J.	06/22/2019	\$100.00	\$250.00		
Learmont, Lei	Individual	Sugimura, Yuriko J.	05/04/2018	\$500.00	\$500.00		
Luke, Sylvia	Individual	Sugimura, Yuriko	06/23/2022	\$500.00	\$500.00		
Luke, Sylvia	Individual	Sugimura, Yuriko	04/23/2008	\$50.00	\$150.00		
Luke, Sylvia	Individual	Sugimura, Yuriko	01/11/2019	\$250.00	\$250.00		
Luke, Sylvia	Individual	Sugimura, Yuriko	04/16/2018	\$300.00	\$300.00		
Maluafiti, Alicia	Individual	Sugimura, Yuriko	06/04/2018	\$500.00	\$500.00		

McKelvey, Angus	Individual	Sugimura, Yuriko J.	11/14/2019	\$100.00	\$150.00	Bendet Fidell Sugimura, AAL, a Law Corporation	Attorney
Menor, Ron	Individual	Sugimura, Yuriko J.	05/01/2019	\$500.00	\$500.00	Clay Chapman Iwamura AAL ALC	Attorney
Menor, Ron	Individual	Sugimura, Yuriko J.	10/16/2019	\$500.00	\$1,000.00	Clay Chapman Iwamura AAL ALC	Attorney
Misalucha, Bennette	Individual	SUGIMUR A, YURIKO J.	09/11/2020	\$500.00	\$500.00		
Moriwaki, Sharon	Individual	Sugimura, Yuriko J.	09/25/2019	\$500.00	\$1,000.00	Clay Chapman Iwamura, Pulice & Nervell, AAL, ALC	Attorney
Moriwaki, Sharon	Individual	Sugimura, Yuriko J.	02/17/2018	\$232.46	\$232.46	Clay Chapman Iwamura, Pulice & Nervell, AAL, ALC	Attorney
Moriwaki, Sharon	Individual	Sugimura, Yuriko J.	05/16/2018	\$500.00	\$732.46	Clay Chapman Iwamura, Pulice & Nervell, AAL, ALC	Attorney
Moriwaki, Sharon	Individual	Sugimura, Yuriko J.	03/14/2019	\$500.00	\$500.00	Clay Chapman Iwamura, Pulice & Nervell, AAL, ALC	Attorney
Moriwaki, Sharon	Individual	Sugimura, Yuriko J.	06/14/2018	\$100.00	\$832.46	Clay Chapman Iwamura, Pulice & Nervell, AAL, ALC	Attorney
Moriwaki, Sharon	Individual	Sugimura, Yuriko J.	10/17/2018	\$500.00	\$1,332.46	Clay Chapman Iwamura, Pulice & Nervell, AAL, ALC	Attorney
Moriwaki, Sharon	Individual	Sugimura, Yuriko J.	12/12/2020	\$250.00	\$1,250.00	Clay Chapman Iwamura, Pulice & Nervell, AAL, ALC	Attorney
Moriwaki, Sharon	Individual	Sugimura, Yuriko J.	12/06/2021	\$2,750.00	\$4,000.00	Clay Chapman Iwamura, Pulice & Nervell, AAL, ALC	Attorney
Nishimoto, Scott	Individual	Sugimura, Yuriko J.	01/31/2019	\$250.00	\$250.00		
Nishimoto, Scott	Individual	Sugimura, Yuriko J.	03/04/2019	\$100.00	\$350.00		

