



Hawai'i State Lesbian, Gay, Bisexual, Transgender, Queer Plus Commission



Advocating for the Hawai'i LGBTQIA+ Community

Mailing Address: LGBTQ+ Commission, c/o The Department of Human Services,
P.O. Box 339, Honolulu, Hawai'i 96809-0339

Email: hawaiistatelgbtqpluscommission@gmail.com
Web: <https://humanservices.hawaii.gov/lgbtq-commission/>

March 18, 2025

House's Committee on Labor
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

Hearing: Thursday, February 20, 2025, at 9:30 AM

RE: Opposition for Senate Bill 1651 SD 2

Aloha Chair Sayama, Vice Chair Gabbard, and committee members,

I am writing in opposition for Senate Bill 1651, SD 2 on behalf of the Hawai'i State Lesbian, Gay, Bisexual, Transgender, Queer Plus (LGBTQ+) Commission, which was established by the 2022 Hawai'i State Legislature with the following purpose:

“...to improve the State's interface with members of the lesbian, gay, bisexual, transgender, queer, plus community; identify the short- and long-range needs of its members; and ensure that there is an effective means of researching, planning, and advocating for the equity of this population in all aspects of state government.”

As the volunteer Commissioner responsible for overseeing the assembly and distribution of the Hawai'i State LGBTQ+ Commission's meeting Board Packet, I have a unique firsthand perspective on this issue.

The current statute treats all Boards and Commissions the same, but we are not all the same. While none of these entities serve identical purposes or have the same powers, we also do not have the same resources or access to update our websites. This statute should be amended to address these differences; however, this bill may not be the appropriate vehicle for that change. A taskforce may be needed to review the statute and propose amendments to address these inequities.

For us to be able to support this bill we respectfully request that this bill be amended to restore the original language requiring materials to be available “two full business days before a public meeting.” This additional 24-hour period is critical for volunteers to gather reports and data necessary to fully address agenda items. Reducing this timeframe does a disservice not only to the volunteers who dedicate their time to these Boards and Commissions but also to the communities we serve and the issues we strive to address.

Proudly established pursuant to Hawai'i Revised Statutes Chapter 369, as enacted through Act 41, Session Laws of Hawai'i 2022

HI State LGBTQ+ Commission Testimony in Opposition of SB 1651 SD 2

Using the Hawai'i State LGBTQ+ Commission as an example, the public already has access to our Board Packet for more than just the two business days—it also includes Saturday and Sunday, since we meet on Mondays. If this bill moves forward as written, Commissioners would have less than 48 hours to submit necessary information for agenda items, making it even more challenging to fulfill our responsibilities effectively.

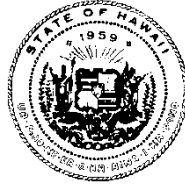
We urge you to consider these concerns and restore the additional 24-hour period to support the work of volunteer board members and commissioners. If this amendment is made we will be able to support this bill.

If you or any member of your staff has any questions regarding my testimony you can reach me at hawaiistatelgbtqpluscommission@gmail.com.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr. (he/him)
Vice Chair
[Hawai'i State LGBTQ+ Commission](#)

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
POST OFFICE BOX 17907
HONOLULU, HAWAII 96817

IN REPLY PLEASE REFER TO:

25:OED

Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the
HOUSE COMMITTEE ON LABOR
Thursday, March 20, 2025
9:30 a.m.
Conference Room 309, Hawaii State Capitol

In consideration of
SB 1651, SD1

Honorable Chair Sayama and Members of the House Committee on Labor, thank you for the opportunity to provide comments on Senate Bill (SB) 1651, SD1. This measure will require board packets to be posted no later than 7:45 a.m. on the third business day before a public meeting. Requires boards to provide notice to persons requesting notification of meetings at the time the board packet is made available for public inspection.

We understand that this bill looks to ensure that the public is notified of board meetings and given two full business days to review board packets before a public meeting. The HPHA would like to recommend to the Committee that the time be changed to noon to account for staff to come into the office and post the packets.

Otherwise, agencies that have meetings on Thursdays will have to approve staff to work OT during the weekend or on a Monday morning in order to post the packets by 7:45 am. Additionally, the 7:45 a.m. deadline does not provide a grace period for other unforeseen circumstances like network outages, staff illness, etc. Moving the time back will allow agencies to adjust and meet the posting deadline.

