



OFFICE OF THE LIEUTENANT GOVERNOR

State Capitol, Fifth Floor
Honolulu, Hawai'i 96813
Phone: (808)586-0255
Fax: (808)586-0231
email: ltgov@hawaii.gov
www.hawaii.gov/ltgov

JAMES R. AIONA, JR.
LIEUTENANT GOVERNOR

**TESTIMONY ON HOUSE BILL NO. 1148
A BILL FOR AN ACT RELATING TO
PUBLIC AGENCY MEETINGS**

Kevin A. Souza, Esq.
Chief of Staff
Office of the Lieutenant Governor

HOUSE COMMITTEE ON JUDICIARY
Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair

Friday, February 20, 2009
3:00 P.M., Conference Room 325

Good Afternoon Chair Karamatsu, Vice Chair Ito, and Members of the Committee:

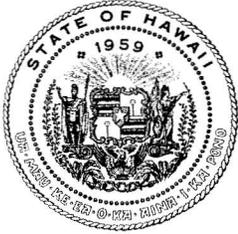
The Office of the Lieutenant Governor strongly supports passage of H.B. No. 1148.

H.B. No. 1148 would require state board meeting notices to be posted electronically on the state calendar maintained on the designated central State of Hawai'i Internet website. The bill also would eliminate duplication by removing the statutory requirement that a hard copy of state board meeting notices be filed with the Office of the Lieutenant Governor.

If enacted into law, this measure would accomplish several noteworthy objectives. First, by having board meeting notices made available on the Internet, the public would have greater accessibility to this information. This is especially important for our neighbor island residents who do not have physical access to meeting notices posted only on O‘ahu. Second, the likelihood of state board meetings being cancelled due to late notice filing would be significantly reduced given that an online state filing system automatically would not accept late postings. Third, it would lessen the staff time and resources within the Office of the Lieutenant Governor currently allocated to receiving, reviewing and physically posting meeting notices. Fourth, it would modernize State functions in this area consistent with the intent and purpose of establishing the State’s Internet Portal.

Finally, H.B. No. 1148 includes sufficient safeguards to account for rare instances when access to the state calendar is not available through filing notice with the State Office of Information Practices (OIP), which administers the State’s Open Meetings Law, part I of chapter 92, HRS (the “Sunshine Law”).

We thank the Committee for hearing this bill and respectfully request favorable action on this measure.



SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism
No. 1 Capitol District Bldg., 250 South Hotel St. 4th Fl., Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Tel 808 586 2594
Fax 808 586 8449

Linda Lingle
Governor

Theodore E. Liu
Director, DBEDT

Members

Lynne Woods
Chairperson
Maui

Sharon L. Pang
Vice Chairperson
Oahu

Michael Yee
2nd Vice Chairperson
Oahu

Peter Yukimura
Kauai

Dorvin Leis
Maui

Bruce E. Bucky
Oahu

Charles Au
Oahu

Donald Dymond
Oahu

Richard Schnitzler
Hawaii

David S. De Luz, Jr.
Hawaii

To: Chair Karamatsu, Vice Chair Ito, and Members of the Committee on Judiciary Conference Room 325 at 3:00 p.m.

Re: **HB 1148 – “Relating to Public Agency Meetings”**

From: Small Business Regulatory Review Board

Date: February 20, 2009

Aloha:

As the Chairperson of and on behalf of the Small Business Regulatory Review Board (Review Board), I offer testimony in **support** of HB 1148, “Relating to Public Agency Meetings.” The stated purpose of this bill is to “authorize the electronic filing of meeting notices under part 1 of Chapter 92, HRS, on the state calendar.” This bill clarifies the process of posting state board agendas and provides an alternative to posting should an interruption occurring when filing on the state’s calendar, which does occur from time to time.

On behalf of the members of the Small Business Regulatory Review Board, thank you for opportunity to testify in **support** of this bill.

Yours truly,

Lynne Woods, Chairperson
Small Business Regulatory Review Board

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
E-MAIL: OIP@HAWAII.GOV

To: House Committee on Judiciary

From: Paul T. Tsukiyama, Director

Date: February 20, 2009, 3:00 p.m.
State Capitol, Room 325

Re: Testimony on H. B. No. 1148
Relating to Public Agency Meetings

The Office of Information Practices (“OIP”) supports this bill. OIP administers the State’s Open Meetings Law, part I of chapter 92, HRS (the “Sunshine Law”).

OIP believes that this bill would result in easier access for the public to board notices and agendas under the Sunshine Law and in more efficient government. The bill would substitute electronic filings on the state calendar maintained on the designated central state Internet website for filings in hard copy with the Office of the Lieutenant Governor. This would allow easy access for the public by Internet for all board meeting notices required under the Sunshine Law. It would create greater government efficiency by eliminating staff time spent and resources used to receive and post hard copies or in rejecting untimely filed notices, all of which would be performed electronically.

This bill is also consistent with the intent and purpose of establishing the State’s Internet Portal. Under Act 292 (2000), the legislature found that

“the expansion of the Internet has fundamentally transformed society and the conduct of business. In order to better serve citizens and businesses in the new economy, government must expand access to information and provide government services over the Internet, while ensuring Internet access points for everyone in order to reduce the ‘digital divide’.”

Pursuant to Governor’s Executive Memorandum No. 08-06, state boards are now required to post their regular meeting notices on the state calendar. Thus, this bill would also eliminate the current duplicate filings by these boards on the state calendar and in the Office of the Lieutenant Governor.

OIP believes that the statute as amended has adequate safeguards to protect access by members of the public who do not have Internet access. Physical notices would still be required to be posted at the board’s office and at the site of the meeting whenever feasible. Further, boards would still be required to mail copies of notices to persons who request notification in such form.

OIP further believes that the proposed amendment has adequate safeguards to protect access in the event of an interruption in Internet service. In addition to notices available in the board’s office and at the meeting site whenever feasible, notices filed when the electronic system is not in service would be available in OIP’s office because boards would be required to file their notices with OIP when electronic posting is unavailable. OIP would then be responsible for the electronic posting as soon as Internet service is restored.

Thank you for the opportunity to testify.