

STAND. COM. REP. NO. **865**

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 312
S.D. 2

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

Sir:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 312, S.D. 1, 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) Require boards to make board packets available for public inspection and provide notice, upon request, of the availability of board packets;
- (2) Require boards to allow oral testimony to be presented on agenda items separately and at the time the item is first brought up for discussion at the meeting;
- (3) Add emergency meetings to the public meeting notice requirements; and
- (4) Allow the electronic mailing of meeting notices, require the posting of the notice on the State's or appropriate county's electronic calendar, and clarify posting requirements and potential posting disputes.

Your Committee received testimony in support of this measure from The Civil Beat Law Center for the Public Interest, Common Cause Hawaii, League of Women Voters, and one individual. Your



Committee received testimony in opposition to this measure from the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs. Your Committee received comments on this measure from the Department of Taxation, Department of Land and Natural Resources, Office of Information Practices, and County Council, County of Maui.

Your Committee finds that the public is best served by increased government transparency, understanding, and participation. Modernizing the Sunshine Law to include electronic postings and communication will increase public access to valuable information regarding public agency meetings. This measure increases access to board materials via the accessibility of board packets to allow for more meaningful public testimony at meetings, and further increase the quality of public participation in civic life.

Your Committee notes the concerns raised in written testimony regarding making board packets available for public inspection and further notes that the Board of Land and Natural Resources, Council on Revenues, and Tax Review Commission currently makes board packets available.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the requirements to make board packets available for public inspection and provide notice, upon request, of the availability of board packets apply to the Board of Land and Natural Resources, Council on Revenues, and Tax Review Commission, and that this requirement will sunset on July 1, 2019;
- (2) Requiring that the written summary that accompanies minutes that are posted as a digital or analog recording includes any significant actions taken by the board, including motions and votes made by the board;
- (3) Adopting the language suggested by the Office of Information Practices that establishes a board packet working group to develop board packet disclosure requirements and requires the working group to submit a report of its findings and recommendations, including



any proposed legislation, to the Legislature prior to the Regular Session of 2018;

- (4) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (5) 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. 312, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 312, S.D. 2.

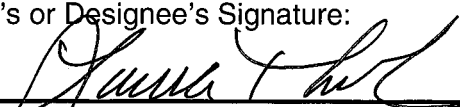
Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 312 SD1	GVO, JDL	3/1/17		
<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)	/			
RHOADS, Karl (VC)				/
GABBARD, Mike				/
KIM, Donna Mercado	/			
THIELEN, Laura H.	/			
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