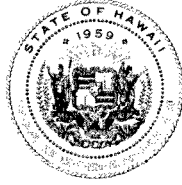


SB 2710

EDT



LINDA LINGLE
GOVERNOR

JAMES R. AIONA, JR.
LIEUTENANT GOVERNOR

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

NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
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E-MAIL: oiip@hawaii.gov
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CATHY L. TAKASE
ACTING DIRECTOR

To: Senate Committee on Economic Development & Technology
From: Cathy L. Takase, Acting Director

Hearing: Friday, February 5, 2010, 1:45 p.m.
State Capitol, Room 016

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

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

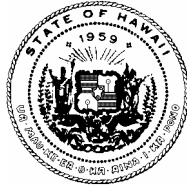
Videoconferencing in general benefits boards by reducing costs and helping boards to make quorum. It also benefits the public by often providing easier access to a meeting site. For boards that utilize this provision for board members on different islands, it offers the public access to a meeting that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



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

February 5, 2010

MEMORANDUM

TO: The Honorable Carol Fukunaga, Chair
Senate Committee on Economic Development and Technology

FROM: Lillian B. Koller, Director

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

Hearing: Friday, February 5, 2010; 1:45 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of S.B. 2710 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: Friday, February 5, 2010

Committee: Senate Committee on Economic
Development and Technology

WRITTEN TESTIMONY ONLY

Person Testifying: Garrett Toguchi, Chairperson, Board of Education

Title of Bill: S.B. No. 2710, 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 Fukunaga, Vice Chairperson Baker, and members of the Senate Committee on Economic Development and Technology, thank you for the opportunity to submit testimony on S.B. No. 2710.

The Board of Education (Board) supports this bill, as this bill would provide greater flexibility to the Board by allowing the use of interactive conference technology to hold meetings. Interactive conference technology would 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 would 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.

The Board recognizes the greater options offered through interactive conference technology, which would thereby 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. Thank you for the opportunity to testify on this measure.

WRITTEN TESTIMONY ONLY
from the
Hawaii State Council on Developmental Disabilities

Testifier's Name: Waynette Cabral

Position Title: Executive Administrator

Organization: Hawaii State Council on Developmental Disabilities

Day, Date, and Time of Hearing: Friday, February 5, 2010, 1:45 pm, Rm. 016

Measure Number: SB 2710 – RELATING TO BOARD MEETINGS

Name of Committee(s): Senate Economic Development & Technology (EDT)
Committee

Number of copies the Committee is requesting: 1 copy to Committee Clerk

Room Number: 216

E-mailed to: EDTTestimony@Capitol.hawaii.gov

<mailto:HUS testimony@Capitol.hawaii.gov>



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 5, 2010

The Honorable Carol Fukunaga, Chair
Senate Committee on Economic Development
& Technology
Twenty-Fifth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Senator Fukunaga and Members of the Committee:

SUBJECT: SB 2710 - 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**. 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. 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 Carol Fukunaga
Page 2
February 5, 2010

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.

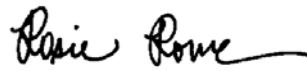
As part of the Council's cost cutting measures, staff from the Neighbor Islands have not been able to attend Council meetings since September 2008. The use of interactive conferencing technology would allow them and the public on the Neighbor Islands to participate in Council meetings. Currently, since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

Sincerely,



Waynette K.Y. Cabral
Executive Administrator



Rosie Rowe
Chair

Written Statement of
YUKA NAGASHIMA
Executive Director & CEO
High Technology Development Corporation
before the
SENATE COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY
Friday, February 5, 2010
1:45 PM
State Capitol, Conference Room 016

In consideration of
SB 2710 RELATING TO BOARD MEETINGS.

Chair Fukunaga, Vice Chair Baker, and Members of the Senate Committee on Economic Development and Technology.

The High Technology Development Corporation (HTDC) strongly supports SB 2710, which amends Section 92-2 of the Hawaii Revised Statutes by updating the terms under which technology can be utilized to hold board meetings.

Government should be a place where people can be brought together. It needs to be open and transparent. In the past, Section 92-2 of the Hawaii Revised Statutes presented language to protect the public from closed meetings; it is now time to update this language to keep up with the technological advancements. As the language is written now, the current law hinders, not enhances, the ability of the public to participate in debates and conversation that ought to be open. By making it easier to accommodate interactive conference technology, one can increase neighbor island participation and include private sector members who would like to serve the government as a board member, but have travel schedules that prevent them from regularly attending the meetings.

From a State agency perspective, the amendment is also very much welcomed because it means we are more likely to be able to achieve quorum, and it reduces the expense (as we are responsible for reimbursing travel expenditures of our board members).

One suggestion to the bill is to reexamine Section Two, part (c). It currently states that a meeting shall be terminated when audio communication cannot be maintained with all locations where the meeting is being held, even if a quorum of the board is physically present in one location. We would like specific language to state an exception to the clause, where if the audio participant specifically asks to be excused early, the meeting can continue, even if the communication is not maintained further. Such clarification should avoid unnecessary closure of the meeting, and allows the audio participants to not have to maintain the audio communication when they need to leave.

