

GET Committee

From: Media
Sent: Tuesday, August 25, 2020 5:40 AM
To: GET Committee
Cc: Richard E. Mitchell
Subject: Written testimony from Common Cause on Sunshine Law proposals (GET-3(2); GET-4(2))
Attachments: 2020.0819Letter_to_OIP_DraftLegislation.pdf; ATT00001.txt

Please process the attached letter, which was provided to OCS staff, as written testimony. Thank you.

August 19, 2020

Cheryl Kakazu Park
Director
State of Hawaii Office of Information Practices
No. Capitol District Building
250 South Hotel Street, Suite 107
Honolulu, Hawaii 96813

Re: Comments for Draft Legislation

Dear Director Park:

Common Cause Hawaii appreciates the opportunity to provide comments on a draft bill that proposes to amend the Sunshine Law to allow boards to safely conduct board business and expand public participation through virtual meetings using interactive conference technology while also providing for in-person testimony and observation at a physical location.

Common Cause Hawaii's comments on the draft bill are as follows:

- 1) Pages 4-5, Hawaii Revised Statutes (HRS) § 92-3.5(a)(6) provides that executive sessions are closed to the public but participants shall confirm to the presiding officer that no unauthorized person is present or able to hear them at their remote locations and this shall be further confirmed by the person organizing the interactive conference technology.

Common Cause Hawaii respectfully requests that the presiding officer state the names and titles of those who will be participating in the executive session so that there will be transparency in the process in addition to confirming that no unauthorized person is present or able to hear them at their remote locations, which shall be further confirmed by the person organizing the interactive conference technology.

- 2) Page 5, HRS § 92-3.5(b) provides that a meeting held by interactive conference technology shall be recessed for up to one hour when audio communication cannot be maintained with a quorum of members or with the public location where the meeting by interactive conference technology is being held.

Common Cause Hawaii respectfully requests clarification as to if / how the public will be able to communicate with the Board via phone, email, or some other mechanism, if the interactive conference technology is not functioning properly through no fault of the public. Common Cause Hawaii also respectfully requests clarification as to how the public, attending the meeting, will be notified of the resumption of a meeting after recess due to interactive conference technology issues, given that technology issues would

have prevented the public from knowing when the recess initially occurred and when to return to the meeting.

- 3) Page 7, HRS § 92-3.5(c)(2)(A) and (B) provide that the notice informs members of how the public is to view the proceedings and provide oral testimony, i.e., through an internet link, telephone conference, other means.

Common Cause Hawaii respectfully requests that HRS § 92-3.5(c)(2)(A) and (B) be clarified to ensure that the public be able to **contemporaneously** view proceedings **and** provide oral testimony.

Common Cause Hawaii appreciates the opportunity to provide comments regarding the draft bill that proposes to amend the Sunshine Law to allow boards to safely conduct board business and expand public participation through virtual meetings using interactive conference technology. Please do not hesitate to contact me if you have any questions or concerns.

Very respectfully yours,

Sandy Ma

Sandy Ma
Executive Director
Common Cause Hawaii

