

Honolulu, Hawaii

APR 05 2013

RE: H.B. No. 632  
H.D. 2  
S.D. 2

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 632, H.D. 2, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require executive departments to share data with the public.

Specifically, this measure:

- (1) Requires executive departments to make data sets available to the public through the State's open data portal;
- (2) Absolves the State of liability for deficient or inaccurate information contained in the data sets, except for instances involving gross negligence, willful and wanton misconduct, or intentional misconduct;
- (3) Authorizes the Chief Information Officer to license the data sets that are on the open data website to third parties to copy, display, distribute, or create derivative works; and
- (4) Requires the Chief Information Officer to establish data set policies and procedures.



Your Committee received written comments in support of this measure from the Office of Planning; Applications for Good; CyberCom, Inc.; Hawaii Open Data; Hyperspective Studios, Inc; Internet Society-Hawaii Chapter; and eight individuals. Your Committee received written comments on this measure from the Office of Information Practices and Common Cause Hawaii.

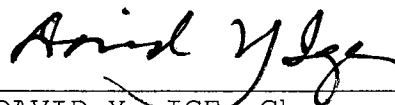
Your Committee finds that making data accessible to the public will support public-private collaboration, increase government transparency, promote civic engagement, and improve commerce.

Your Committee has amended this measure by:

- (1) Setting forth definitions of terms in a separate new section to be added to Hawaii Revised Statutes;
- (2) Amending the definition of "open data" by removing a reference to the Legislature to conform to the definition of "data" in the measure;
- (3) Changing the effective date to July 1, 2050, to encourage further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 632, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 632, H.D. 2, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,



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DAVID Y. IGE, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 632 HD2 SD1	TEC/SDL, WAM	3-28-13		
<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
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani				✓
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.				✓
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam		✓		
<b>TOTAL</b>	10	1	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes