

Honolulu, Hawaii

March 25, 2015

RE: S.B. No. 475
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 475, S.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 update and enhance the State's public meeting law, by among other things:

- (1) Adding emergency meetings to the public meeting notice requirements;
- (2) Requiring boards to file a notice of meeting with the Office of the Lieutenant Governor and post notice on an electronic calendar maintained on an appropriate state or county agency's website no less than six calendar days before the meeting;
- (3) Establishing time-stamped agenda procedures for determinations as to whether a notice was timely posted for public meeting purposes; and
- (4) Requiring that boards maintain a list of names and postal or electronic mail addresses of persons who request notification of meetings and mail or electronically mail a copy of the notice to such persons.



The Office of Information Practices, League of Women Voters, and Common Cause Hawaii testified in support of this measure. The Civil Beat Law Center for the Public Interest testified in support of this measure and recommended amendments. An individual provided comments.

Your Committee notes that discussion was raised regarding the accessibility of public meeting records and notices for those living with disabilities. Your Committee would like to emphasize the continued importance that all government agencies meet their obligations under the Americans with Disabilities Act (ADA) and Section 508 of the Rehabilitation Act of 1973. Accordingly, your committee urges all government agencies to review the United States Department of Justice's, "Accessibility of State and Local Government Websites to People with Disabilities," as a guideline for ensuring the proper development, preparation, maintenance, and distribution of information in an ADA compliant manner, especially with regard to the use of electronic documents.

Your Committee has amended this measure by:

- (1) Establishing procedures allowing for public access to "board packet" materials disseminated to the board at a noticed meeting;
- (2) Requiring that copies of a time-stamp be available upon request;
- (3) Specifying that persons requesting notification of a meeting shall receive the notification by the means of their choosing;
- (4) Requiring that meeting minutes be made available on an appropriate board or governmental website;
- (5) Specifying that members of the public may record a public meeting via any means of audio or visual recordation; and
- (6) Changing its effective date to upon its approval.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 475, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 475, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

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



KARL RHOADS, Chair



