

Honolulu, Hawaii

APR 07 2017

RE: H.B. No. 165
H.D. 1
S.D. 2

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

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred H.B. No. 165, H.D. 1, S.D. 1, entitled:

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

beg 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, provide notice, upon request, of the availability of board packets, and to the greatest extent feasible, require boards to accommodate requests for electronic access to the board packet;
- (2) Require boards to allow oral testimony to be presented on each agenda item 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;
- (4) Require the electronic mailing of meeting notices upon request, require the posting of the notice on the State's or appropriate county's electronic calendar, and clarify posting requirements and potential posting disputes; and



- (5) Require that the written summary that accompanies minutes that are posted as a digital or analog recording include any significant actions taken by the board, such as the motions and votes made by the board.

Your Committees received testimony in support of this measure from the Office of Information Practices, Americans for Democratic Action Hawai'i, Animals Rights Hawai'i, The Civil Beat Law Center for the Public Interest, Common Cause Hawaii, Democratic Party of Hawai'i, Hawaii Advocates for Consumer Rights, Kupuna Caucus of the Democratic Party of Hawai'i, League of Women Voters of Hawaii, and six individuals. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources and two individuals. Your Committees received comments on this measure from the Hawaii Community Development Authority.

Your Committees find 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 increases the quality of public participation in civic life.

Your Committees note that requiring a board to permit oral testimony at an open meeting for each agenda item may impact the board's ability to maintain meetings in an efficient manner. Your Committees believe that a board should have the ability, but not be required, to provide interested persons an opportunity to present oral testimony on any agenda item when it is first brought up for discussion.

Accordingly, your Committees have amended this measure by:

- (1) Clarifying that a board is not required to mail board packets;
- (2) Allowing, rather than requiring, boards to permit oral testimony at open meetings for each agenda item




separately and at the time the item is first brought up for discussion at the meeting;

- (3) Requiring the board to maintain reasonable care of any original or duplicate recordings of minutes that are recorded by digital or analog means;
- (4) Inserting an effective date of July 1, 2017; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 165, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 165, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Ways and Means,



JILL N. TOKUDA, Chair



GILBERT S.C. KEITH-AGARAN, Chair



