

SB2710

SD1



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GOVERNOR
JAMES R. AIONA, JR.
LIEUTENANT GOVERNOR

STATE OF HAWAII
OFFICE OF THE LIEUTENANT GOVERNOR
OFFICE OF INFORMATION PRACTICES

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To: Senate Committee on Judiciary and Government Operations
From: Cathy L. Takase, Acting Director

Hearing: Tuesday, February 23, 2010, 10:00 a.m.
State Capitol, Room 016

Re: Testimony on S.B. No. 2710, SD1
Relating to Board Meetings

Thank you for the opportunity to submit testimony on S.B. No. 2710, SD1. 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.

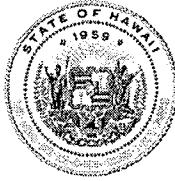
Videoconferencing in general benefits boards by reducing costs and helping boards to make quorum. It also benefits the public by often providing easier access to a meeting site. For boards that utilize this provision for board members on different islands, it offers the public access to a meeting that 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.

OIP understands that this bill 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.



LINDA LINGLE
GOVERNOR
JAMES R. AIONA, JR.
LT. GOVERNOR

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LAWRENCE M. REIFURTH
DIRECTOR
RONALD BOYER
DEPUTY DIRECTOR

TO THE SENATE COMMITTEE ON
JUDICIARY AND GOVERNMENT OPERATIONS

TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION, 2010

Tuesday, February 23, 2010
10:00 a.m.

**TESTIMONY ON SENATE BILL NO. 2710 SD1
RELATING TO BOARD MEETINGS.**

WRITTEN TESTIMONY ONLY

TO THE HONORABLE BRIAN TANIGUCHI, CHAIR, AND MEMBERS OF THE
COMMITTEE:

The Department of Commerce and Consumer Affairs (DCCA) appreciates the opportunity to testify in support of Senate Bill No. 2710 SD1, Relating to Board Meetings. My name is Lawrence M. Reifurth, and I am the Department's Director. Senate Bill No. 2710 SD1 proposes to expand the ability of a board or commission to facilitate public meetings through interactive conference technology. DCCA sees this bill as an opportunity to save costs, save time for board members, and provide greater accessibility to the public. DCCA, in recognition that this bill has the potential to eliminate face-to-face contact, offers a suggested amendment to ensure that the public is not left to figure out technology on their own at board meetings.

Cost Savings

DCCA has 25 attached boards with a total of 197 board member positions with 48 positions for the neighbor islands. 19 of these boards are required by statute to have members from the various islands.

DCCA's has significant annual costs related to the travel of board members to meetings. On average, DCCA pays for 400 roundtrips per year for board members to attend board meetings on other islands, primarily Oahu. With an estimated cost of \$200 per trip this totals \$80,000 per year. If DCCA's board members are able to use interactive conference technology, it could result in cost savings to DCCA and time and money earned savings for board members. These savings have a greater probability of realization if the board members can easily use the interactive conference technology in a convenient location.

Ease of Use

This measure would allow board members to use any form of audio or audio and visual conference technology, including teleconference, videoconference, and voice over internet protocol to attend board meetings. If board members are allowed to use interactive conference technology from a private location such as their offices or homes or cell phones there is a greater likelihood of adoption and corresponding savings.

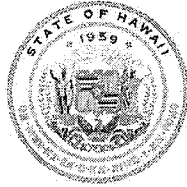
Board Meetings and Technology

An unlikely but potential scenario under this bill is the possibility that all board members may elect to attend a particular meeting via use of interactive conference technology. With the potential that the public may arrive at a noticed public location and

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February 23, 2010
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be faced with technology only, consideration should be given to adding language to the bill to require at least one staff or board member at each public location to assist the public with the technology. The Committee may also wish to consider requiring that, at minimum, the number of board members comprising a quorum of the board be present at the public location(s).

Thank you for the opportunity to present testimony on the bill.



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 23, 2010

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

Dear Senator Taniguchi and Members of the Committee:

SUBJECT: SB 2710 SD1 - RELATING TO BOARD 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 2710 SD1**. 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 are 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. Three of our members would require assistance to attend Council meetings that are held every other month (six times a year). A total of nine individuals would 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 \$1,590 per meeting. A minimum of \$9,540 would be spent for Neighbor Island Council members to attend Council meetings.

The Honorable Brian T. Taniguchi
Page 2
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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.

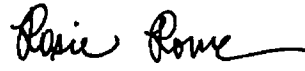
As part of the Council's cost cutting measures, staff from the Neighbor Islands have not been able to attend Council meetings since September 2008. The use of interactive conferencing technology would allow them and the public on the Neighbor Islands to participate in Council meetings. Currently, since 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 2710 SD1.

