

SB2617



LINDA LINGLE
GOVERNOR

JAMES R. AIONA, JR.
LIEUTENANT GOVERNOR

STATE OF HAWAII
OFFICE OF THE LIEUTENANT GOVERNOR
OFFICE OF INFORMATION PRACTICES

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CATHY L. TAKASE
ACTING DIRECTOR

To: Senate Committee on Judiciary and Government Operations
From: Cathy L. Takase, Acting Director

Hearing: Tuesday, February 23, 2010, 9:30 a.m.
State Capitol, Room 016

Re: Testimony on S.B. No. 2617
Relating to Public Agency Meetings

The Office of Information Practices (“OIP”) generally supports section 1 of this bill, but recommends against the amendments in section 2. OIP administers the State’s Sunshine Law.

Section 1 of the bill seeks to amend the notice provision of the Sunshine Law, section 92-7, HRS, by adding in a requirement that boards maintain electronic addresses of persons requesting notice of meetings in addition to postal addresses. The proposed amendment directs that the board provide notice by electronic transmission unless only a postal address has been provided. Although OIP currently advises boards that they have, with the permission of the person receiving notice, the option to transmit the notice electronically rather than by mail, this bill would require boards to do so unless only a postal address is provided.

Section 2 of the bill seeks to amend the meetings provision of the Sunshine Law by adding a provision to allow boards to transmit minutes electronically upon request. This provision is unnecessary and may be a source of confusion. Minutes are provided upon specific request, and boards are already required under OIP’s administrative rules under the Uniform Information Practices Act to make reasonable efforts to transmit those minutes in a manner sought by the requester. For this reason, OIP strongly recommends against the proposed amendment to section 92-9, HRS.

Thank you for the opportunity to testify.



LINDA LINGLE
GOVERNOR
JAMES R. AIONA, JR.
LT. GOVERNOR

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LAWRENCE M. REIFURTH
DIRECTOR
RONALD BOYER
DEPUTY DIRECTOR

TO THE SENATE COMMITTEE ON
JUDICIARY AND GOVERNMENT OPERATIONS

TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION, 2010

Tuesday, February 23, 2010
9:30 a.m.

**TESTIMONY ON SENATE BILL NO. 2617
RELATING TO PUBLIC AGENCY MEETINGS.**

WRITTEN TESTIMONY ONLY

TO THE HONORABLE BRIAN TANIGUCHI, CHAIR, AND MEMBERS OF THE
COMMITTEE:

The Department of Commerce and Consumer Affairs (DCCA) appreciates the opportunity to testify in support of Senate Bill No. 2617, Relating to Public Agency Meetings. My name is Lawrence M. Reifurth, and I am the Department's Director. Senate Bill No. 2617 proposes to have email as the primary means of contacting those members of the public who request meeting notifications and meeting minutes. DCCA sees this bill as an opportunity to save staff time, the costs of regular mail and reduced paper usage. For the public, email represents a faster means of communication especially when there are changes in agenda or information.

Additional Cost and Time Saving Measures

DCCA has 25 attached boards with a total of 113,906 licensees. There are currently 1,144 persons signed up for notifications. Considering just this population of interested persons, additional time and cost savings could be achieved if the State's electronic calendar at <http://calendar.ehawaii.gov> was the primary means of posting meeting notices and the department's web site was the primary means of posting meeting minutes. With the option to add subscription services such as those provided by the Legislature at <http://www.capitol.hawaii.gov/signup/> for hearing notices, further simplification and time savings could be achieved. Finally, if emails are allowed to optionally contain the URL of the web page that has the document versus the document as an attachment additional simplification could be achieved and would reduce the impact of large documents on the mailbox quotas of interested persons.

Although the State has embraced electronic delivery of information, DCCA is currently seeing approximately 20-40% of customers still relying on mail or telephone. With this in mind, DCCA supports the continued use of regular mail as the secondary option for persons interested in public meetings, and would like to add an option to use voice mail or Interactive Voice Response telephone systems that could also provide the same information in an emergency where the Internet was not available such as the power outage of October 2006.

Thank you for the opportunity to present testimony on the bill.

