

Honolulu, Hawaii

FEB 17 2016

RE: S.B. No. 2293
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Government Operations, to which was
referred S.B. No. 2293 entitled:

"A BILL FOR AN ACT RELATING TO OPEN GOVERNMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require a board to file the board packet in the board's office for public inspection at the time the agenda is filed or when the board packet is distributed, whichever is earlier, and provide copies of the board packet to persons requesting notification pursuant to section 92-7(e), Hawaii Revised Statutes;
- (2) Amend the declaration of policy and intent of chapter 92, Hawaii Revised Statutes, to include the facilitation of public participation and input;
- (3) Require boards to afford all interested persons an opportunity to view, either electronically or in hard copy, documents, reports, and proposals under consideration at the meeting at the time the agenda is made available to the public;
- (4) Require the posting of a notice on the state or appropriate county websites, within six calendar days before the meeting; provided that a printout of the



electronic time-stamped agenda shall be conclusive evidence of the electronic posting date;

- (5) Exempt emergency meetings held by a board from the six calendar day filing and electronic posting requirement;
- (6) Authorize the electronic mailing and posting of meeting notices; and
- (7) Require that board minutes, including video or sound recording, to be publicly posted on the board's website, or if the board does not have a website, a designated website maintained by the State or appropriate county and shall be available within thirty days after the meeting, regardless of whether the board has formally reviewed or approved the minutes.

Your Committee received testimony in support of this measure from the Land Use Commission, Common Cause Hawaii, League of Women Voters, Civil Beat Law Center for the Public Interest, and two individuals. Your Committee received testimony in opposition to this measure from the Hawaii State Ethics Commission. Your Committee received comments on this measure from the Office of the Lieutenant Governor, Department of Land and Natural Resources, Office of Information Practices, Employees' Retirement System, Hawaii Association of the Blind, Hawaii Employer-Union Health Benefits Trust Fund, and one individual.

Your Committee finds that this measure updates the open meetings law by recognizing and incorporating modern communication technologies, including the Internet and electronic mail. Implementation of this measure will improve efficiency and promote government transparency by increasing public access to information regarding public meetings and hearings.

Your Committee has amended this measure by:

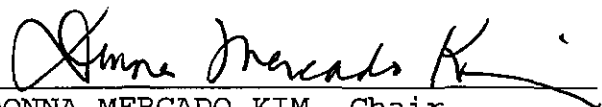
- (1) Requiring a board to file the board packet in the board's office for public inspection only when the board packet is distributed to board members, rather than at the time the agenda is filed;
- (2) Deleting section 2, amending the declaration of policy and intent of chapter 92, Hawaii Revised Statutes;



- (3) Inserting language to clarify that a board shall provide access to either an electronic or a hard copy of a board packet to persons requesting notification;
- (4) Requiring boards to afford all persons an opportunity to view, either electronically or in hard copy, documents, reports, and proposals under consideration at the meeting at the time the board packet is made available to the board members, rather than at the time agenda is made available to the public;
- (5) Eliminating the requirement that video or sound recordings of meetings made by the board be publicly posted;
- (6) Requiring that if the minutes are not publicly posted and available for access within thirty days of the meeting, the board shall be prohibited from meeting again until the minutes are posted and a new meeting notice is posted within six calendar days prior to a subsequently scheduled meeting; provided that if there is a dispute as to whether minutes were timely posted, a printout of the electronic time-stamped minutes shall be conclusive evidence of the electronic posting date; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2293, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2293, S.D. 1, and be referred to your Committee on Judiciary and Labor.

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


DONNA MERCADO KIM, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:* <div style="text-align: center; font-family: cursive;">SB 2293</div>	Committee Referral: <div style="text-align: center; font-family: cursive;">GVO, JDL</div>	Date: <div style="text-align: center; font-family: cursive;">02-09-16</div>		
<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-around; align-items: flex-end;"> <div><input type="checkbox"/> Pass, unamended 2312</div> <div><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div><input type="checkbox"/> Hold 2310</div> <div><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
KIM, Donna Mercado (C)	✓			
IHARA, Jr., Les (VC)	✓			
DELA CRUZ, Donovan M.				✓
KEITH-AGARAN, Gilbert S.C.	✓			
SHIMABUKURO, Maile S.L.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
TOTAL	6	0	0	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.7em; margin-top: 2px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

*Only one measure per Record of Votes