Mahalo for your time and consideration.



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 Labor

From: Carlotta Amerino, Director

Date: March 20, 2025, 9:30 a.m.
State Capitol, Conference Room 309

Re: Testimony on S.B. No. 1651, S.D. 1
Relating to Public Meetings

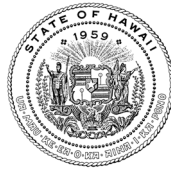
Thank you for the opportunity to submit testimony on this bill, which would amend the deadlines under the Sunshine Law, part I of chapter 92, Hawaii Revised Statutes (HRS), for a board to make its board packet available for public review in its office and to notify persons on its mailing list of the packet's availability. The Office of Information Practices (OIP) offers **comments**.

The Sunshine Law's board packet law at section 92-7.5, HRS, currently sets a deadline of two business days before a meeting (or when a board packet is distributed to members, if distribution to members is earlier) for a board to make its board packet available for public inspection in its office. A board must also notify persons on its mailing list that the packet is available for public inspection, but the required time by which a board must send that notification was disputed and was the subject of a recent Sunshine Law appeal to OIP. In its recent opinion on that appeal, OIP concluded that the notification requirement is not subject to the same two business day deadline set for making the packet available for inspection. OIP further concluded that no specific deadline applies to the notification requirement, but for a notification to be effective and thus meet the statutory notification

requirement it must be sent early enough to allow those receiving it to obtain and review a board packet prior to the meeting.

This bill would amend the board packet law to set both the notification deadline and the deadline for making the packet available for public inspection at 7:45 a.m. on the third business day before a meeting (or when the packet is distributed to the members if that is earlier). OIP has no objection to this proposed amendment. The language of the S.D. 1 version of the bill will make it clear when a board that plans to distribute a board packet prior to the meeting must do so, including notifying and making the board packet available to the public. OIP notes that some boards may find the earlier deadline challenging. Nonetheless, a board is not required to distribute a board packet prior to a meeting in the first place, and if a board does not distribute a board packet prior to the meeting its members do still have the option of reviewing materials passed out at the meeting itself. Thus, the effect of the earlier deadline is that if a board wishes to distribute materials to its members to review **before** the meeting, it cannot do so any later than 7:45 on the third business day before its meeting to meet the statutory public notification and access requirements.

Thank you for considering OIP's testimony.



JOSH GREEN, M.D.
GOVERNOR
SYLVIA LUKE
LIEUTENANT GOVERNOR

STATE OF HAWAII
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
201 MERCHANT STREET, SUITE 1700
HONOLULU, HAWAII 96813
Oahu (808) 586-7390
Toll Free 1(800) 295-0089
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BOARD OF TRUSTEES
RYAN YAMANE, *CHAIRPERSON*
ROBERT YU, *VICE-CHAIRPERSON*
JAMES WATARU, *SECRETARY-TREASURER*
JACQUELINE FERGUSON-MIYAMOTO
CHRISTIAN FERN
AUDREY HIDANO
WESLEY MACHIDA
SABRINA NASIR
OSA TUJ
MAUREEN WAKUZAWA
ADMINISTRATOR
DEREK M. MIZUNO
ASSISTANT ADMINISTRATOR
DONNA A. TONAKI

TESTIMONY BY DEREK MIZUNO
ADMINISTRATOR, HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON LABOR
ON SENATE BILL NO. 1651 SD1

March 20, 2025
9:30 a.m.
Conference Room 309 & Videoconference

WRITTEN ONLY

RELATING TO PUBLIC MEETINGS

Chair Sayama, Vice Chair Lee, and Members of the Committee:

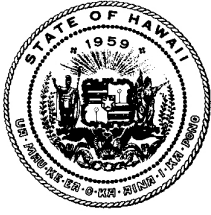
The Hawaii Employer-Union Health Benefits Trust Fund (EUTF) Board of Trustees has not taken a position on this bill. EUTF staff would like to provide comments.

