

Honolulu, Hawaii

FEB 15 2017

RE: S.B. No. 312
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 S.B. No. 312 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 clarify public agency meetings and record requirements by:

- (1) Requiring board packets to be available for public inspection, including electronically available if feasible;
- (2) Requiring notice of certain emergency meetings;
- (3) Clarifying electronic notification requirements; and
- (4) Requiring electronic posting of board minutes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Society of Professional Journalists Hawaii Chapter, League of Women Voters of Hawaii, Civil Beat Law Center for the Public Interest, Common Cause Hawaii, and three individuals. Your Committee received testimony in opposition to this measure from the Department of Commerce and Consumer Affairs. Your Committee received comments on this measure from the Department of Taxation, Department of Budget and Finance, Office of Information Practices, Hawaii



Community Development Authority, and Liquor Commission of the City and County of Honolulu.

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 postings and communication will increase public access to valuable information regarding public agency meetings. 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 has amended this measure by:

- (1) 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;
- (2) Requiring a written summary to accompany any minutes that are electronically posted in a digital or analog recording format;
- (3) Allowing minutes to be electronically posted in draft form to meet the thirty-day requirement;
- (4) Inserting an effective date of January 1, 2018; 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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 312, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 312, S.D. 1, and be referred to your Committee on Judiciary and Labor.



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



DONNA MERCADO KIM, Chair