Ohno, Takashi	Individual	Sugimura, Yuriko	01/30/2020	\$250.00	\$350.00		
Ohno, Takashi	Individual	Sugimura, Yuriko	01/16/2018	\$150.00	\$200.00		
Oshiro, Blake	Individual	Sugimura, Yuriko	07/27/2010	\$250.00	\$350.00		
Rhoads, Karl	Individual	Sugimura, Yuriko J.	07/12/2021	\$500.00	\$500.00		
Rhoads, Karl	Individual	Sugimura, Yuriko J.	10/03/2019	\$500.00	\$700.00		
Rhoads, Karl	Individual	Sugimura, Yuriko J.	01/11/2016	\$175.00	\$275.00		
Rhoads, Karl	Individual	Sugimura, Yuriko J.	01/04/2019	\$200.00	\$200.00		
Rhoads, Karl	Individual	Sugimura, Yuriko J.	05/08/2012	\$125.00	\$125.00		
Saiki, Scott	Individual	Sugimura, Yuriko J.	05/13/2019	\$500.00	\$500.00	Clay Chapman Iwamura Pulice & Nervel	Attorney
Saiki, Scott	Individual	Sugimura, Yuriko J.	06/21/2022	\$1,000.00	\$1,000.00	Clay Chapman Iwamura Pulice & Nervel	Attorney
Sakamoto, Norman	Individual	Sugimura, Yuriko	05/27/2009	\$150.00	\$150.00		
Say, Calvin	Individual	Sugimura, Yuriko J.	04/29/2019	\$150.00	\$150.00		
Schatz, Brian	Individual	Sugimura, Yuriko J.	04/09/2010	\$50.00	\$450.00		
Schatz, Brian	Individual	Sugimura, Yuriko J.	12/18/2009	\$400.00	\$400.00		
Sugimura, Yuki	Immediate Family	Sugimura, Yuriko	06/04/2022	\$2,000.00	\$2,000.00	Bendet Findell A Law Corporation	Attorney
Sugimura, Yuki	Immediate Family	Sugimura, Yuriko	12/06/2017	\$500.00	\$500.00	Bendet Findell A Law Corporation	Attorney
Sugimura, Yuki	Immediate Family	Sugimura, Yuriko	03/26/2020	\$1,000.00	\$1,000.00	Bendet Findell A Law Corporation	Attorney

Sugimura, Yuki	Immediate Family	Sugimura, Yuriko	08/12/2015	\$1,000.00	\$1,000.00	Bendet Fidell A Law Corporation	Attorney
Takayama, Gregg	Individual	Sugimura, Yuriko	02/19/2020	\$100.00	\$350.00	Bendet Fidell	Attorney
Takayama, Gregg	Individual	Sugimura, Yuriko	05/10/2022	\$200.00	\$400.00	Bendet Fidell	Attorney
Takayama, Gregg	Individual	Sugimura, Yuriko	11/13/2019	\$100.00	\$250.00	Bendet Fidell	Attorney
Takayama, Gregg	Individual	Sugimura, Yuriko	03/06/2019	\$50.00	\$150.00	Bendet Fidell	Attorney
Takayama, Gregg	Individual	Sugimura, Yuriko	04/11/2018	\$100.00	\$150.00	Bendet Fidell	Attorney
Takayama, Gregg	Individual	Sugimura, Yuriko	05/10/2022	\$200.00	\$200.00	Bendet Fidell	Attorney
Takenouchi, Jenna	Individual	Sugimura, Yuriko	05/11/2022	\$200.00	\$200.00		
Takumi, Roy	Individual	Sugimura, Yuriko	01/11/2018	\$200.00	\$200.00	Clay Chapman Pulice & Nervell	Attorney
Takumi, Roy	Individual	Sugimura, Yuriko	04/29/2022	\$1,000.00	\$1,500.00	Clay Chapman Pulice & Nervell	Attorney
Takumi, Roy	Individual	Sugimura, Yuriko	05/04/2021	\$500.00	\$500.00	Clay Chapman Pulice & Nervell	Attorney
Takumi, Roy	Individual	Sugimura, Yuriko	04/16/2019	\$500.00	\$500.00	Clay Chapman Pulice & Nervell	Attorney
Tam, Adrian	Individual	Sugimura, Yuriko	09/26/2020	\$500.00	\$500.00	Clay Chapman Iwamura Pulice & Nervell	Attorney
Tokuda, Jill	Individual	Sugimura, Yuriko	06/08/2018	\$250.00	\$1,550.00	Bendet Fidell Sugimura. AAL. ALC	Attorney
Tokuda, Jill	Individual	Sugimura, Yuriko	06/27/2018	\$100.00	\$1,650.00	Bendet Fidell Sugimura. AAL. ALC	Attorney
Tokuda, Jill	Individual	Sugimura, Yuriko	11/14/2017	\$500.00	\$600.00	Bendet Fidell Sugimura. AAL. ALC	Attorney
Tokuda, Jill	Individual	Sugimura, Yuriko	03/29/2018	\$500.00	\$1,100.00	Bendet Fidell Sugimura. AAL. ALC	Attorney
Tokuda, Jill	Individual	Sugimura, Yuriko	05/03/2018	\$200.00	\$1,300.00	Bendet Fidell Sugimura. AAL. ALC	Attorney

