

Honolulu, Hawaii

MAR 24 2017

RE: H.B. No. 165
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred H.B. No. 165, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish a working group to develop board packet disclosure requirements that meet the public's interest of greater disclosure of board meetings;
- (2) Require the working group, with the assistance of the Legislative Reference Bureau, to report its findings and recommendation to the Legislature no later than twenty days prior to the convening of the regular session of 2018;
- (3) Establish notice and disclosure requirements for emergency meetings;
- (4) Clarify notice filing requirements and allow electronic mailing of meeting notices; and
- (5) Require electronic posting of meeting notices, cancellation notices, and meeting minutes.



Your Committee received testimony in support of this measure from the Office of Information Practices, Department of Commerce and Consumer Affairs Professional and Vocational Licensing Division, Society of Professional Journalists Hawaii Chapter, and Civil Beat Law Center for the Public Interest. Your Committee received comments on this measure from the Department of Land and Natural Resources, Hawaii Community Development Authority, Disability and Communication Access Board, Legislative Reference Bureau, League of Women Voters, and Common Cause Hawaii.

Your Committee finds that the people of Hawaii are best served by increased government transparency, understanding, and participation. Your Committee finds that modernizing the Sunshine Law to include electronic posting of meeting notices and minutes will increase public access to valuable information regarding public agency meetings. Your Committee notes that allowing notices to be electronically mailed provides for the best use of government time and resources.

Your Committee finds that establishing a working group to develop board packet disclosure requirements is unnecessary. Your Committee further finds that increasing access to board materials via the accessibility of board packets will allow for more meaningful public testimony at meetings, and further increase the quality of public participation in civic life. Your Committee notes that this has been a long-standing and much-discussed issue, and your Committee heard sufficient testimony to establish a requirement and process in this measure by which board packets shall be made available for public inspection.

Accordingly, your Committee has amended this measure by:


- (1) Removing the establishment of the working group;
- (2) Inserting a requirement that board packets be available for public inspection, including electronically available if feasible;
- (3) Requiring that oral testimony at open meetings be allowed for each agenda item separately and at the time the item is first brought up for discussion at the meeting;



- (4) Requiring a written summary to accompany any minutes that are electronically posted in a digital or analog recording format;
- (5) Making the entire measure effective on July 1, 2050; and
- (6) 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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 165, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 165, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Labor and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Government
Operations,


DONNA MERCADO KIM, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:* <i>HB 105 HD1</i>	Committee Referral: <i>GVO, JDL/WAM</i>	Date: <i>3/15/17</i>		
<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
KIM, Donna Mercado (C)	X			
RUDERMAN, Russell E. (VC)	X			
GALUTERIA, Brickwood				X
RHOADS, Karl	X			
TOKUDA, Jill N.				X
TOTAL	3	0	0	2
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