

SB 2737



**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
SENATE COMMITTEE ON JUDICIARY AND LABOR
Friday, February 17, 2012
10:00 AM
State Capitol, Conference Room 016

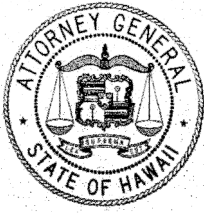
In consideration of
SB 2737
RELATING TO PUBLIC MEETINGS

Chair Hee, Vice Chair Shimabukuro and Members of the Senate Committee on
Judiciary and Labor.

The Department of Business, Economic Development, and Tourism (DBEDT)
supports SB2737, 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 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.



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

ON THE FOLLOWING MEASURE:

S.B. NO. 2737, RELATING TO PUBLIC MEETINGS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Friday, February 17, 2012

TIME: 10:00 a.m.

LOCATION: State Capitol, Room 016

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

Chair Hee 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.

Travel time to and from board meeting locations often hinders a board member from attending a board meeting. Broadening the technology that can be used to conduct board meetings from multiple sites, including allowing board meetings to be conducted by means of audio connectivity only, should reduce the instances in which a board is unable to conduct business, foreclosing the public from participating in government for lack of a quorum. All sites from which board members participate must be open to the public and capable of supporting interaction among all members of the board and the public. At a minimum, all sites must be

connected by audio communication for the duration of the meeting. These amendments to the Sunshine Law will enable members of boards, as well as the public, to participate in board meetings from locations closer to their homes, office, or where they may otherwise need to. The Administration's purpose in proposing this measure is to raise attendance levels and participation in board meetings both by members of boards and the public.

We respectfully request that the Committee pass this bill.

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
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HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
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To: Senate Committee on Judiciary and Labor

From: Cheryl Kakazu Park, Director

Date: February 17, 2012, 10:00 a.m.
State Capitol, Room 016

Re: Testimony on S.B. No. 2737
Relating to Public Meetings

Thank you for the opportunity to submit testimony in support of S.B. No. 2737. 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.

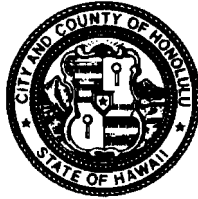
This bill provide boards with more flexibility because it can be difficult, especially for neighbor island or smaller boards, to obtain and arrange access to videoconferencing sites, equipment, and support. The bill allows for the use of modern technology and forms of communication, such as voice over 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 is not in any way limited by specifying current technologies as examples of qualifying technologies. Since the bill now provides examples that did not previously exist in the law, it may be possibly implied under the legal principle of ejusdem generis that other non-specified technologies do not qualify as “interactive conference technology.” OIP’s suggested amendment would eliminate such an unintended implication.

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.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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PETER B. CARLISLE
MAYOR



DAVID K. TANOUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

February 17, 2012

The Honorable Senator Clayton Hee, Chair
and Members of the Committee on
Judiciary and Labor
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Hee and Committee Members:

Subject: Senate Bill No. 2737
Relating to Public Meetings

The Department of Planning and Permitting **supports** Senate Bill No. 2737, which amends the Sunshine Law to allow use of audio-only interactive conference technology to increase the ability of members of state and county boards and commissions to attend board meetings.

The Sunshine Law as amended several years ago does allow boards and commissions to use video conferencing to hold meetings. However, audio-only interactive technology is much easier and less expensive to use than video conferencing technology. It is increasingly used to support conferences and training sessions linking participants at multiple sites.

Allowing audio-only interactive conference technology to be used as an alternative to video conferencing will give boards and commissions a more affordable and accessible way of avoiding delays due to a lack of quorum.

Please pass Senate Bill No. 2737. Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "David K. Tanoue".

David K. Tanoue, Director
Department of Planning and Permitting

DKT:js

sb2737 public mtgs-bs



Testimony to Senate Committee on Judiciary

Friday, February 17, 2012

10:00 a.m.

Capitol Room 016

RE: S.B. 2737, Relating to Public Meetings

Good morning Chair Hee, Vice-Chair Shimabukuro, and members of the Committee:

My name is Gladys Quinto Marrone, Government Relations Director for 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 strongly supports S.B. No. 2737, 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 S.B. 2737.

Thank you for the opportunity to testify.