

Honolulu, Hawaii

March 21, 2012

RE: S.B. No. 2859
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2859, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO OPEN GOVERNMENT,"

begs leave to report as follows:

The purpose of this measure is to improve government efficiency by providing additional tools for state board and commission members and the public to receive and access information. Specifically, this measure:

- (1) Allows board and commission members to hear public testimony and presentations on items listed on an agenda during a scheduled meeting even if that meeting must be cancelled due to lack of quorum or terminated for technical malfunction, with certain limitations, including deferral of deliberation and decision making to a subsequent and properly-noticed meeting;
- (2) Allows less than a quorum of board and commission members to attend informational meetings or presentations on matters related to official board business, with certain limitations;
- (3) Allows less than a quorum of board and commission members to discuss official board business via social media; provided that the discussion is continuously



accessible for public viewing and participation and meets other requirements; and

- (4) Clarifies that written public notice in addition to that already required by existing statutes shall not be required for emergency meetings.

The Department of Human Resources Development; Department of Business, Economic Development, and Tourism; Department of Land and Natural Resources; Office of Information Practices; Department of Planning and Permitting of the City and County of Honolulu; seven individual members of the County Council of the County of Maui; Hawaii Strategic Development Corporation; and High Technology Development Corporation supported this measure. The Office of Hawaiian Affairs and Americans of Democratic Action-Hawaii supported this measure with amendments. The Office of the County Attorney of the County of Kauai, Common Cause Hawaii, and the League of Women Voters of Hawaii commented on this measure.

Your Committee has amended this measure by:

- (1) Deleting the requirement that the board give written public notice of any emergency meeting when anticipated in advance; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2859, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2859, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

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


GILBERT KEITH-AGARAN, Chair



State of Hawaii
 House of Representatives
 The Twenty-sixth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB 2859 SDI	Committee Referral: JUD, FIN	Date: 3/16/12
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The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)	✓			
2. RHOADS, Karl (VC)	✓			
3. BROWER, Tom	✓			
4. CABANILLA, Rida T.R.	✓			
5. CARROLL, Mele	✓			
6. COFFMAN, Denny				✓
7. HERKES, Robert N.				✓
8. ITO, Ken				✓
9. LUKE, Sylvia				✓
10. McKELVEY, Angus L.K.				✓
11. SOUKI, Joseph M.	✓			
12. TSUJI, Clift	✓			
13. FONTAINE, George R.	✓			
14. MARUMOTO, Barbara C.	✓			
15. THIELEN, Cynthia	✓			
TOTAL (15)	10	0	0	5

The recommendation is: Adopted Not Adopted
 If joint referral, _____ committee acronym(s) _____ did not support recommendation.

Vice Chair's or designee's signature: Paul Rhoads