

STAND. COM. REP. NO.

210

Honolulu, Hawaii

FEB 12 , 2021

RE: H.B. No. 503  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Pandemic & Disaster Preparedness, to which was referred H.B. No. 503 entitled:

"A BILL FOR AN ACT RELATING TO BOARD MEETINGS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Authorize boards to hold a remote meeting by interactive conference technology without being required to allow the public to join at nonpublic locations;
- (2) Establish new notice requirements as well as requirements for the conduct of remote meetings;
- (3) Authorize boards to require members of the public attending a meeting to provide their names and contact information and abide by certain rules when the Governor has declared a state of emergency for a contagious illness;
- (4) Authorize in-person meetings at multiple public meeting sites connected by interactive conference technology, under certain circumstances; and

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- (5) Allow for additional courtesy sites open to the public for remote and in-person meetings held by interactive conference technology.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Public Housing Authority, Land Use Commission, Office of Information Practices, Hawai'i Civil Rights Commission, Office of the Board of Regents of the University of Hawai'i, one member of the Maui County Council, League of Women Voters, Common Cause Hawaii, All Hawaii News, The Civil Beat Law Center for the Public Interest, National Federation of the Blind of Hawaii, Big Island Press Club, Society of Professional Journalists Hawaii Chapter, and eleven individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and one individual.

Your Committee finds that the COVID-19 pandemic forced the implementation of emergency measures that suspended certain requirements of Hawaii's Sunshine Law in order to allow boards to continue meeting and conducting necessary business, while protecting participants' health and safety and expanding access to public meetings throughout the State. In lieu of traditional in-person meetings, remote meetings connected people in different physical locations through the use of interactive conference technology and thus safely enabled and expanded public participation by people from different islands or parts of the islands when many would not otherwise be able to leave their work, homes, or schools to participate in a traditional in-person meeting.

Your Committee further finds that when the Governor's emergency orders are eventually lifted, amendments to the Sunshine Law are needed to allow boards to continue to remotely conduct public meetings, while retaining the option to conduct in-person meetings, either at a single location or multiple locations, and providing public access standards appropriate for remote meetings in normal, nonemergency times.

Your Committee received testimony regarding the requirement that a quorum of board members be visible in a remote meeting and whether that requirement should be eliminated or expanded to all board members and staff. Your Committee finds that the requirement of a quorum of board members to be visible is a

reasonable compromise. Your Committee received clarifying testimony from the Office of Information Practices that if a quorum of board members is visible but a board member has to turn off their video for a few minutes, quorum will not be lost due to the brief absence of a board member from the room. It is your Committee's intent that the new visibility requirement be applied in a reasonable manner by the Office of Information Practices, similar to when a board member leaves the room for a bathroom break.

Your Committee recognizes the importance of ensuring that Hawaii's government follows the accessibility standards required by state and federal law and is supportive of technology that provides accessibility for individuals with disabilities. Your Committee finds that this measure aims to strike an appropriate balance between public access and the use of technology to conduct board business without being overly burdensome, including during a state of emergency. However, your Committee notes that currently it is unclear as to which authority is responsible for enforcing state and federal disability laws. Therefore, your Committee requests that should your Committee on Judiciary & Hawaiian Affairs hear this measure, that they look at which state agency should be responsible for enforcing state and federal disability laws for purposes of remote meetings.


Your Committee has amended this measure by:

- (1) Clarifying that a location that is open to the public may include public libraries;
- (2) Requiring information posted electronically to conform to the standards for accessible electronic information and information technology set forth by federal laws;
- (3) Expanding the definition of "interactive conference technology" to require accessibility by individuals with disabilities;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Pandemic & Disaster Preparedness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 503, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 503, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Pandemic &  
Disaster Preparedness,

  
LINDA ICHIYAMA, Chair



