

Honolulu, Hawaii

April 26, 2013RE: H.B. No. 632
H.D. 2
S.D. 2
C.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 632, H.D. 2, S.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose and intent of this measure is to require executive departments to share data with the public.

Specifically, this measure:

- (1) Requires executive departments to use reasonable efforts to make appropriate and existing electronic data sets available to the public through the State's open data portal;
- (2) Absolves the State of liability for deficient or inaccurate information contained in the data sets, except



for instances involving gross negligence, wilful and wanton misconduct, or intentional misconduct;

- (3) Authorizes the Chief Information Officer to license the data sets that are on the open data website to third parties to copy, display, distribute, or create derivative works;
- (4) Requires the Chief Information Officer to establish data set policies and procedures; and
- (5) Appropriates unspecified funds for the establishment of positions to promote open data and for open data coordinators for departments and agencies.

Your Committee on Conference has amended this measure by:

- (1) Specifying that this Act is not intended to limit or expand a person's ability to access a public record under Chapter 92F, Hawaii Revised Statutes;
- (2) Amending the definition of "data set" to exclude any data that is protected from disclosure under applicable federal or state law, or contract, or data that is proprietary;
- (3) Deleting the definition of "open data";
- (4) Specifying that disclosure of a data set shall be consistent with Chapter 92F, Hawaii Revised Statutes, and other state and federal laws related to security and privacy;
- (5) Specifying that standards to determine which data sets are appropriate for online disclosure developed by the Chief Information Officer and Office of Information Practices shall not require departments to post information that is otherwise required to be disclosed under Chapter 92F, Hawaii Revised Statutes, but is personally identifiable information that may pose a personal or public security risk, is of minimal public interest, or is otherwise inappropriate for online disclosure as part of a data set;
- (6) Inserting an appropriation amount of \$100,000 for fiscal years 2013-2014 and 2014-2015 for the Office of Information Practices to establish one full-time



equivalent position to promote open data pursuant to this Act;

- (7) Deleting language appropriating funds for departments and agencies to provide open data coordinators;
- (8) Changing the effective date of this measure to July 1, 2013; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 632, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 632, H.D. 2, S.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

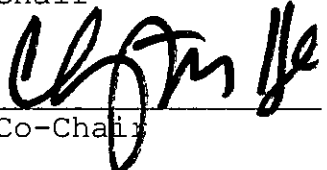
ON THE PART OF THE HOUSE



GLENN WAKAI, Chair



ANGUS L.K. MCKELVEY, Co-Chair



CLAYTON HEE, Co-Chair



CLIFT TSUJI, Co-Chair



SUZANNE CHUN OAKLAND, Co-Chair



TY J.K. CULLEN, Co-Chair

Hawaii State Legislature
**Record of Votes of a
 Conference Committee**

Bill / Concurrent Resolution No.: HB 632, HD 2, SD 2	Date/Time: <i>01/26/13 12:55</i>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
WAKAI, Glenn, Chr.	<input checked="" type="checkbox"/>				MCKELVEY, Angus L.K., Co-Chr.	<input checked="" type="checkbox"/>			
HEE, Clayton, Co-Chr.				<input checked="" type="checkbox"/>	TSUJI, Clift, Co-Chr.	<input checked="" type="checkbox"/>			
CHUN OAKLAND, Suzanne, Co-Chr.	<input checked="" type="checkbox"/>				CULLEN, Ty J.K., Co-Chr.	<input checked="" type="checkbox"/>			
IHARA, Les, Jr.	<input checked="" type="checkbox"/>				BROWER, Tom	<input checked="" type="checkbox"/>			
SLOM, Sam				<input checked="" type="checkbox"/>	MCDERMOTT, Bob				<input checked="" type="checkbox"/>
TOTAL	3	0	0	2	TOTAL	4			1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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