

STAND. COM. REP. NO.

2280

Honolulu, Hawaii

FEB 16 2012

RE: S.B. No. 2233
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Economic Development and Technology and Public Safety, Government Operations, and Military Affairs and Judiciary and Labor, to which was referred S.B. No. 2233 entitled:

"A BILL FOR AN ACT RELATING TO ELECTRONIC INFORMATION,"

beg leave to report as follows:

The purpose and intent of this measure is to require government agencies to disseminate publications of notice electronically, while retaining the option of providing additional supplemental notice in a daily or weekly publication of statewide circulation or in a daily or weekly publication in the affected county, as appropriate.

Your Committees received testimony in support of this measure from the Office of Information Management & Technology; Hawaii Community Development Authority; Office of Information Practices; Hawaii State Public Library System; the Judiciary; and the Department of Planning and Permitting, County of Honolulu. Your Committees received testimony in opposition to this measure from AARP Hawaii, Hawaii Publishers Association, Star Advertiser, Hawaii Tribune-Herald, The Maui News, West Hawaii Today, and one individual. Your Committees received comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committees find that under existing law, public notices are required to be published in daily or weekly publications, with publication on the State's interactive computer system as a supplemental option. As electronic posting of information has

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become an accepted and expected way to conduct business, your Committees agree that the State and counties should be authorized to publish public notices online. This will align with the State's strategic plan to leverage new technologies to increase government transparency and enhance citizen engagement and participation, while providing increased cost efficiencies for state government.

Your Committees further find that as the cost of publication in daily or weekly publications increases, requirements for public notice have a detrimental effect on the public as well. Your Committees have heard that mortgage foreclosure notices, for example, may cost as much as \$4,000 for the required three publications, a substantial amount in the current economy.

Your Committees have also heard concerns raised regarding residents who may not be computer "literate" or who have limited or no access to online information, such as senior citizens, the disabled, and disadvantaged groups.

Your Committees have amended this measure accordingly, by:

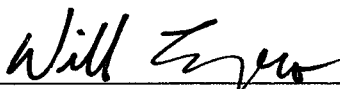
- (1) Authorizing government agencies to disseminate publications of notice electronically, in addition to the existing options of statewide publication in a daily or weekly publication of statewide circulation or county-wide publication in a daily or weekly publication in the affected county, as appropriate;
- (2) Requiring public notices and websites to be accessible to the disabled, the elderly, and other individuals who require state assistance to access the website;
- (3) Clarifying that if the public notice is published on the centralized website of the State of Hawaii, the public notice shall include information or links to other locations of the electronic or online notice;
- (4) Clarifying that the appropriation for the operational expenses of the Office of Information Management and Technology includes establishment of a centralized website of the State of Hawaii, and specifying features to be included on the centralized website;



- (5) Making an appropriation for support services by the Hawaii State Public Library System for the public to access and print information from the centralized website, including ADA-compliant stations with accessible printers and workstations; and
- (6) Changing the effective date of the amended public notice requirements from January 1, 2013, to July 1, 2013.

As affirmed by the records of votes of the members of your Committees on Economic Development and Technology and Public Safety, Government Operations, and Military Affairs and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2233, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2233, S.D. 1, and be referred to the Committee on Ways and Means.


Respectfully submitted on behalf of the members of the Committees on Economic Development and Technology and Public Safety, Government Operations, and Military Affairs and Judiciary and Labor,



WILL ESPERO, Chair



CAROL FUKUNAGA, Chair



CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Government Operations, and
Military Affairs
PGM

Bill / Resolution No.:* SB 2233	Committee Referral: EDT/PGM/JDL, WAM	Date: 2/8/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
KIDANI, Michelle N. (VC)				✓
BAKER, Rosalyn H.	✓			
RYAN, Pohai				✓
SLOM, Sam	✓			
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: Will Espo				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB2233	Committee Referral: EDT/PEM/JDL, WAM	Date: 2/8/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			WAM
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes