

LINDA LINGLE  
GOVERNOR



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Testimony of  
**Linda L. Smith**  
Senior Policy Advisor to the Governor

Before the  
**SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS**  
Tuesday, February 10, 2009, 9:00 a.m.  
Room 016, State Capitol

**SENATE BILL 906 RELATING TO PUBLIC MEETINGS**

Chair Taniguchi, Vice-Chair Takamine, and members of the Committee. Thank you for the opportunity to testify in strong support of Senate Bill 906, Relating to Public Meetings, an administration proposal that expands the use of available interactive conference technology to more efficiently and effectively facilitate State board or commission public meetings.

Specifically, Senate Bill 906 establishes and defines the term "interactive conference technology." This definition is purposefully broad to address today's available communications capabilities and to be receptive to future evolution of conference technology. The term is applied to the appropriate section, thereby giving State boards and commissions the option to utilize these technologies to facilitate their public meetings. Furthermore, in keeping with the purpose of the Sunshine Law, the bill sets specific criteria under which audio only communication can be used.

As recently as December 12, 2008, the Star-Bulletin ran a story on the Hawaii Tourism Authority's inability to maintain quorum due to heavy rains that kept board members from making the meeting. As a result, the decision to release \$1.6 million in additional marketing funds to aid the tourism industry was delayed until January 22nd. Such instances can be avoided through the enactment of this bill.

In these tough economic times, this bill can defray travel and time costs incurred by the members of the board or commission as well as those members of the public who choose to participate in the deliberative and decision making process.

Your consideration of this Administration proposal is appreciated. Thank you for the opportunity to testify in strong support of Senate Bill 906.

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
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To: Senate Committee on Judiciary and Government Operations

From: Paul T. Tsukiyama, Director

Date: February 10, 2009, 9:00 a.m.  
State Capitol, Room 016

Re: Testimony on S.B. No. 906  
Relating to Public Meetings.

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Thank you for the opportunity to submit testimony on S.B. No. 906. The Office of Information Practices (“OIP”) offers the following comment on the proposed amendments to the videoconferencing section under the State’s public agency meetings law, part I of chapter 92, Hawaii Revised Statutes (“HRS”) (the “Sunshine Law”). OIP is charged with administration of the Sunshine Law, which includes advising all government boards and the public about compliance with the Sunshine Law and receiving and resolving complaints.

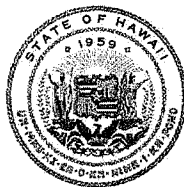
Videoconferencing in general benefits boards by reducing costs and helping boards to make quorum. It also benefits the public by often providing easier access to a meeting site. For boards that utilize this provision for board members on different islands, it offers the public access to a meeting that it might not otherwise have. The statute currently requires that a system be used that provides both video and audio interaction.

This bill would expand the videoconference provision to allow boards to hold meetings by audio conference technology alone. We note that this would eliminate

the public's ability to visually observe the members of a board who participate by audio conference technology and to visually witness the interaction between board members. However, we do note that by amendment in 2006 the statute currently provides that if video communication is lost, the meeting may continue by audio communication alone if all visual aids have been provided to all meeting participants or can be readily transmitted within 15 minutes. Under this bill, boards would be given the discretion to notice and hold the entire meeting by audio conference alone under these same conditions.

This amendment would provide boards more flexibility because it is more difficult to obtain and arrange access to videoconferencing sites and equipment. This is especially true for neighbor island boards or smaller boards that may have more limited access to videoconferencing facilities or support.

Thank you for the opportunity to testify.



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
919 ALA MOANA BOULEVARD, ROOM 113  
HONOLULU, HAWAII 96814  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543  
February 10, 2009

The Honorable Brian T. Taniguchi Chair  
Senate Committee on Judiciary  
and Government Operations  
Twenty-Fifth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Senator Taniguchi and Members of the Committee:

**SUBJECT: SB 906 - RELATING TO PUBLIC MEETINGS**

The position and views expressed in this testimony do not represent nor reflect the position and views of the Department of Health.

The State Council on Developmental Disabilities **SUPPORTS SB 906**. The purpose of the bill is to expand the ability of a board or commission to facilitate public meetings through available interactive conferencing technology.

The ability to conduct our Council meetings through available interactive conferencing technology would allow us another alternative in conducting meetings. Current Hawaii Revised Statutes is restrictive by requiring both audio and visual technology.

The Council is comprised of 28 Governor-appointed members of whom six are from the Neighbor Islands. Two of our members require assistance to attend Council meetings that are held every other month (six times a year). A total of eight individuals travel to Oahu from Kauai, Hawaii, and Maui every other month for the meetings. Two members travel more frequently for other Council committee meetings. The average cost for travel (air and ground transportation), car rental, parking, and personal assistance services is approximately \$1,440 per meeting. A minimum of \$8,640 is spent for Neighbor Island Council members to attend Council meetings.

The Honorable Brian T. Taniguchi  
Page 2  
February 10, 2009

The savings incurred from using interactive conferencing technology could be redirected to other program services. Equally important from the travel costs is the time involved for Council members to spend on the road to get to the airport and air travel time to get to Honolulu. This alternative would also result in savings on time and travel for Council members and increase overall efficiency in our deliberations and decision-making process.

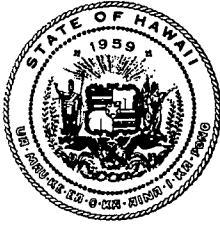
As part of the Council's cost cutting measures, staff from the Neighbor Islands have not been able to attend Council meetings since September 2008. The use of interactive conferencing technology would allow them and the public on the Neighbor Islands to participate in Council meetings. Currently, since meetings are on Oahu, the public is limited in its participation from the Neighbor Islands.

Thank you for the opportunity to present testimony in support of SB 906.

Sincerely,



Waynette K.Y. Cabral  
Executive Administrator



## DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814  
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

February 10, 2009

### TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

#### Senate Bill 906 – Relating to Public Meetings

The Disability and Communication Access Board (DCAB) is a statewide board with seventeen (17) members appointed by the Governor, thirteen (13) of whom are persons with disabilities or family members. The Board's mission is to advocate and promote full inclusion, independence, equal access, and quality of life for persons with disabilities in society. This testimony represents a position voted upon by the Legislative Committee of the Board.

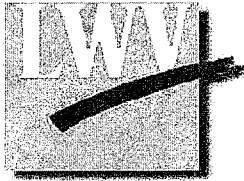
DCAB supports this bill, as it will greatly enhance our ability to conduct meetings with Board members from the neighbor islands. In particular, we have Board members with disabilities whose participation is limited by the difficulty in traveling due to their disability. Current law is very restrictive and we feel that this bill will provide more flexibility and options.

Thank you for the opportunity to testify on this important matter.

Respectfully submitted,

CHARLES W. FLEMING  
Chairperson

FRANCINE WAI  
Executive Director



# THE LEAGUE OF WOMEN VOTERS OF HAWAII

## TESTIMONY ON SB 906 RELATING TO PUBLIC MEETINGS

Committee on Judiciary and Government Operations  
Tuesday, February 10, 2009  
9:00 am Conference Room 016

Testifier: JoAnn Maruoka, Legislative Team Member, LWV-HI

Chair Taniguchi, Vice Chair Takamine, and members,

The League of Women Voters supports the intent of SB 906 to expand the permitted method of facilitating meetings of boards and commissions subject to the "Sunshine Law" to available "interactive conference technology," meaning any form of audio and visual conference technology (viz., teleconferencing, videoconferencing, and voice over Internet protocol).

We recognize the significant challenges of cost and distance in conducting business on behalf of our island State. It is sound to expand the options for meetings that also allows for future technology insertion. However, we want to stress the importance of ensuring that such meetings be audible to the public at the location specified in the noticed meeting; and of course, comply with all other requirements of open meetings laws.

Thank you for this opportunity to testify on SB 906.