Thank you for the opportunity to submit testimony in support.



**HAWAII
STRATEGIC
DEVELOPMENT
CORPORATION**

No. 1 Capitol District Building
250 South Hotel Street, Suite 508
P.O. Box 2359
Honolulu, Hawaii 96804
Telephone: (808) 587-3830

Written Statement of
Karl Fooks
President
Hawaii Strategic Development Corporation

Before the
SENATE COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY

February 5, 2010
1:45 PM
State Capitol, Conference Room 016

In consideration of

SB 2710 RELATING TO BOARD MEETINGS

Chair Fukunaga, Vice Chair Baker and Members of the Committee:

Hawaii Strategic Development Corporation (HSDC) supports this bill and would like to provide an amendment.

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 participants 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, section 2 (c) of SB 2710 should be amended to allow meetings to continue if a remote participant voluntarily terminates their interactive connection and a quorum for the meeting is still present and connected. This is analogous to the current practice of board members arriving late or leaving early from a board meeting due to scheduling issues, but allowing the meeting to continue so long as quorum is maintained by the remaining participants.

Thank you for the opportunity to submit testimony.



THE SENATE
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010

COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY

Senator Carol Fukunaga, Chair
Senator Rosalyn H. Baker, Vice Chair

DATE: Friday, February 05, 2010
TIME: 1:45 p.m.
PLACE: Conference Room 016

Written Testimony in Support of SB 2710

To the Honorable Senator Fukunaga, Chair; the Honorable Senator Baker, Vice Chair, and Distinguished Committee Members:

The Hawaii Dental Hygienists' Association (HDHA) offers testimony of support for SB 2710 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 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 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

LATE

TO: COMMITTEE ON ECONOMIC DEVELOPMENT
AND TECHNOLOGY
Senator Carl Fukunaga, Chair
Senator Rosalyn H. Baker, Vice Chair

FROM: Eudice R. Schick
PABEA (Policy Advisory Board for Elder Affairs)

SUBJECT: SB 2710 Relating to Board Meetings

HEARING: Friday, February 5, 2010, 1:45 p.m. Rm. 016

POSITION: Support of SB 2710

I am offering testimony on behalf of PABEA, the Policy Advisory Board for Elder Affairs, which is an appointed Board tasked with advising the Executive Office on Aging (EOA). My testimony does not represent the views of the EOA but of the Board.

As the Chair of the Policy Advisory Board for Elder Affairs I am grateful for this Bill that now modernizes the methods in which we can communicate with our members and the public. We have members on the neighbor islands and the passage of SB2710 will allow them many more opportunities to participate in our meetings.

Please approve passage of SB2710.

Sincerely
Eudice R. Schick,
Chair PABEA

STATE OF HAWAII
OFFICE OF VETERANS SERVICES
TESTIMONY ON S.B. No. 2710, RELATING TO BOARD MEETINGS

FEBRUARY 5, 2010

Good afternoon Chair Carol Fukunaga, Vice-Chair Rosalyn Baker, and members of the Senate Committee on economic Development and Technology;

I am Mark Moses, Director of the Office of Veterans Services (OVS). I appreciate this opportunity to strongly support SB 2710, which expands the ability of boards and commissions to facilitate public meetings through available interactive conferencing technology.

The Advisory Board on Veterans Services has been using video conferencing technology to hold meetings, however because the videoconference centers are not available on their regular meeting date, they have changed meeting dates to accommodate when the centers are available. This action has frustrated members and the public who wish to attend or provide input at meetings. This bill will allow regular scheduled meetings, affording the public access to Board members so they can convey critical information concerning veterans issues.

The OVS support this measure as long as its implementation does not impact or replace the priorities set forth in the Executive Supplemental Budget for Fiscal Years 2010-2011.

Thank you for allowing me to present the Veterans' perspective on this issue. I will respond to any questions.



LATE


EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

MEMORANDUM

TO: The Honorable Carol Fukunaga, Chair
Senate Committee on Economic Development and Technology

FROM: Eric Caceres Barsatan 
Manager, State Boards and Commissions

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

**Hearing: Friday, February 5, 2010, 1:45 p.m.
Conference Room 016, State Capitol**

PURPOSE:

The purpose of S.B. 2710 is to allow interactive forms of conference technology such as teleconferencing, videoconferencing, and voice over internet protocol, as a permitted method of facilitating meetings for boards and commissions.

POSITION:

I strongly support this bill which will encourage all members of State Boards and Commissions to participate in the meetings. It will also defray travel and time cost incurred by the members. Furthermore, it will increase efficiency in the board's deliberation and decision making process.

Many departments and other agencies are currently facing budgetary constraints and this certainly will help the many State Boards and Commissions continue to do its business as intended by the laws that created them.