

Honolulu, Hawaii

April 5, 2012

RE: S.B. No. 2859  
S.D. 1  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Finance, to which was referred S.B. No. 2859, S.D. 1, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to improve government efficiency by providing additional tools for state board and commission members and the public to receive and access information. Specifically, this measure:

- (1) Allows board and commission members to hear public testimony and presentations on items listed on an agenda during a scheduled meeting even if that meeting must be cancelled due to lack of quorum or terminated for a technical malfunction if the meeting is held by videoconference, with certain limitations, including deferral of deliberation and decision making to a subsequent and properly-noticed meeting;
- (2) Allows less than a quorum of board and commission members to attend informational meetings or presentations on matters related to official board business, with certain limitations;



- (3) Allows, for a four year period, less than a quorum of board and commission members to discuss official board business via social media; provided that the discussion is continuously accessible for public viewing and participation and meets other requirements; and
- (4) Clarifies that the current statutory written public notice requirement of any regular, special, or rescheduled meeting, or any executive meeting when anticipated in advance is the only means required for providing such notice.

The Department of Human Resources Development; Department of Business, Economic Development, and Tourism; Office of Information Practices; Office of Information Management and Technology; Department of Planning and Permitting of the City and County of Honolulu; and several individual members of the County Council of the County of Maui testified in support of this measure. The Office of the County Attorney of the County of Kauai, Americans for Democratic Action/Hawaii, and a concerned individual testified in opposition to this measure. The Office of Hawaiian Affairs, Common Cause Hawaii, League of Women Voters of Hawaii, Society of Professional Journalists Hawaii Chapter, Hawaii Strategic Development Corporation, and High Technology Development Corporation provided comments.

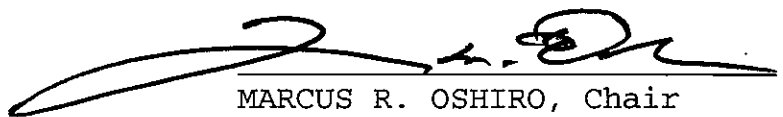
Your Committee has amended this measure by:

- (1) Deleting the provision that allows, for a four year period, less than a quorum of board and commission members to discuss official board business via social media; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2859, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2859, S.D. 1, H.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Finance,



MARCUS R. OSHIRO, Chair

State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

HSCR 1589-12

Record of Votes of the Committee on Finance

Bill/Resolution No.: SB 2859 SD1 HD1	Committee Referral: JUD, FIN	Date: 3/29/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
FIN Members	Ayes	Ayes (WR)	Nays	Excused
1. OSHIRO, Marcus R. (C)	✓			
2. LEE, Marilyn B. (VC)	✓			
3. CHOY, Isaac W.	✓			
4. CULLEN, Ty	✓			
5. GIUGNI, Heather	✓			
6. HAR, Sharon E.	✓			
7. HASHEM, Mark J.	✓			
8. ICHIYAMA, Linda	✓			
9. JORDAN, Jo	✓			
10. KAWAKAMI, Derek S.K.	✓			
11. LEE, Chris	✓			
12. MORIKAWA, Dee	✓			
13. TOKIOKA, James Kunane	✓			
14. YAMASHITA, Kyle T.	✓			
15. MARUMOTO, Barbara C.	✓			
16. RIVIERE, Gil	✓			
17. WARD, Gene	✓			
TOTAL (17)	17	0	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>Marilyn B. Lee</u>				
Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				