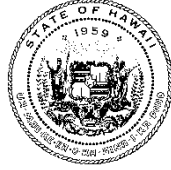


HB 2404, HD 1

EDT/JDL



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
SENATE COMMITTEES
ON
ECONOMIC DEVELOPMENT AND TECHNOLOGY AND JUDICIARY AND LABOR
ON
March 19, 2012
H.B. 2404, H.D. 1

RELATING TO PUBLIC INFORMATION

Chairs Fukunaga, Hee and members of the Committees, thank you for the opportunity to submit written 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 provide written testimony on this matter.

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: Senate Committees on Economic Development and Technology and on
Judiciary and Labor

From: Cheryl Kakazu Park, Director

Date: March 19, 2012, 1:00 p.m.
State Capitol, Room 016

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.

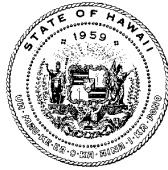
Currently, the Sunshine Law requires every board to make the minutes of each public meeting available, upon request, within thirty days after the meeting, except for executive meeting minutes. HRS § 92-9(b). The law does not require that the minutes be approved by the board prior to posting. Thus, OIP 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 website, the board's failure to post its minutes within the thirty-day period. 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.



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

Senate Committee on Economic Development and Technology
Senate Committee on Judiciary and Labor
Monday, March 19, 2012
State Capitol, Room 016

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.

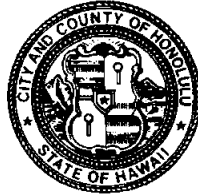
HSPLS looks forward to playing a critical role in the government information and communication flow by providing dedicated ADA-compliant workstations and reliable internet connections for constituents to access and print the documents and information targeted in these bills.

Thank you for the opportunity to testify on this bill.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.gov • CITY WEB SITE: www.honolulu.gov

PETER B. CARLISLE
MAYOR



DAVID K. TANOUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

March 19, 2012

The Honorable Carol Fukunaga, Chair
and Members of the Committee on Economic Development
and Technology
The Honorable Clayton Hee, Chair
and Members of the Committee on Judiciary and Labor
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chairs Fukunaga, Hee 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 recommended 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 "David K. Tanoue", is written over a horizontal line.

David K. Tanoue, Director
Department of Planning and Permitting

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.maucounty.gov/council

March 16, 2012

TO: The Honorable Carol Fukunaga, Chair
Senate Committee on Economic Development and Technology

The Honorable Clayton Hee, Chair
Senate Committee on Judiciary and Labor

FROM: Danny A. Mateo
Council Chair

A handwritten signature in black ink that reads "Danny A. Mateo".

SUBJECT: **HEARING OF MARCH 19, 2012; TESTIMONY OFFERING COMMENTS ON
HB 2404, HD1, RELATING TO PUBLIC INFORMATION**

Thank you for the opportunity to testify and offer comments on this important measure. The purpose of this measure is to require that a board 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 or the appropriate county.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I offer the following comments on this measure:

1. Clarification is needed on what is included within the term "hard copy form". Would providing copies of minutes on a disk satisfy this requirement?
2. Currently, minutes of a Council meeting are not considered "final" until approved by the Council. The Council holds two regular meetings per month. While minutes are available within the 30-day time frame required by Section 92-9, Hawaii Revised Statutes, those minutes may not necessarily be "final" in the sense that they may not have been approved. In addition, minutes of Council committee meetings may still be in draft form by the end of the 30-day period. If a board is required to electronically post minutes within 30 days on the County website, and those minutes are still in draft form when posted, how will boards address any amendments made after the initial posting on the website? It would be helpful to address this circumstance in the measure.
3. Occasionally a board or County website may be unavailable due to maintenance, power outage, or other circumstance. A safe harbor should be provided for a board which has a "hard copy form" available but is unable to post electronically for circumstances beyond the board's control.

Thank you for the opportunity to submit these comments on this measure.

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
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WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

March 17, 2012

TO: Honorable Carol Fukunaga, Chair
Senate Committee on Economic Development and Technology

Honorable Clayton Hee, Chair
Senate Committee on Judiciary and Labor

FROM: Robert Carroll
Council Member, East Maui

A handwritten signature in black ink that reads "Robert Carroll".

DATE: Monday, March 19, 2012

SUBJECT: **HB 2404, RELATING TO PUBLIC INFORMATION**

I support the position of Maui County Council Chair on HB 2404 for the reasons cited in testimony submitted March 16, 2012 and urge you to support his comments on this measure.

Written Statement of
YUKA NAGASHIMA
Executive Director & CEO
High Technology Development Corporation
before the
SENATE COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY
AND
SENATE COMMITTEE ON JUDICIARY AND LABOR
Monday, March 19, 2012
1:00 PM
State Capitol, Conference Room 016

In consideration of
HB 2404 HD1 RELATING TO PUBLIC INFORMATION.

Chairs Fukunaga and Hee, Vice Chairs Wakai and Shimabukuro, and Members of the Senate Committees on Economic Development & Technology and Judiciary & Labor:

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.