Sincerely,



Waynette K.Y. Cabral
Executive Administrator



Rosie Rowe
Chair

LINDA LINGLE
GOVERNOR



LILLIAN B. KOLLER, ESQ.
DIRECTOR
HENRY OLIVA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 23, 2010

MEMORANDUM

TO: The Honorable Brian T. Taniguchi, Chair
Senate Committee on Judiciary and Government Operations

FROM: Lillian B. Koller, Director

SUBJECT: **S.B. 2710, S.D. 1 – RELATING TO BOARD MEETINGS**

Hearing: Tuesday, February 23, 2010; 10:00 a.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of S.B. 2710, S.D. 1 is to allow interactive forms of conference technology as a permitted method of facilitating meetings for boards and commissions.

DEPARTMENT'S POSITION: The Department of Human Services strongly supports this Administration-sponsored bill which would create a more cost effective and accessible method to allow for participation in board and commission meetings for members as well as the public who are located on the Neighbor Islands.

Thank you for the opportunity to provide comments on this bill.

Date of Hearing: Tuesday, February 23, 2010

Committee: Senate Committee on Judiciary and
Government Operations

Written Comments

Agency: Garrett Toguchi, Chairperson, Board of Education

Title of Bill: S.B. No. 2710, S.D. 1, Relating to Board Meetings

Purpose of Bill: Expands the permitted method of facilitating meetings for members of boards and commissions subject to the Sunshine Law (Chapter 92, Hawaii Revised Statutes), to include interactive conference technology, or any form of audio or audio and visual conference technology, including teleconference, videoconference, and voice over Internet protocol, that facilitates interaction between the public and board members.

Board's Position: Chairperson Taniguchi, Vice Chairperson Takamine, and members of the Senate Committee on Judiciary and Government Operations, thank you for the opportunity to comment on S.B. No. 2710, S.D. 1.

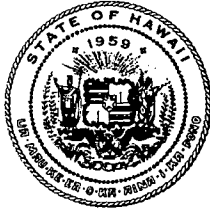
The Board of Education (Board) supports S.B. No. 2710, S.D. 1, as this bill will provide greater flexibility to the Board by allowing the use of interactive conference technology to hold meetings. Interactive conference technology will allow audio or audio and visual interaction between all members of the board participating in a meeting and the public attending the meeting at a location.

This bill will also allow boards to hold meetings by audio conference technology alone, rather than through a videoconference system that permits only both audio and visual interaction between all members of the board participating in the meeting and the public attending the meeting.

While interactive conference technology broadens the options allowed to boards to hold meetings, the Board believes that agencies must seek guidance from their technical support on the use and compatibility of the technologies. In addition, any technology must be in conformance with the technology use policies of their jurisdiction.

This bill will enable boards to expand greater public access to board meetings, defray travel costs, maximize the time of boards, and enable greater efficiencies in conducting board meetings.

For these reasons, the Board supports S.B. No. 2710, S.D. 1. Thank you for the opportunity to comment on this measure.



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 23, 2010

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senate Bill 2710, Senate Draft 1 – Relating to Board Meetings

The Disability and Communication Access Board (DCAB) supports Senate Bill 2710, Senate Draft 1 which expands the ability of a board or commission to facilitate public meetings through interactive technology.

DCAB is comprised of seventeen (17) Board members, nine (9) of whom are individuals with various types of disabilities or are parents or guardians of persons with disabilities. Three (3) of our Board members are neighbor island representatives. Board meetings are bimonthly. With current budget restrictions, this bill would allow use of interactive technology to conduct board meetings more cost effectively.

Although meetings may be conducted via the use of videoconferencing technology, use of equipment has been more limited due to current demand. Under provisions of this bill the option to use audio conferencing, instead of the requirement for use of both audio and visual conferencing, allows more flexibility in how meetings are conducted.

Thank you for the opportunity to testify.

Respectfully submitted,

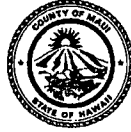
CHARLES W. FLEMING
Chairperson
Legislative Committee

FRANCINE WAI
Executive Director

Council Chair
Danny A. Mateo

Vice-Chair
Michael J. Molina

Council Members
Gladys C. Baisa
Jo Anne Johnson
Sol P. Kaho'ohalahala
Bill Kauakea Medeiros
Wayne K. Nishiki
Joseph Pontanilla
Michael P. Victorino



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
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WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

February 22, 2010

TO: The Honorable Brian T. Taniguchi, Chair
Senate Committee on Judiciary and Government Operations

