

OFFICE OF INFORMATION PRACTICES

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To: House Committee on Finance

From: Cheryl Kakazu Park, Director

Date: February 24, 2012, 4:30 p.m.
State Capitol, Room 308

Re: Testimony on H.B. No. 2404, H.D. 1
Relating to Public Information

Thank you for the opportunity to testify in support of House Bill No. 2404, H.D. 1. The purpose of this bill is to insert into the state's Sunshine Law, which is part I of HRS chapter 92, a requirement that boards post their minutes on the boards' websites or alternatively, a State or county website. The Office of Information Practices (OIP) supports this bill because both the public and boards would benefit from increased online accessibility to the boards' minutes.

While OIP supports this bill, we wish to alert your committee about S.B. No. 2234 which similarly requires online access to boards' minutes, but also provides for other important amendments to the Sunshine Law that were originally in OIP's legislative proposals included in the Governor's administrative package. OIP understands that Senate Bill No. 2234 is being amended in the Senate and is expected to cross over to the House.

Currently, the Sunshine Law requires every board to make the minutes of each public meeting available, upon request, within thirty days after the meeting, except for executive meeting minutes. The law does not require that the minutes be approved by the board prior to posting. Thus, OIP has advised in a

formal opinion that when members of the public ask for copies or inspection of a board's minutes after thirty days has passed since its public meeting, the board must disclose the minutes, regardless of whether the minutes are in final or draft form or have been officially approved by the board. See OIP Op. Ltr. No. 02-06. OIP has also conducted workshops and provided advice to train boards on how to prepare meeting minutes.

Notably, several boards already post their minutes online, but some boards may face technical challenges in doing so as they are not in control of their websites. For the boards that are able to post their minutes online themselves, members of the public benefit from being readily able to view the minutes online without having to submit a request to the board every time that they want to inspect or get copies of the minutes. The boards benefit because the public's ability to view a board's minutes online reduces the number of requests for inspection or copies of the minutes to which the board must respond.

OIP understands that this bill would have an impact on the few boards that often may be unable to have their draft or final minutes prepared and available within the thirty days after their meetings. Currently, a board's failure to comply with the Sunshine Law's disclosure requirement for minutes is only revealed when the board is unable to respond to a request for inspection or copies of the minutes after thirty days has passed following its public meeting. This bill, however, would make readily apparent to anyone viewing the board's website any failure to post its minutes within the Sunshine Law's thirty-day time limit. As such, the bill simply encourages boards to promptly comply with existing law and is consistent with the Sunshine Law's intent to protect the people's right to know.

Thank you for considering our testimony.

NEIL ABERCROMBIE
GOVERNOR



Dean H. Seki
Acting Comptroller

Jan S. Gouveia
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES
P.O. BOX 119
HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY
OF
DEAN H. SEKI, ACTING COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
HOUSE COMMITTEE
ON
FINANCE
ON
February 24, 2012
H.B. 2404, H.D. 1

RELATING TO PUBLIC INFORMATION

Chair Oshiro and members of the Committee, thank you for the opportunity to submit testimony on H.B. 2404, H.D. 1.

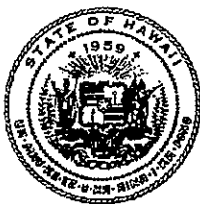
The Department of Accounting and General Services (DAGS) supports the intent of H.B. 2404, H.D. 1 and offers the following amendments.

Currently, section 92-9, HRS, allows the public access to minutes in draft or final form within 30 days after the date of the board or commission meeting. The posting of minutes on board or commission websites prior to approval by that board or commission may lead to questions from the public which are unwarranted or premature as the minutes may be revised during the board or commission approval process.

The minutes of boards and commissions attached to DAGS are posted on the websites of the applicable boards or commissions after the minutes have been approved and we believe this

procedure should be incorporated in statute. Therefore, we recommend H.B. 2404, H.D. 1 be amended to incorporate language that approved minutes be posted on a board or commission website or the state internet portal within seven (7) days of approval (by the board or commission) and the 30 day posting requirement currently reflected in the bill be removed.

Thank you for the opportunity to testify on this matter.



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

February 24, 2012

TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE

House Bill 2404, HD1 – Relating to Public Information

The Disability and Communication Access Board (DCAB) takes no position on this measure but wishes to provide comments.

DCAB's mission is to provide technical assistance related to accessibility for individuals with disabilities to state and county programs and services per the Americans with Disabilities Act, Title II. The purpose of this bill is to require any board as defined under section 92-2, Hawaii Revised Statutes, to make its minutes available in hard copy form and by electronic posting on its web site, or if it does not have a web site, on the official Internet web site of the State of Hawaii or the official web site of the appropriate county.

Allowing state and county agencies to post minutes online presumes that everyone has access to a computer. In many instances, that is not the case, especially for individuals with disabilities or who are elderly. If an individual does not have access to a computer, state and county governments are excluding a segment of the population and denying them the means to participate in government.

