

H.B. NO. 1088

A BILL FOR AN ACT

RELATING TO PUBLIC MEETINGS.

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

1 SECTION 1. Section 92-2, Hawaii Revised Statutes, is
2 amended by adding a new definition to read as follows:

3 "(4) "Interactive conference technology" means any form of
4 audio or audio and visual conference technology, including
5 teleconference, videoconference, and voice over Internet
6 protocol, that facilitates interaction between the public and
7 board members."

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

10 "**§92-3.5 Meeting by [~~videoconference,]~~ interactive**
11 **conference technology; notice; quorum.** (a) A board may hold a
12 meeting by [~~videoconference,]~~ interactive conference technology;
13 provided that the [~~videoconference system]~~ interactive
14 conference technology used by the board [~~shall allow both]~~
15 allows audio [~~and]~~ or audio and visual interaction between all
16 members of the board participating in the meeting and the public
17 attending the meeting, at [~~any videoconference]~~ a noticed
18 meeting location connected by the interactive conference

1 technology. The notice required by section 92-7 shall specify
2 all locations at which board members will be physically present
3 ~~[during a videoconference meeting]~~, and interactive conference
4 technology is available to the public. The notice shall also
5 specify that the public may attend the meeting at any of the
6 specified locations.

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

11 (c) A meeting held by ~~[videoconference]~~ interactive
12 conference technology shall be terminated if, after the meeting
13 convenes~~[, both]~~ the audio ~~[and video]~~ communication cannot be
14 maintained with all locations where the meeting is being held,
15 even if a quorum of the board is physically present in one
16 location~~[, provided that a meeting may be continued by audio~~
17 ~~communication alone, if+]~~. Proceeding with a meeting by audio
18 communication only is contingent upon the following criteria
19 being met:

20 (1) All visual aids required by, or brought to the
21 meeting by board members or members of the public have
22 already been provided to all meeting participants at

H.B. NO. 1088

1 all [~~videoconference~~] noticed locations where the
2 meeting is held; or

3 (2) Participants are able to readily transmit visual
4 aids by some other means (e.g., fax copies), to all
5 other meeting participants at all [~~other~~
6 ~~videoconference~~] noticed meeting locations [~~where the~~
7 ~~meeting is held~~]. If copies of visual aids are not
8 available to all meeting participants at all
9 [~~videoconference~~] noticed meeting locations [~~where the~~
10 ~~meeting is held~~], those agenda items related to [~~the~~
11 these visual aids shall be deferred until the next
12 meeting; and

13 (3) No more than fifteen minutes shall elapse in
14 implementing the requirements listed in paragraph
15 (2)."

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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

19
20 INTRODUCED BY: Celvin K. Day
21 BY REQUEST

JAN 26 2009

Report Title:

Sunshine Law; Testimony; Quorum; Meetings

Description:

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

JUSTIFICATION SHEET

DEPARTMENT: OFFICE OF THE GOVERNOR

TITLE: A BILL FOR AN ACT RELATING TO PUBLIC 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 Hawaii Revised Statutes 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 and audio/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: LTG-105.

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

EFFECTIVE DATE: Upon approval.