

STAND. COM. REP. NO.

2509

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2617  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 2617 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS,"

begs leave to report as follows:

The purpose of this measure is to amend the notice requirement of public agency meetings to allow for notification of meetings and transmittal of meeting minutes by electronic mail.

The measure also repeals the Board of Education's ability to only provide two calendar days' notice for meetings that will be covered while the Legislature is in session at which only legislation will be discussed.

Testimony in support of the measure was submitted by two state agencies, one county agency, and two individuals. Testimony in partial support, and partial opposition was submitted by one state agency. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that the use of electronic mail to transmit notices of upcoming public meetings and meeting minutes represents a faster means of communication, especially when there are changes to the meeting agendas or other information. Faster communication encourages citizens to participate in public meetings by enabling them to make arrangements to attend in a timely manner. Your Committee also notes that the cost savings resulting from sending notices and minutes via electronic means,

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rather than by regular mail that requires postage, can represent a not insignificant amount and can allow an agency to expend these resources in other critical areas.

Your Committee notes that there are two other measures referred to your Committee that also relate to expanding citizens' access to information and public meetings, the substantive provisions of which should be incorporated into S.B. No. 2617 to facilitate further discussion. These measures are S.B. No. 647 (2009), introduced last session, and S.B. No. 2305, introduced this session. As these measures involve similar subject matter as S.B. No. 2617, your Committee believes that these related provisions should be brought together in one measure.

Your Committee has amended this measure by:

- (1) Inserting language from S.B. No. 647 (2009), which requires executive meetings of boards to be properly noticed and requires subject matter and discussion in an executive meeting to be announced in public upon reconvening of an open meeting;
- (2) Inserting language from S.B. No. 2305, which requires concurrence from the Office of Information Practices, rather than the Attorney General, for boards to hold emergency meetings for unanticipated events;
- (3) Inserting an effective date of July 1, 2050, to facilitate further discussion regarding conduct of public meetings; and
- (4) Making technical, nonsubstantive changes for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2617, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2617, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Government Operations,

  
BRIAN T. TANIGUCHI, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

Bill / Resolution No.:* <b>SB 2617</b>	Committee Referral: <b>JGO</b>	Date: <b>2/23/10</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)				✓
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>4</b>	<b>-</b>	<b>-</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <span style="margin-left: 100px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Clarence K. Nishihara</div>				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

\*Only one measure per Record of Votes