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**TESTIMONY ON HOUSE BILL NO. 1148, H.D. 1
A BILL FOR AN ACT RELATING TO
PUBLIC AGENCY MEETINGS**

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SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

Tuesday, April 7, 2009
9:30 A.M., Conference Room 016

Good Afternoon Chair Taniguchi, Vice Chair Takamine, and
Members of the Committee:

The Office of the Lieutenant Governor strongly supports passage of
H.B. No. 1148, H.D. 1.

H.B. No. 1148, H.D. 1 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, H.D. 1 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.

OFFICE OF INFORMATION PRACTICES

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To: Senate Committee on Judiciary & Government Operations

From: Paul T. Tsukiyama, Director

Date: Tuesday, April 7, 2009, 9:30 a.m.
State Capitol, Room 016

Re: Testimony on H. B. No. 1148, H.D. 1
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”). As discussed below, OIP recommends an amendment to the bill’s definition of the term “state calendar.”

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.

OIP recommends that, in section 1 of the bill, the proposed new definition of the term “state calendar” be amended to read as follow:

“State calendar” means the calendar service provided on the State’s internet portal.

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This definition is the technically correct description of the State's electronic calendar on its official website to which boards shall post notices and the public may view the meeting postings.

OIP also points out a technical drafting error in section 2 of the bill. Specifically, the proposed amendment to subsection (c) of section 92-7, HRS, as indicated by underscoring, contains an incorrect hyphen that interrupts the underscoring and should be deleted.

Thank you for the opportunity to testify.

Date of Hearing: Tuesday, April 7, 2009

Committee: Senate Committee on Judiciary and
Government Operations

WRITTEN TESTIMONY ONLY

Board: Education

Person Testifying: Garrett Toguchi, Chairperson, Board of Education

Title of Bill: H.B. No. 1148, H.D. 1, Relating to Public Agency Meetings

Purpose of Bill: With respect to notice requirements for public agency hearings, requires state boards to file their notices by electronic posting on the State Calendar. In the event a state board is unable to file the notice on the State Calendar due to interruption in service that prevents its access, the state board must file the notice in the Office of Information Practices. Eliminates the requirement that state boards must file their notices with the Office of the Lieutenant Governor.

Board's Position: Chairperson Taniguchi, Vice Chairperson Takamine, and members of the Senate Committee on Judiciary and Government Operations, thank you for the opportunity to submit written testimony in **support** of H.B. No. 1148, H.D. 1.

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 H.B. No. 1148, H.D. 1, 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 do also.

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. 1148, H.D. 1 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. 1148,
H.D. 1. Thank you for the opportunity to submit written testimony.