FROM: Danny A. Mateo
Council Chair

SUBJECT: **HEARING OF FEBRUARY 23, 2010; TESTIMONY IN SUPPORT OF SB 2710,
SD1, RELATING TO BOARD MEETINGS**

Thank you for the opportunity to testify in support this important measure. The purpose of this measure is to expand the ability of a board or commission to facilitate public meetings through interactive conference technology.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. This measure will provide flexibility to boards, commissions, and committees to conduct business in a more efficient manner, enabling its members to carry out their fiduciary duties. Many boards, commissions, and committees in Maui County have difficulty securing quorum when members' physical presence is required. Although the use of video-conferencing technology is currently permitted to facilitate public meetings, such technology is not always readily available.
2. Allowing boards, commissions, and committees to hold public meetings with the use of interactive conference technology is of particular importance in Maui County since it is a County that is made up of three islands. This proposed change in the law may allow residents of other islands to serve on boards, commissions, or committees who may have otherwise hesitated to do so because of travel requirements and related costs.
3. Allowing the use of interactive conference technology to facilitate public meetings will ensure more meetings have quorum, reduce costs to taxpayers, and provide more comprehensive geographic representation on boards, commissions, and committees.

For the foregoing reasons, I support this measure.



American
Dental
Hygienists'
Association

1
HDHA Testimony
SB 2710 SD1

**THE SENATE
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010**

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

DATE: Tuesday, February 23, 2010
TIME: 10:00 a.m.
PLACE: Conference Room 016

**WRITTEN TESTIMONY
SUPPORTING SB2710 SD1**

To the Honorable Senator Taniguchi, Chair; the Honorable Senator Takamine, Vice Chair, and Distinguished Committee Members:

The Hawaii Dental Hygienists' Association (HDHA) offers testimony of support for SB 2710 SD1 that would expand the ability of a board or commission to facilitate public meetings through available interactive conferencing technology.

Please consider the following benefits that passage of SB 2710 SD1 would accomplish:

After initial installation costs for the equipment, this measure would save money for the state in travel expenses for boards or commissions that utilize members from neighbor islands, as does the Board of Dental Examiners utilizing three neighbor island dentist members in addition to five Oahu dentists.

It would also increase the likelihood of including qualified and willing persons from the neighbor islands, within both the professional and public sectors, to serve on boards and commissions, if heretofore, travel

expenditures had prevented the state from soliciting their participation. Currently on the Board of Dental Examiners, there is no provision for state funding of either of the two dental hygienists members, or either of the two public members, to hail from a neighbor island.

In addition, it would enable neighbor island members to participate on boards and commissions without making a significant commitment of time to travel to Honolulu several times per year, also increasing the likelihood of obtaining qualified and willing persons from the neighbor islands to serve in this capacity.

Thank you for this opportunity to offer supportive testimony for SB 2710 SD1 on behalf of the Hawaii Dental Hygienists' Association.

Marilyn Nonaka, RDH, BS, MS
Past President, Hawaii Dental Hygienists' Association
Member, 2010 HDHA Regulation & Practice Committee



**HAWAII
STRATEGIC
DEVELOPMENT
CORPORATION**

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Honolulu, Hawaii 96804
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Written Statement of
Karl Fooks
President
Hawaii Strategic Development Corporation

Before the
SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

February 23, 2010
10:00 AM
State Capitol, Conference Room 016

In consideration of

SB 2710 SD1 RELATING TO BOARD MEETINGS

Chair Taniguchi, Vice Chair Takamine and Members of the Committee:

Hawaii Strategic Development Corporation (HSDC) supports this bill if the suggested amendments are incorporated.

Achieving active participation and quorum for public board meetings is always a challenge as section 92 -3.5, as currently written, discourages the use of interactive conference technology and as a result board members need to be physically present to attend meetings.

This bill would enable board members to effectively use audio and video conferencing technologies to perform their board duties and increase their level of participation. Neighbor island board members will also be able to increase their participation on public boards without requiring the costs of time and money to travel to board meetings.

However, as currently drafted, there is a requirement to publicly disclose the physical location of all board meeting participants. This is unnecessary and will limit the effectiveness of this bill. Furthermore, the current draft calls for a termination of a board meeting if the audio connection can not be maintained, even if the connection is terminated voluntarily and a quorum for the meeting is still preserved. We respectfully propose the following amendments to address these concerns:

- Beginning on page 2, line 19, the second sentence of subsection 92-3.5(a) should be deleted in its entirety:

~~The notice required by section 92-7 shall specify all locations at which board members will be physically present during a videoconference meeting. The notice shall also specify that the public may attend the meeting at any of the~~

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

- Page 3, lines 8 to 15 should read as follows:

(c) A meeting held by ~~videoconference~~ interactive conference technology shall be terminated [~~if, after the meeting convenes, both the~~ when audio [~~and video~~] communication cannot be maintained with all locations where the meeting by interactive conference technology is being held~~;~~ ~~even if a quorum of the board is physically present in one location~~]; provided that a meeting may [~~be continued by audio communication alone, if~~] continue if the audio communication was voluntarily terminated by the member or members participating by interactive conference technology, and a quorum of the board remains present either physically or by interactive conference technology.

Thank you for the opportunity to submit testimony.