

STAND. COM. REP. NO. 600

Honolulu, Hawaii

MAR 05 2015

RE: S.B. No. 475

S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 475 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Add emergency meetings to the public meeting notice requirements;
- (2) Require a board to file the notice in the Office of the Lieutenant Governor and post notice on the electronic calendar on the State's or appropriate county's internet website no less than six calendar days before the meeting;
- (3) Require that if there is a dispute as to whether a notice was timely posted on an electronic calendar maintained by the State or county, a printout of the electronic time-stamped agenda shall be conclusive evidence of the electronic posting date; and
- (4) Require that a board 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.



Your Committee received testimony in support of this measure from the Office of Information Practices; The Civil Beat Law Center for the Public Trust; Common Cause Hawaii; League of Women Voters of Hawaii; Society of Professional Journalists, Hawaii Chapter; Animal Rights Hawaii; and one individual. Your Committee received comments on this measure from one individual.

Your Committee finds that this measure updates the open meetings law by recognizing and incorporating modern communication technologies, including the Internet and electronic mail. However, your Committee notes the concerns raised in written testimony that modern forms of communication technologies may reduce transparency for individuals with disabilities and a class of people who do not have access to the Internet.

Accordingly, your Committee has amended this measure by:

- (1) Adopting the language suggested by the Office of Information Practices to reinstate language that requires the notice to be posted at the site of the meeting whenever feasible;
- (2) Inserting language to allow a person, upon request, to continue to receive a copy of the notice via postal mail rather than electronic mail;
- (3) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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




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


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 475	Committee Referral: JDL	Date: 2/5/15 MS		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
TOTAL	7			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes