

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

ON THE FOLLOWING MEASURE:

H.B. NO. 2475, RELATING TO PUBLIC MEETINGS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Tuesday, February 7, 2012 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): David M. Louie, Attorney General, or
Charleen M. Aina, Deputy Attorney General

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General supports this bill.

The bill amends the State's Sunshine Law to allow board and commission meetings to be conducted by any form of conferencing technology that permits interaction by audio, or audio and visual means, as long as:

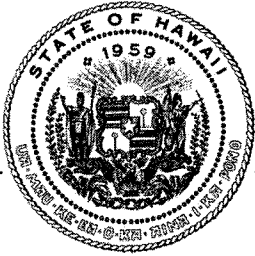
1. All members of a board and the public are **at least** able to interact with each other by audio communication; and
2. The public is given notice of all the locations at which board members will be participating in the meeting, **and** may join members to participate in the meeting at those locations.

The bill also specifies that an agenda item may **not** be considered if any meeting location is connected by audio only technology, and copies of all visual aids brought or used to consider an item on the agenda are not available at all meeting locations within fifteen minutes after audio only technology is being used.

The Administration proposed this measure to reduce the instances in which a board is unable to conduct business, and the public is foreclosed from participating in government for lack of a quorum. As volunteers, most members of state and county boards and commissions have obligations that from time to time prevent them from attending a board meeting. More often, however, travel time to and from a board meeting is what keeps them from attending a

meeting. This bill allows board members to participate in their board's meetings from locations closer to their homes, office, or where they may otherwise have to also be.

We respectfully request that the Committee pass this bill.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

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Statement of
RICHARD C. LIM
Director
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON JUDICIARY
Tuesday, February 7, 2012
2:00 PM
State Capitol, Conference Room 325

In consideration of
HB 2475
RELATING TO PUBLIC MEETINGS

Chair Keith-Agaran, Vice Chair Rhoads and Members of the House Committee on Judiciary.

The Department of Business, Economic Development, and Tourism (DBEDT) supports HB 2475, Relating to Public Meetings. The purpose of this measure is to use various forms of interactive conference technology in order to increase the ability of members of state and county boards and commissions to attend board meetings.

DBEDT and its neighbor island board members, in particular, would benefit from this bill. As most board members are volunteers and have other obligations that make demands on their time, this bill would allow members to attend their board meetings by either audio or audio and visual forms of communications when traveling proves to be difficult. Conducting board meetings using interactive conference technology will not only save on time but will also help to reduce expenses.

Thank you for the opportunity to testify on this measure.

NEIL ABERCROMBIE
GOVERNOR



SANJEEV "SONNY"
BHAGOWALIA
CHIEF INFORMATION
OFFICER

STATE OF HAWAII
OFFICE OF INFORMATION MANAGEMENT & TECHNOLOGY

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

TESTIMONY OF
SANJEEV "SONNY" BHAGOWALIA, CHIEF INFORMATION OFFICER
TO THE HOUSE COMMITTEE ON
JUDICIARY

Tuesday, February 7, 2012, 2:00 p.m.
State Capitol, Conference Room 325

WRITTEN TESTIMONY ONLY

H.B. 2475

RELATING TO PUBLIC MEETINGS

Chair Keith-Agaran, Vice Chair Rhodes, and members of the committee, thank you for the opportunity to testify on H.B. 2475.

The Office of Information Management and Technology (OIMT) supports and recommends passage of H.B. 2475.

The proposed measure allows members of state and county boards and commissions to attend meetings via use of interactive conference technology, which is in alignment with the information technology (IT) strategic plan currently under development. Leveraging existing and emerging technologies will encourage citizen engagement, promote government transparency, and increase efficiencies.

Board member participation via video or teleconferencing will help ease quorum requirements, reduce travel expenses and potentially allow for a larger diversity of members from across the state as travel requirements can be reduced or eliminated.

Allowing the public to join members at any location where interactive technology is available will also promote public participation as they may be located closer to where they work or reside.

