

Honolulu, Hawaii

February 15, 2013

RE: H.B. No. 632  
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 632, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to make state government more open and transparent by, among other things:

- (1) Requiring all executive branch departments to make appropriate and existing electronic data sets maintained by the departments available to the public;
- (2) Absolving the State from liability for certain deficiencies or incomplete data;
- (3) Requiring the Chief Information Officer, in consultation with the Office of Information Practices, to adopt rules to make data sets available to the public; and
- (4) Appropriating an unspecified sum to the Office of Information practices to establish an unspecified number of full time employee positions to promote open data, and to the Department of Accounting and General Services for departments and agencies to provide open data coordinators.



Hawaii Health Information Corporation, Hawaii Open Data, and numerous individuals supported this measure. A concerned individual opposed this measure. The Department of Public Safety, Office of Information Management and Technology, Department of Accounting and General Services, and Office of Information Practices provided comments.

Your Committee has amended this measure by:

- (1) Revising the preamble to clarify the intent of the measure;
- (2) Providing that departments are not required to make datasets available upon demand;
- (3) Adding restrictions to the disclosure of protected data and licensed data;
- (4) Clarifying the definition of "open data";
- (5) Eliminating the requirement that the Chief Information Officer, in consultation with the Office of Information Practices, adopt rules, and instead requiring the adoption of adopt policies and procedures including technical requirements and guidelines;
- (6) Expanding the purpose of the departments' appropriations; and
- (7) Making technical, nonsubstantive amendments for style, clarity, and consistency.

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 H.B. No. 632, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 632, H.D. 2.



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

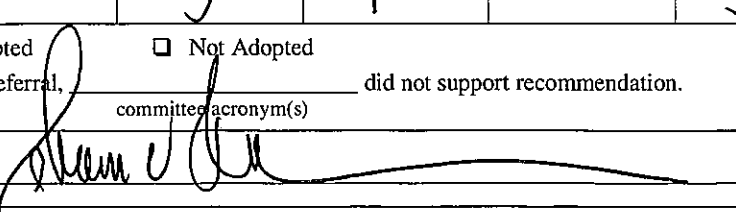
*Karl Rhoads*

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KARL RHOADS, Chair



**Record of Votes of the Committee on Judiciary**

<b>Bill/Resolution No.:</b> HB 632, HPI	<b>Committee Referral:</b> CPC, JUD, FIN	<b>Date:</b> 2/14/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	X			
2. HAR, Sharon E. (VC)	X			
3. BELATTI, Della Au	X			
4. BROWER, Tom	X			
5. CABANILLA, Rida T.R.	X			
6. CARROLL, Mele	X			
7. ITO, Ken				X
8. KAWAKAMI, Derek S.K.				X
9. LEE, Chris	X			
10. TSUJI, Clift	X			
11. WOOLEY, Jessica	X			
12. MCDERMOTT, Bob		X		
13. THIELEN, Cynthia				X
<b>TOTAL (13)</b>	9	1		3
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
<b>Vice Chair's or designee's signature:</b> _____ 				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				