Two points to consider are: 1) if a state or county agency publishes minutes online, all material published must be in a format that is accessible to individuals with disabilities, including people who are blind or have low vision; and 2) anyone (including people with disabilities) requesting hard copy of minutes must be provided the copy in an alternate format, upon request. We suggest posting a notice on the agency web site or on the official Internet web site of State or county government that hard copy of minutes will be provided in alternate format, upon request. Alternate format of print materials include audiotape, Braille, large print, and computer diskette and can be mailed to the individual as "Free Matter for the Blind."

Thank you for the opportunity to offer comments.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG
Chairperson

FRANCINE WAI
Executive Director

NEIL ABERCROMBIE
GOVERNOR



RICHARD BURNS
STATE LIBRARIAN

STATE OF HAWAII
HAWAII STATE PUBLIC LIBRARY SYSTEM
OFFICE OF THE STATE LIBRARIAN
44 MERCHANT STREET
HONOLULU, HAWAII 96813

**House Committee on Finance
Friday, February 24, 2012
State Capitol, Room 308**

HB 2404, HD1 – Relating to Public Information

The Hawaii State Public Library System (HSPLS) supports HB 2404, HD1.

For the past several years, our libraries have seen increasing numbers of people turning to their libraries for the e-government, workforce development, education and health information they need. We anticipate this bill will dramatically increase the number of visits and requests for assistance we receive from citizens across the state as they search for, access, view and print online government information in our libraries.

To help us take full advantage of our libraries' critical position in the government to citizens communication link, we will require additional funding to install dedicated, ADA accessible workstations, computers, software (including assistive software JAWS and ZoomText), printers and other technology components for accessing this information in our libraries. These dedicated computers will allow live streaming video of legislative proceedings, a service we began offering

February 16 of this year, provide access to the documents and information targeted in these bills, provide links to government at all levels, and open the doors to government information for citizens throughout Hawaii.

We have already held discussions with Hawaii's Chief Information Officer Sonny Bhagowalia and his Office of Information Management Technology (OIMT) staff to consider content and parameters of a government information portal and to begin developing a plan and budget for implementing this legislation. We will continue to work with Mr. Bhagowalia and OIMT to provide access to this information for the people of Hawaii.

HSPLS looks forward to playing a critical role in the government information and communication flow by providing dedicated ADA-compliant workstations and reliable internet connections for constituents to access and print the documents and information targeted in these bills.

Thank you for the opportunity to testify on this bill.

Written Statement of
YUKA NAGASHIMA
Executive Director & CEO
High Technology Development Corporation
before the
HOUSE COMMITTEE ON FINANCE
Friday, February 24, 2012
4:30 PM
State Capitol, Conference Room 308

In consideration of
HB 2404 HD 1 RELATING TO PUBLIC INFORMATION.

Chair Oshiro, Vice Chair Lee, and Members of the House Committee on Finance:

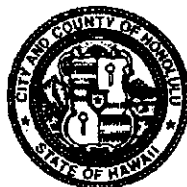
The High Technology Development Corporation (HTDC) supports the intent of HB 2404 HD 1 requiring all government agencies, boards, commissions, and committees to post the minutes of their meetings online.

HTDC agrees that it is appropriate to move digital and make documents more accessible to the public by posting minutes online. We would like to point out for consideration that to accomplish this, **all agencies must have administrative control over their websites and/or structure their websites so posting of minutes can be done quickly and easily with minimal cost.**

Thank you for the opportunity to submit testimony on HB 2404 HD1.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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PETER B. CARLISLE
MAYOR

DAVID K. TANOUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

February 24, 2012

The Honorable Marcus R. Oshiro, Chair
and Members of the Committee on Finance
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Oshiro and Committee Members:

Subject: House Bill No. 2404, HD1
Relating to Open Government

The Department of Planning and Permitting **supports** House Bill No. 2404, HD1 with one amendment. This bill requires any board as defined under Section 92-2, Hawaii Revised Statutes, to make its minutes available in hard copy form and by electronic posting on its website, or if it does not have a website, on the official internet website of the State of Hawaii or the appropriate county.

For the most part, the proposed change would reduce costs associated with printing and mailing of documents while improving public access to minutes for government agencies, boards, commissions, and committees.

The Department requests that the bill be amended to allow the minutes of the boards to be removed from the Web two years after they are first posted. After two years, most minutes are only of interest to those doing historical research. Agendas and minutes are permanent records that the boards must retain or archive for perpetuity. Such historical research needs can be easily met by providing access to the board files or archives and do not require the use of valuable Web space.

Please pass House Bill No. 2404, HD1 with the requested amendment. Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Tanoue", written over a horizontal line.

David K. Tanoue, Director
Department of Planning and Permitting

DKT:jmf
Hb2404hd1-OpenGov-bs.doc