Thank you for the opportunity to testify on this matter.

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: House Committee on Judiciary
From: Cheryl Kakazu Park, Director
Date: February 7, 2012, 2:30 p.m.
State Capitol, Room 325
Re: Testimony on H.B. No. 2475
Relating to Public Meetings

Thank you for the opportunity to submit testimony in support of H.B. No. 2475. The Office of Information Practices (“OIP”) is charged with administration of the State’s Sunshine Law (Part I of Chapter 92, Hawaii Revised Statutes) and offers the following comments to the proposed amendments to the videoconferencing section of the law.

OIP recognizes that videoconferencing benefits boards by reducing costs and helping boards to make quorum, and also benefits the public by often providing easier access to a meeting site. Videoconferencing is particularly useful for our island state, as this technology permits board members and members of the public to attend a meeting that would otherwise require the time, expense, and inconveniences of interisland travel. Since the last amendments in 2006 to the videoconferencing provisions of the Sunshine Law, new forms of technology and communication have continued to evolve.

This bill would expand the videoconference provision to allow boards to hold meetings by “interactive conference technology,” which is defined as “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.” Although the current statute requires both audio and visual interaction to start a meeting, it permits the meeting to 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, with the safeguard that agenda items for which visual aids were unavailable could be discussed but not acted upon.

This amendment would provide boards with more flexibility because it can be difficult, especially for neighbor island or smaller boards, to obtain and arrange access to videoconferencing sites, equipment, and support. This bill allows for the use of modern technology and forms of communication, such as voice over internet protocol, which may be more readily available and cost effective than older forms of conference technology. However, OIP would recommend that rather than including voice over internet protocol or other specific examples of permitted technology in the definition, the definition should simply read “any form of audio or audio and visual conference technology that facilitates interaction between the public and board members.” OIP believes that, as future audio or video conference technologies become available and perhaps replace voice over internet protocol as a common form, it will be clearer that these future technologies qualify as “interactive conference technology” if the statutory definition does not limit by specifying current technologies as examples of qualifying technologies.

By making it easier for boards to arrange for additional meeting sites, this bill could help to promote more open meetings and public participation in governmental discussions, deliberations, and decisions. Therefore, OIP supports this bill.



**HAWAII
STRATEGIC
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CORPORATION**

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Written Statement of

**KARL FOOKS
President**

Hawaii Strategic Development Corporation
before the

HOUSE COMMITTEE ON JUDICIARY

February 7, 2012

2:00 PM

State Capitol, Conference Room 325

In consideration of

HB 2475 RELATING TO PUBLIC MEETINGS.

Chair Gilbert S.C. Keith-Agaran, Vice Chair Karl Rhoads, and Members of the Committee on Judiciary:

The Hawaii Strategic Development Corporation (HSDC) respectfully submits comments in support of HB 2475, legislation to allow boards to conduct meetings at multiple locations via interactive conference technology.

This bill would enhance the ability of board members to attend board meetings and increase the level of oversight provided by the board. Many boards currently have difficulty scheduling board meetings because of the time and cost required for members to travel to a single site statewide.

However, this bill requires any site used by a board member to join a board meeting via interactive conference technology to be open to the public. This provision is similar to current requirements and is one of the main reasons why it is difficult to utilize interactive conference technology. Board members utilizing interactive conference technology to attend board meetings often use private facilities to do so and it is not feasible to require these sites to be open to the public.

Requiring the board to provide at least one site where the public may attend a board meeting via interactive conference technology is sufficient. If feasible, the board may provide multiple sites for public participation, but it is unworkable to require every site to be open to the public. Whether the public is physically at more than one site will not increase their participation, as it is unlikely they will be at every location. Similarly, if the public attends at only one location, they will not be disadvantaged as they will have the same access as any board member.

Thank you for the opportunity to submit testimony on this bill.