Tokuda, Jill	Individual	Sugimura, Yuriko J.	12/15/2021	\$500.00	\$500.00	Clay Chapman	Attorney
Weyer, Matt	Individual	Sugimura, Yuriko	07/20/2022	\$500.00	\$500.00	Clay Chapman Iwamura Pulice & Nervell	Attorney

HB-723

Submitted on: 2/21/2023 1:19:02 PM

Testimony for JHA on 2/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nikos Leverenz	Individual	Support	Remotely Via Zoom

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, & Committee Members:

It was my sincere privilege to serve on the Commission to Improve Standards of Conduct (CISC) last year. This bill represents an attempt to expand the use of the sunshine law in boards, commissions, and task forces, with some exceptions for exigencies (including short time frames).

This bill should be amended so that legislatively appointed body" include commissions like the CISC. Toward that end, please (1) insert "commission" between "special committee," and "or select committee" on page 4, line 5 and (2) strike "consisting entirely of state legislators" on page 4, lines 5-6.

The CISC's Interim Report was done fairly quickly, as required by HR 9, but the CISC subsequently sought to operate transparently in public view thereafter. We greatly benefitted from receiving input from the public and having our meetings available on the House's YouTube channel.

I also served on the Department of Health's Dual Use Cannabis Task Force last year, which was held in accordance with our state's sunshine law. It was also time limited and had multiple working groups and permitted interaction groups. It was beneficial to have our deliberations online, including the receipt of feedback from residents on the neighbor islands.

The CISC was well aware that the constitutionally mandated timeframe governing state legislative deliberations makes sunshine law application impracticable. However, the Legislature has an opportunity to apply the sunshine law in the biennial briefings provided for in the proposed subsection (c).

For the record, I support a full-time professional state legislature with salaries and staff sufficient to support such. This state's cost of living and the numerous issues requiring sustained attention, including planning for climate change impacts on our shoreline infrastructure, counsel a move away from the longstanding illusion of a "citizen-legislature." A professional legislature and a longer time frame will be able to invite more public input, provide more thorough analyses of legislation, and better navigate the influence of the third house in deliberations.

Mahalo for the opportunity to provide testimony.

HB-723

Submitted on: 2/17/2023 4:36:22 PM

Testimony for JHA on 2/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support

HB-723

Submitted on: 2/18/2023 11:21:04 AM

Testimony for JHA on 2/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in Support

HB-723

Submitted on: 2/20/2023 10:48:38 AM

Testimony for JHA on 2/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

It isn't right that the legislature created a Sunshine Law for the purpose of public participation and transparency, but then exempted itself from it. The public has a fundamental right to know how decisions are made on their behalf. This is essential for a healthy democracy. If decisions will take longer to make as a result, then the legislature should consider revising its schedule to accommodate the extra time needed, even if this means extending the legislative session by a week, a month or even more. Please support HB723.

HB-723

Submitted on: 2/20/2023 11:11:46 AM

Testimony for JHA on 2/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

This is a very important first step in getting the legislature to adhere to the Sunshine Law instead of hiding in the dark. Some legislators are not cognizant in the law. They do not know what it applies to, don't care, and assume that anything they do that they themselves think is open government actually is not. The Sunshine Law is the foundation of open government. Hopefully in the future we will be able to find a way for the legislature to come in full compliance, via reworking of the legislative calendar, consittutuional amendments if needed to make it work, etc. This bill is a great beginning of true open government.