Date of Hearing: Tuesday, February 23, 2010

Committee: Senate Committee on Judiciary and
Government Operations

Written Comments

Agency: Garrett Toguchi, Chairperson, Board of Education

Title of Bill: S.B. No. 2617, Relating to Public Agency Meetings

Purpose of Bill: Requires boards to maintain in electronic and postal form, the addresses of persons who request notification of meetings. States that if no electronic mail address is listed, a copy of the meeting notice shall be mailed to the person at the person's last recorded postal address no later than the time the agenda is filed under the notice requirements of Subsection 92-7(b), Hawaii Revised Statutes. Specifies that upon request, minutes that have become public record may be electronically mailed to the requestor, or if the requestor does not have an electronic mail address, the minutes may be mailed to the requestor at the requestor's last recorded postal address.

Board's Position: Chairperson Taniguchi, Vice Chairperson Takamine, and members of the Senate Committee on Judiciary and Government Operations, thank you for the opportunity to submit written comments on S.B. No. 2617.

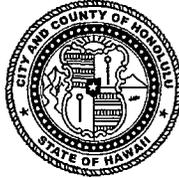
The Board of Education (Board) supports this bill, as this bill expands the options of transmitting meeting notices and minutes to requestors, to include the transmittal of these documents by electronic mail.

Thank you for the opportunity to provide written comments on this measure.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



DAVID K. TANOUE
DIRECTOR
ROBERT M. SUMITOMO
DEPUTY DIRECTOR

February 23, 2010

The Honorable Brian T. Taniguchi, Chair
and Members of the Committee on Judiciary
and Government Operations
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Taniguchi and Members:

**Subject: Senate Bill No. 2617
Relating to Public Agency Meetings**

The Department of Planning and Permitting **supports** Senate Bill No. 2617, which allows notices and minutes of public meetings to be transmitted electronically.

Our department holds many public meetings and hearings each year. Rising postal charges and expanding public interest in participating in these meetings makes it increasingly challenging to cover the cost of postal mailings, which includes the cost of paper and reproduction. In contrast, electronic service not only saves our staffing, postage and supply costs, but provides faster service to the public. This is a "win-win" proposal.

Accordingly, we respectfully request that Senate Bill No. 2617 be adopted.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "David K. Tanoue".

David K. Tanoue, Director
Department of Planning and Permitting

DKT: jmf
sb2617-ks.doc

Council Chair
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February 22, 2010

TO: The Honorable Brian T. Taniguchi, Chair
Senate Committee on Judiciary and Government Operations

FROM: Danny A. Mateo
Council Chair

SUBJECT: **HEARING OF FEBRUARY 23, 2010; TESTIMONY IN SUPPORT OF SB 2617,
RELATING TO PUBLIC AGENCY MEETINGS**

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to allow for notification of meetings and transmittal of meeting minutes by electronic mail.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. This measure makes good common sense. It will reduce the costs associated with the reproduction of documents, staff time, and unnecessary waste.
2. The measure is a step forward in the movement for government agencies to become "paperless", providing numerous benefits to citizens, and the environment.
3. Because e-mail can be almost instant communication and mail by post is usually not received for a couple of days, concerned citizens will receive notice of important public meetings in a more timely manner, enabling them to make arrangements to participate in the government process.

For the foregoing reasons, I support this measure.

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February 20, 2010

The Honorable Brian Taniguchi

The Senate Committee on Judiciary and Government Operation

Testimony in support of SB 2617

Aloha Senator Taniguchi and Members of the Committee,

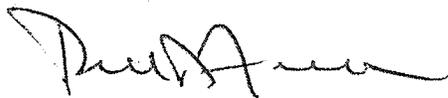
May I offer my strong support for SB 2617.

Over the past year I have been serving as a member of the Neighborhood Commission Budget Committee. One of the major areas we addressed was the huge USPS bill to mail agendas to our neighbors. We estimated that the City of Honolulu could save around \$38,000 by transmitting agendas to our neighbors with e-mail addresses. For those without an e-mail address we will of course use USPS to send them a requested agenda.

This bill also supports reduction in energy consumption (to reproduce the agendas), reduction in waste sent to our dumps after these agendas are thrown away and manpower in the Neighborhood Commission Office to be redirected to the core services for the Neighborhood Boards instead of endless hours printing, addressing and mailing agendas.

The ability to save \$38,000 in postage may seem tiny in comparison to the State and County Budgets but this is truly a great first step to reduce spending and lighten the load on the taxpayer.

Mahalo for your support on this issue,



Robert J. Finley

Member Honolulu Neighborhood Commission

923-5482

cc: NCO