Written Statement of
YUKA NAGASHIMA
Executive Director & CEO
High Technology Development Corporation
before the
HOUSE COMMITTEE ON JUDICIARY
Tuesday, February 07, 2012
2:00 PM
State Capitol, Conference Room 325

In consideration of
HB 2475 RELATING TO PUBLIC MEETINGS.

Chair Keith-Agaran, Vice Chair Rhoads, and Members of the House Committee on
Judiciary:

The High Technology Development Corporation (HTDC) supports HB 2475 with requested amendments. HB 2475 allows board members to phone in to a board meeting held by teleconference provided that visual aids are provided beforehand and available to all participants in the meeting. Teleconference will make board meetings more economical, easier to convene, and likely increase participation.

The requested amendment is to remove from page (2) lines (16), (17), and (18) and revise lines (21) and (22) to read “and indicates the location(s) that members of the public may join board members.” The purpose for the requested change is to allow board members to participate from locations such as their office or home without making these locations available and open to the public.

Thank you for the opportunity to submit testimony on this bill.

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

"Building Better Communities"

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Universal Construction, Inc.

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W. Bruce Barrett

Castle & Cooke Homes Hawaii, Inc.

Testimony to the House Committee on Judiciary

Tuesday, February 7, 2012

2:00 p.m.

State Capitol, Room 325

RE: H.B. 2475, Relating to Public Meetings

Good morning Chair Keith-Agaran, Vice Chair Rhoads, and members of the committee:

My name is Karen Nakamura, Chief Executive Officer of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, BIA-Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-HAWAII supports H.B. No. 2475, which proposes to increase the ability of members of boards and commissions subject to the "Sunshine Law," part I of chapter 92, Hawaii Revised Statutes (HRS), to attend meetings by allowing boards to conduct board meetings at multiple locations by audio only interactive forms of conference technology, including teleconferencing, videoconferencing, and voice over Internet protocol.

BIA supports this bill because it recognizes the challenges of conducting open meetings in an island state. It also recognizes the improvements in technology that make it easier and more cost effective to have a hearing/meeting at multiple locations throughout the state. As travel costs continue to increase, this is a reasonable and cost effective way to allow for greater public participation through the use of technology. While we support the intent of the Sunshine Law, based on past practices and common sense, we believe that the proposed amendments will improve public participation and allow for the Board to gain additional insight while protecting the public's right to know how decisions are made.

For the foregoing reasons, BIA-Hawaii is in strong support of H.B. 2475.

Thank you for the opportunity to testify.



EVP/CEO
BIA-Hawaii



**Testimony to the House Committee on Judiciary
Tuesday, February 7, 2012 at 2:00 p.m.
Conference Room 325, State Capitol**

RE: HOUSE BILL 2475 RELATING TO PUBLIC MEETINGS

Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee:

The Chamber of Commerce of Hawaii ("The Chamber") **supports the passage of HB 2475** relating to Public Meetings for further discussion.

The Chamber is the largest business organization in Hawaii, representing more than 1,100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

The Chamber supports HB 2475 which proposes to allow use of interactive conference technology to increase ability of members of state and county boards and commissions to attend board meetings.

The Chamber supports this bill because it recognizes the challenges of conducting open meetings in an island state. It also recognizes the improvements in technology that make it easier and more cost effective to have a hearing/meeting at multiple locations throughout the state. As travel costs continue to increase, this is a reasonable and cost effective way to allow for greater public participation through the use of technology. While we support the intent of the Sunshine Law, based on past practices and common sense, we believe that the proposed amendments will improve public participation and allow for the Board to gain additional insight while protecting the public's right to know how decisions are made.

Thank you for this opportunity to express our views.

Testimony for HB2475 on 2/7/2012 2:00:00 PM

Testimony for HB2475 on 2/7/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 07, 2012 8:19 AM

To: JUDtestimony

Cc: dkapua@gmail.com

Testimony for JUD 2/7/2012 2:00:00 PM HB2475

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Kapua Keliikoa-Kamai

Organization: Individual

E-mail: dkapua@gmail.com

Submitted on: 2/7/2012

Comments: