



GOV. MSG. NO. 526

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

April 25, 2010

The Honorable Colleen Hanabusa, President
And Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: Senate Bill No. 2121

On April 28, 2010, I intend to allow Senate Bill No. 2121, entitled "A Bill for an Act Relating to The Early Learning Council" to become law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to allow the Early Learning Council to conduct meetings by teleconference and sets quorum requirements, public notice requirements, and public participation requirements for teleconference meetings.

This legislative session I introduced Senate Bill No. 2710 and House Bill No. 2557 which would have allowed all boards and commissions to use various forms of audio or audio and visual conference technology, such as teleconference, videoconference, and voice over internet protocol, to facilitate meetings between board members and the public. I believe that expanding the use of available technology by all boards and commissions will increase efficiency in their deliberations and decision making, enhance public access to these deliberations, and reduce administrative costs for travel and meeting expenses.

However, I am concerned that this measure's scope and applicability is too narrow because it only allows one specific entity to use teleconferencing to conduct meetings. The measure fails to explain why this Council's needs are different from other Boards, Commissions and Councils in the State. The legislation fails to provide a rationale as to why it should be held under a different standard than what is applicable to all other boards and commissions that must adhere to the Sunshine Law.

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I urge the Legislature to amend this Act in the next Legislative session to allow all boards and commissions to meet by teleconference, video conference, and voice over internet protocol, or equivalent electronic method.

For the foregoing reasons, I intend to allow Senate Bill No. 2121 to become law as Act 63, effective April 28, 2010, without my signature.

Sincerely,



LINDA LINGLE

JAN 20 2010

A BILL FOR AN ACT

RELATING TO THE EARLY LEARNING COUNCIL.

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

1 SECTION 1. Chapter 302L, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§302L- Council meetings by teleconference. (a)
5 Notwithstanding any law to contrary, the council may meet by
6 teleconference.

7 (b) Each member of the council participating in a meeting
8 by teleconference shall be considered present at the meeting for
9 purposes of determining quorum and participating in all
10 proceedings.

11 (c) A meeting by teleconference:
12 (1) Need not have a quorum present at any one location;
13 and
14 (2) Is subject to the notice requirements applicable to
15 other council meetings.

16 (d) The notice of each teleconference meeting shall
17 specify all physical locations from which members of the council



1 will participate. The notice shall also specify the physical
2 location from which the presiding officer of the council will
3 preside. All physical teleconference locations shall be open to
4 the public during the open portion of the meeting.

5 (e) Council materials that are to be considered at the
6 meeting shall be made available at all physical teleconference
7 locations.

8 (f) Each part of the teleconference meeting that is
9 required to be open to the public shall be audible to the public
10 at each physical location specified in the notice of the
11 meeting.

12 (g) Except when voice votes are authorized, the vote shall
13 be conducted in such a manner that the public may know the vote
14 of each person entitled to vote. The vote at a meeting held by
15 teleconference shall be taken by roll call.

16 (h) The public shall be allowed to participate and speak
17 at a meeting conducted by teleconference in the same manner and
18 to the same extent that the public is allowed to participate and
19 speak at each physical site of the meeting."

20 SECTION 2. New statutory material is underscored.

21



1 SECTION 3. This Act shall take effect upon its approval.

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APPROVED this day of , 2010

GOVERNOR OF THE STATE OF HAWAII