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**TESTIMONY ON HOUSE BILL NO. 999
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

Tuesday, February 24, 2009
2:05 P.M., Conference Room 325

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

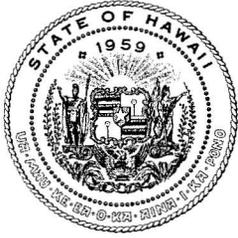
The Office of the Lieutenant Governor supports H.B. No. 999 and notes that the substantive provisions of the bill are identical to H.B. No. 1148 that this committee heard and passed with amendments on February 20, 2009.

H.B. No. 999 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. 999 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”).

Thank you for the opportunity to testify.



SMALL BUSINESS REGULATORY REVIEW BOARD

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Donald Dymond
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Richard Schnitzler
Hawaii

David S. De Luz, Jr.
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To: Chair Karamatsu, Vice Chair Ito, and Members of the Committee on Judiciary Conference Room 325 at 2:05 p.m.

Re: **HB 999 – “Relating to Meetings of Public Agencies”**

From: Small Business Regulatory Review Board

Date: February 24, 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 999, “Relating to Meetings of Public Agencies.” The stated purpose of this bill “requires notice of state-board meetings to be posted on the central State of Hawaii Internet website.” The bill also eliminates the requirement that notice of state-board meetings be filed in the Office of the Lieutenant Governor. Overall, this bill clarifies the process of posting state board agendas, eliminates an extra step in the posting of agendas, and provides an alternative to posting should an interruption occur when filing on the State’s calendar, which can occur from time to time.

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

Yours truly,

Lynne Woods, Chairperson
Small Business Regulatory Review Board

Date of Hearing: Tuesday, February 24, 2009

Committee: House Committee on Judiciary

Board: Education

Person Testifying: Garrett Toguchi, Chairperson, Board of Education

Title of Bill: H.B. No. 999, Relating to Meetings of Public Agencies

Purpose of Bill: Requires state boards to file their notices by electronic posting on the State Calendar on the designated central State of Hawaii Internet web site. Eliminates the requirement that state boards must file their notices with the Office of the Lieutenant Governor.

Board's Position: Chairperson Karamatsu, Vice Chairperson Ito, and members of the House Committee on Judiciary, thank you for the opportunity to submit testimony in **support** of H.B. No. 999.

The Board of Education, like other boards and commissions, must file its agenda with the Office of the Lieutenant Governor in accordance with the Sunshine Law (Chapter 92, Hawaii Revised Statutes). In addition, state boards and commissions that fall under the requirements of the Sunshine Law currently post their meeting notices on the State Calendar, per Executive Memorandum No. 08-06 that directed all agencies under the Sunshine Law, to post their meeting notices on the State Calendar.

Under this bill, boards must still file their notices in their respective offices, as well as, whenever feasible, post their notices at their meeting sites. The Board of Education would like to add that meeting notices are also posted on our website, something that other boards also do.

Lastly, in this electronic age, electronic filing of meeting notices, which is specified in this bill, makes sense as both a preferred and alternate method of filing notices. Filing meeting notices *electronically* on the State Calendar is also a more economical and practical means of filing.

H.B. No. 999 would streamline the filing and posting of meeting notices by state boards, while still assuring ample public access to meeting notices. This bill also promotes government efficiency, while ensuring transparency and accessibility to government meetings to the public.

For these reasons, the Board of Education supports H.B. No. 999.
Thank you for the opportunity to testify.

OFFICE OF INFORMATION PRACTICES

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To: House Committee on Judiciary

From: Paul T. Tsukiyama, Director

Date: February 24, 2009, 2:05 p.m.
State Capitol, Room 325

Re: Testimony on H. B. No. 999
Relating to Meetings of Public Agencies.

The Office of Information Practices ("OIP") supports the purpose of this bill. However, the substantive provisions of this bill are identical to H.B. No. 1148 that your Committee heard on February 20, 2009, and, in decision-making, recommended for passage with amendments. OIP supports your Committee's previous approval of H.B. No. 1148 and recommends that your Committee hold the bill currently before you in order to avoid confusion and redundancy.

As OIP had previously testified with regard to similar provisions in H.B. No. 1148, 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.