

S.B. NO. 2710

JAN 25 2010

A BILL FOR AN ACT

RELATING TO BOARD MEETINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 92-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§92-2 Definitions.** As used in this part:

4 (1) "Board" means any agency, board, commission,
5 authority, or committee of the State or its political
6 subdivisions which is created by constitution,
7 statute, rule, or executive order, to have
8 supervision, control, jurisdiction or advisory power
9 over specific matters and which is required to conduct
10 meetings and to take official actions.

11 (2) "Chance meeting" means a social or informal assemblage
12 of two or more members at which matters relating to
13 official business are not discussed.

14 (3) "Interactive conference technology" means any form of
15 audio or audio and visual conference technology,
16 including teleconference, videoconference, and voice
17 over internet protocol, that facilitates interaction
18 between the public and board members.

S.B. NO. 2710

1 ~~[-(3)-]~~ (4) "Meeting" means the convening of a board for
2 which a quorum is required in order to make a decision
3 or to deliberate toward a decision upon a matter over
4 which the board has supervision, control,
5 jurisdiction, or advisory power."

6 SECTION 2. Section 92-3.5, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§92-3.5 Meeting by [videoconference,] interactive**
9 **conference technology; notice; quorum.** (a) A board may hold a
10 meeting by ~~[videoconference,]~~ interactive conference technology;
11 provided that the ~~[videoconference system]~~ interactive
12 conference technology used by the board ~~[shall allow both]~~
13 allows audio or audio and visual interaction between all members
14 of the board participating in the meeting and the public
15 attending the meeting~~[, at any videoconference location]~~ at the
16 location identified in the notice required by section 92-7,
17 connected by the interactive conference technology. The notice
18 required by section 92-7 shall specify all locations at which
19 board members will be physically present-~~[during a~~
20 ~~videoconference meeting. The notice shall also specify that the~~
21 ~~public may attend the meeting at any of the specified~~

S.B. NO. 2710

1 ~~locations.] , as well as where the public is to meet to~~
2 participate in the meeting by interactive conference technology.

3 (b) Any board member participating in a meeting by
4 ~~[videoconference]~~ interactive conference technology shall be
5 considered present at the meeting for the purpose of determining
6 compliance with the quorum and voting requirements of the board.

7 (c) A meeting held by ~~[videoconference]~~ interactive
8 conference technology shall be terminated ~~[if, after the meeting~~
9 ~~convenes, both the]~~ when audio ~~[and video]~~ communication cannot
10 be maintained with all locations where the meeting by
11 interactive conference technology is being held, even if a
12 quorum of the board is physically present in one location~~[+~~
13 ~~provided that a meeting may be continued by audio communication~~
14 ~~alone, if:] . Meetings conducted by interactive conference~~
15 technology by means of audio communication only may be held if:

16 (1) All visual aids required by, or brought to the meeting
17 by board members or members of the public have already
18 been provided to all meeting participants at all
19 ~~[videoconference]~~ noticed locations ~~[where the meeting~~
20 ~~is held]; or~~

21 (2) ~~[Participants are able to readily transmit visual]~~
22 Visual aids can be transmitted by some ~~[other]~~ means

S.B. NO. 2710

1 (e.g., fax copies, electronic mail), to all [~~other~~
 2 ~~meeting participants at all other videoconference]~~
 3 locations where the meeting is being held within
 4 fifteen minutes. If copies of visual aids are not
 5 available to all meeting participants at all
 6 [~~videoconference]~~ locations where the meeting is being
 7 held, those agenda items related to [~~the~~] those visual
 8 aids shall be deferred until the next meeting[~~, and~~
 9 ~~(3) No more than fifteen minutes shall elapse in~~
 10 ~~implementing the requirements listed in paragraph~~
 11 ~~(2)~~]."

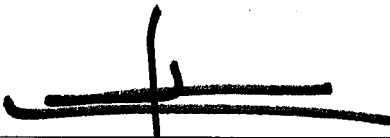
12 SECTION 3: Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

15

16

INTRODUCED BY:



A handwritten signature in black ink, consisting of a large, stylized 'J' or 'L' shape with a horizontal line extending to the right, crossing over a horizontal line that serves as a signature line.

17

BY REQUEST

Report Title:

Sunshine Law; Testimony; Quorum; Meetings

Description:

Expands the ability of a board or commission to facilitate public meetings through available interactive conferencing technology.

SB. NO. 2710

JUSTIFICATION SHEET

DEPARTMENT: Office of the Governor

TITLE: A BILL FOR AN ACT RELATING TO BOARD MEETINGS.

PURPOSE: To expand the permitted method of facilitating meetings for members of boards and commissions subject to the "Sunshine Law," part I of chapter 92, Hawaii Revised Statutes (HRS), to include interactive forms of conference technology, including teleconferencing, videoconferencing, and voice over Internet protocol.

MEANS: Amend sections 92-2 and 92-3.5, HRS.

JUSTIFICATION: State boards and commissions face significant fiscal and geographical challenges to conducting business on behalf of the State. Many boards find that the distance and cost of travel between islands make it difficult to reach a quorum.

There exist technologies that address these challenges; however, the HRS currently limits use of technology to videoconferencing. Use of this technology comes with strict guidelines—specifically, the technology used must allow both audio and visual interaction between the members of the board and the public.

This bill proposes to amend section 92-2 by adding a definition for the term "interactive conference technology". It is defined as any form of audio or audio and visual conference technology. It is broadly defined to address today's available communications capabilities and to be receptive to future evolution of conference technology.

This bill also amends section 92-3.5 by inserting "interactive conference

technology" in this section, allowing for audio or audio and visual interaction between board members and the public.

Impact on the public: The amendment will enable all members of the public who serve on boards and commissions as part of their civic participation, irrespective of physical presence, to participate in the deliberative and decision-making processes of state boards and commissions. It will also help defray travel and time costs incurred by members of the public, and ensure open and transparent interaction between the board and members of the public.

Impact on the department and other agencies: The amendment will authorize boards and commissions to use interactive conference technology to conduct their meetings, which will result in savings on time and travel costs, as well as increased efficiency in the board's deliberation and decision making process.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: All state and county boards and commissions.

EFFECTIVE DATE: Upon approval.