

STAND. COM. REP. NO. 2532

Honolulu, Hawaii

MAR 02 2012

RE: S.B. No. 2234
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
Judiciary and Labor, to which was referred S.B. No. 2234 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 support efforts
to facilitate public access and reduce costs associated with the
printing and duplication of paper copies of documents by:

- (1) Eliminating the requirement to post hard-copy notices of
public meetings with the Lieutenant Governor's office;
- (2) Requiring all government agencies, boards, commissions,
and committees to post electronic copies of their
agendas, minutes, and related documents online; and
- (3) Encouraging state agencies to broadcast their
proceedings online.

Your Committees received testimony in support of this measure
from the Office of the Lieutenant Governor; Office of Information
Management and Technology; Office of Information Practices; High
Technology Development Corporation; Hawaii State Public Library
System; Department of Planning and Permitting, City and County of
Honolulu; and Neighborhood Commission Office, City and County of
Honolulu. Your Committees received testimony in opposition to
this measure from three members of the County Council of Maui.



Your Committees received comments on this measure from the Disability and Communication Access Board and one individual.

Your Committees find that this measure is one of several measures introduced this legislative session to facilitate public access while reducing costs associated with the printing and duplication of paper copies of public documents. Your Committees further find that the Chief Information Officer and the Office of Information Management and Technology are currently developing the statewide information technology strategic plan, which will modernize the State's information technology systems, procedures, and policies, and that any costs associated with the electronic access provisions in this measure are being addressed in S.B. No. 2233, S.D. 2, through collaboration among the Office of Information Management and Technology, the Hawaii State Public Library System, and affected agencies.

Your Committees have heard a number of concerns regarding issues of compliance with and enforcement of the provisions of this measure, as well as problems encountered by individuals who have disabilities or other hindrances that make it difficult to attend or follow the actions of some state boards and commissions. Your Committees believe these are legitimate concerns, and have sought guidance from the Office of the Lieutenant Governor, the Office of Information Practices, and the Office of Information Management and Technology to develop an appropriate means of enforcing compliance.

Your Committees have amended this measure accordingly, by:

- (1) Clarifying that the notice required by section 92-7, Hawaii Revised Statutes, is the only notice required for a board meeting that is subject to the Sunshine Law, to prevent conflicts with more general notice provisions;
- (2) Clarifying that the electronic notice shall be posted on the State of Hawaii's internet website or a county's internet website, rather than the Lieutenant Governor's or a county clerk's website, for consistency with the expected online location of the electronic calendars;
- (3) Authorizing a provisional filing of notice in the Office of the Lieutenant Governor or appropriate county clerk's office in the event of an interruption in online service;



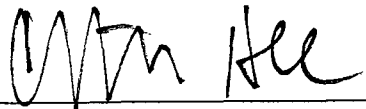
- (4) Clarifying that the deadline for transmitting notice to persons on a board's mailing list is at least six calendar days before the meeting;
- (5) Requiring a notice to be rejected by the electronic calendar if a meeting notice is not posted at least six days before a meeting, and providing that a printout of the electronically time-stamped agenda shall be conclusive evidence of the agenda's filing date if the filing's timeliness is disputed;
- (6) Requiring, with respect to a meeting notice that is not timely filed online, that paper copies of a notice of cancellation of a meeting be posted in the board's office and, when feasible, at the meeting location;
- (7) Clarifying that the Attorney General, in the case of a state board, or the county counsel agency for each county in the case of a county board, shall concur that an emergency meeting based on an unanticipated event is necessary;
- (8) Deleting the requirement that minutes shall be posted online, "whether in draft or final form," as boards already must provide minutes within thirty days regardless of whether the board considers the minutes final;
- (9) Specifying that for state boards, posted minutes shall include only those additional written materials distributed to a board at the meeting that would be public under the Uniform Information Practices Act;
- (10) Inserting an effective date of July 1, 2050, to ensure further discussion, and July 1, 2012, for section 4; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Economic Development and Technology and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2234, as amended herein, and recommend that it pass Second Reading in the form



attached hereto as S.B. No. 2234, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committees on Economic Development and Technology and Judiciary and Labor,



CLAYTON HEE, Chair

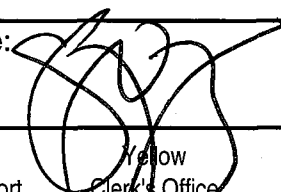


CAROL FUKUNAGA, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i


Record of Votes
Committee on Economic Development and Technology
EDT

Bill / Resolution No.:* SB 2234	Committee Referral: EDT/JDL	Date: 02/29/12		
<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
FUKUNAGA, Carol (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
SOLOMON, Malama				✓
SLOM, Sam	✓			
TOTAL	4	0	0	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

The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB2234	EDT / JDL	2/29/12		
<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)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
SLOM, Sam				✓
TOTAL	3			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

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