HB-723

Submitted on: 2/21/2023 1:35:36 AM

Testimony for JHA on 2/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nani	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and members of the committee,

My name is Nani and I am in support of HB723 with comments.

I am in support of everything that helps with transparency. This is a good thing to include>> legislatively appointed bodies, including task forces, working groups, special committees, and select committees. As they should be held to standards of ethics to avoid special interest conflicts.

Thank you,

Nani

HB-723

Submitted on: 2/21/2023 8:21:02 AM

Testimony for JHA on 2/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hunter Heavilin	Individual	Support	Written Testimony Only

Comments:

This legislation promotes transparency and accountability by ensuring that the public has access to the proceedings and deliberations of these important bodies that have a significant impact on the public policy decisions made in our state.

Furthermore, HB723 requires the senate and the house of representatives to hold public hearings on a biennial basis to solicit professional and public feedback on how chamber rules can better effectuate the intent of the State's sunshine law. This provision is a critical step towards ensuring that the State's sunshine law remains effective in promoting transparency and accountability in our government. I urge the legislature to support HB723 and to continue its commitment to open and transparent government in Hawaii.

HB-723

Submitted on: 2/21/2023 8:43:39 AM

Testimony for JHA on 2/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support

Having been chair of the North Kohala Community Development Plan Action Committee for more years than anyone should, I can relate a few problems we faced with the Sunshine Law. Let me start by saying we are all very supportive of the spirit of the Sunshine Law. Open meetings with public input, agendas and meeting proceedings published, no collusion on how to vote are all worthy concepts for organizations who work in the public interest. But several of the edicts of Sunshine have made our work ineffective. As interpreted to us, Sunshine includes:

- No more than 2 AC members may attend any meetings in the community on issues that the NKCDP may cover. So, for example, if some organization hosts a meeting on a hot issue up here we must take care on who attends and if 3 or more of us show up, some must leave. AC members tend to be local activists and their presence and participation in such meetings probably enriches the discussion there and informs the AC later.
- Members may not discuss matters outside of meetings and then only on agenda items. I think the original Sunshine Law allowed communication on routine administrative matters, making a distinction between issues that had to do with committee structure, officers, membership, venue etc. and things having to do with the actual implementation of the CDP. When asked to clarify, the OIP interpreted issues to be prohibited as any subject that may arise in future meetings. This is equivalent to anything. Several years ago when, as chair, I had to travel and would be absent at an upcoming AC meeting. A sensitive issue was to be discussed on our membership. Before I left, I emailed all AC members, urging them to be sure to attend and voice their opinions. I did not tell them what to say or how to vote if a motion were to be made. We got suspended and had to go to Kona Planning for a Sunshine training!
- As interpreted, if a member of the audience brings up a new issue at a meeting, it requires 3 months (!) to address and vote on it. The AC cannot discuss an un-agenda item at all at that first meeting, and must simply put it on the agenda for the next meeting. At the next meeting it can be discussed but not voted upon. Only when the issue is fully presented to the public (a result of the discussion) can it be voted upon at a third meeting. I'm sure you can imagine any number of time-sensitive issues for which this is counterproductive to say the least.

I believe that the Sunshine Law should be modified for local boards of community volunteers. I know it was once done for neighborhood boards on Oahu, but inadequately in my opinion. We should be able to discuss a new issue in the most general terms at a meeting when a member of the audience brings up an issue. It should be evaluated to see if it should be agenda item for the next meeting when it can be voted on. Any number of board members may attend other meetings and participate in discussions. We know the difference between such participation and collusion on future voting. We are also capable of distinguishing between routine administrative matters and implementation of our official responsibilities.

HB-723

Submitted on: 2/21/2023 5:56:34 PM

Testimony for JHA on 2/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Inga Gibson	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas and Judiciary Committee members,

Sunshine laws, aka open and transparent government practices and processes, are essential for public trust in government and a key principle of a healthy democracy. For too long decisions that impact many have been made by a few. Sunshine laws should be implemented by all government agencies wherever possible when deciding the issues of the people.

Thank you,

Inga Gibson

Honolulu