

# OFFICE OF INFORMATION PRACTICES

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To: Senate Committee on Judiciary and Labor

From: Cheryl Kakazu Park, Director

Date: February 16, 2017, 9:30 a.m.  
State Capitol, Conference Room 016

Re: Testimony on S.B. No. 1033  
Relating to Board Meetings

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Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices (“OIP”) supports the intent of this bill to modernize the process for filing meeting notices by allowing e-mail filing under the Sunshine Law, part I of chapter 92, HRS, but **OIP is concerned that this bill could contradict amendments proposed by other bills** moving through the legislative process that provide for electronic filing of meeting notices via the State or county online calendars.

The electronic notice measures OIP is aware of that are currently moving are **S.B. 312**, passed out of the Senate Committee on Government Operations on February 9 and **referred to this Committee** (but not yet filed); and **H.B. 991**, passed out of the House Committee on Consumer Protection and Commerce on February 13. Other measures that have been heard or were heard and deferred are S.B. 244 and H.B. 165.

OIP does not see the language of this bill, by itself, as problematic. OIP’s understanding is that at present, of the county clerks and the Lieutenant Governor, some offices accept filings by facsimile and others do not. OIP has

previously found that it is up to each office to set its own procedures for the format and hours in which it will accept filings of meeting notices. OIP Op. Ltr. No. 06-06. Thus, this bill would provide an additional level of uniformity and, for those boards currently not permitted to file via facsimile, a way to file meeting notices without having to send a paper copy to the appropriate office.

However, because of the related measures also moving through the Legislature that will come before this Committee, **OIP recommends that decision making on this bill be deferred to avoid potentially contradictory amendments to the Sunshine Law's notice provisions.** As S.B. 1033 has a single referral, a delay would not prevent this Committee from passing it out later, if it so desired.

Thank you for considering our comments.