EUTF Board and Committee meetings typically occur at 9:00 a.m. on Tuesdays with board meeting materials being posted on our website and made available in our office by the end of day Thursday of the prior week (Wednesday if Monday or Friday is a holiday). This provides the public with two full business days, Friday and Monday, to review the meeting materials. The bill as amended would require EUTF to make the meeting materials available by 7:45 a.m. on Thursday, providing the public with three days to review the materials. It is already difficult to have all the meeting materials available two full business days prior to the meeting but understand the importance of transparency. This additional business day requirement will cause hardship for our staff and vendors. It is unclear why the bill was

EUTF's Mission: We care for the health and well being of our beneficiaries by striving to provide quality benefit plans that are affordable, reliable, and meet their changing needs. We provide informed service that is excellent, courteous, and compassionate.

amended to add another business day for review rather adhere to the original intent of the bill to clarify that the public must have two full business days to review the meeting materials.

Thank you for the opportunity to testify.



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Rm. 118 • Honolulu, Hawai'i 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 204-2466 (VP)

March 20, 2025

TESTIMONY TO THE HOUSE COMMITTEE ON LABOR

Senate Bill 1651 SD1 – Relating to Public Meetings

The Disability and Communication Access Board (DCAB) supports the intent of Senate Bill 1651 SD1 – Relating to Public Meetings and would like to recommend an amendment. This bill would require board packets to be posted no later than 7:45 a.m. on the third business day before a public meeting. It also requires boards to provide notice to persons requesting notification of meetings at the time the board packet is made available for public inspection.

Ensuring board packets are posted with sufficient time for review is crucial for fostering public engagement and informed participation. By extending the posting period to three full business days, rather than two, individuals would have more time to access and review materials, particularly those with accessibility needs or who are unable to attend in person. This change would help promote greater transparency and accountability. However, requiring board packets to be available by 7:45 a.m. is not feasible and contradicts the intent to publish the board packet three business days before a public meeting. DCAB recommends removing the specific time 7:45 a.m., as this would allow agencies until 11:59 p.m. on the third business day to publish the packet, thereby giving the public a minimum of two full business days to review a board packet.

DCAB proposes the following amendment:

"§92-7.5 Board packet; filing; public inspection; notice. At the time the board packet is distributed to the board members, but no later than ~~[two]~~ the third business ~~[days]~~ day before the meeting, the board shall also make the board packet available for public inspection in the board's office; provided that nothing in this section shall require creation of a board packet; provided further that nothing in this section shall prohibit the distribution of public testimony to board members before the meeting. The board shall provide notice to persons requesting notification of meetings pursuant to section 92-7(e) ~~[that includes]~~, at the time the board packet is made available for public inspection in the board's office. The notice shall include a list of the documents that were compiled by the board and distributed to the board members before a meeting for use at that meeting and that the board packet is available for inspection in the board's office and shall provide reasonably prompt access to the board packet to any person upon request. The board is not required to mail board packets. As soon as practicable, the board shall accommodate requests for electronic access to the board packet and shall post the board packet on its website.

Thank you for considering our position.

Respectfully submitted,

KIRBY L. SHAW
Executive Director



House Committee on Labor

Thursday, March 20, 2025, 9:30 AM Hearing in Conference Room 309 on
SB 1651, SD1, Relating to Public Meetings

TESTIMONY

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

Chair Sayama, Vice Chair Lee, and Committee Members:

The League of Women Voters of Hawaii supports SB 1651, SD1. Adequate time for public review of board packets is a prerequisite for meaningful public testimony at board meetings.

PETER L. FRITZ
Attorney at Law
EMAIL: PLFLEGIS@FRITZHQ.COM

Committee on Labor

Rep. Jackson D. Sayama, Chair
Rep. Mike Lee, Vice Chair

RE: **Testimony in Support of SB1651 SD1**
Hearing: February 4, 2025 at 3:05 p.m.

Dear Chair, Vice Chair and Members of the Committee:

I am testifying in support of SB 1651 SD1.

The purpose of § 92-7.5 is to promote transparency and permit people to review a board packet at least 2 business days prior to the meeting. The statute states that individuals can request to be notified when a packet is available for review. I am on the list of persons to be notified of the availability of board packets. On a number of occasions, I received notice of the availability of a board packet less than 2 business days prior to a meeting. One board packet was received an hour before the meeting was to start. I filed an appeal with OIP regarding notices of the availability of a board packet received less than 2 business days prior to the meeting.

OIP has opined that, for members of the public interested in the board's business, that there was no deadline for notifying the public of the availability of a board packet. In other words, the board could send a notice for members of the public 5 minutes before the meeting, during the meeting, or three days after the meeting. This is not the legislative intent behind the statute.

The purpose of this bill is to make it clear that notices of the availability of board packets for review by members of the public are to be provided in the same timeframe that packets sent to members of the board which is consistent with the intent of Section 92-7.5, HRS.

I respectfully request that the committee move this bill forward.

Thank you for the opportunity to testify.



March 20, 2025

Rep. Jackson D. Sayama
House Committee on Labor
State Capitol
Honolulu, HI 96813

Re: Senate Bill 1651, SD1

Chairman Sayama and Committee Members:

We support this bill, which would clarify when public inspection board packets have to be distributed -- from 48 hours to 7:45 a.m. on the third business day before a public meeting.

This bill would close a loophole that allows board to give the public less time than the two-day requirement under state law.

This measure would set up a procedure granting the time requirement that was envisioned under the law.

Thank you,

Stirling Morita
Hawaii Chapter, Society of Professional Journalists



House Committee on Labor
Honorable Jackson D. Sayama, Chair
Honorable Mike Lee, Vice Chair

RE: Testimony in support of S.B. 1651 S.D. 1, Relating to Public Meetings
Hearing: March 20, 2025 at 9:30 a.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency.

Thank you for the opportunity to submit testimony in **support** of S.B. 1651 S.D. 1. We also offer a friendly **amendment** below.

This measure is necessary to carry out the intent of the Legislature in passing H.B. 1598, enacted as Act 11 (2024). Act 11 was intended to afford the public and board members *more* time to review meeting materials than the then-existing 48-hour deadline, by giving them at least two full business days to review the materials. *E.g.*, H. Stand. Comm. Rep. No. 672-24 at 1 (bill intended to “give the general public and the government agencies ample time to review materials prior to the meeting in situations where the meeting may take place following a weekend or holiday”).

Despite this clear intent, the Office of Information Practices (OIP) has interpreted the law to provide the public and board members *less* time to review materials. OIP’s interpretation creates situations in which board members have only one business day to review board packet materials. OIP has also taken the position that there is no deadline for boards to notify the public about the availability of a board packet. That means a board could provide notice that its board packet is available for inspection *after* the meeting to which it pertains. This bill addresses both of these concerns, by setting a clear deadline for board packet availability and notice.

Board packets, and notice that they are available, are critical to informed public participation in Sunshine Law meetings. Without board packets, members of the public would have only the bare details of an agenda to inform testimony in advance of a meeting – that would be like drafting public testimony based solely on a bill title, like “relating to public meetings,” and not the bill itself. S.B. 1651 S.D. 1 is thus necessary to promote *meaningful* public participation.



House Committee on Labor
March 20, 2025
Page 2

We respectfully recommend the following amendment at page 2, lines 4 - 6 (changes in bold):

"At the time the board packet is distributed to the board members, but no later than [~~two~~] **three** [~~7:45 a.m. on the~~ **third**] business days [~~day~~] before the meeting. . . ."

This amendment simplifies the deadline, ensures the public has a minimum of two full business days before a meeting to review board packets, and increases operational flexibility for boards by expanding the deadline to *anytime* on the third business day before a meeting.

Thank you again for the opportunity to testify in support of S.B. 1651 S.D. 1.

TO: Members of the Committee on Labor

FROM: Natalie Iwasa
808-395-3233

HEARING: 9:30 a.m. Thursday, March 20, 2025

SUBJECT: SB1651, SD1, Public Meetings, Board Packets - **SUPPORT**

Aloha Chair Sayama and Committee Members,

Thank you for this opportunity to provide testimony on SB1651 SD1, which would require boards to provide notice to the public about board packet availability no later than 7:45 a.m. on the third business day prior to a public meeting.

I support this.

I have seen board packets posted as late as the evening before a meeting. This is not nearly enough time to go through the information let alone provide worthwhile testimony. I would actually prefer to see packets posted the same day as agendas.

Please vote "yes" on SB1651, SD1.