

STAND. COM. REP. NO. 1382

Honolulu, Hawaii
MAR 25, 2021

RE: S.B. No. 1034
S.D. 1
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 S.B. No. 1034, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SUNSHINE LAW BOARDS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Authorize boards to use interactive conference technology to remotely conduct public hearings;
- (2) Establish requirements, including new notice requirements, for the conduct of a remote meeting;
- (3) Require a meeting held by interactive conference technology to be automatically recessed for up to twenty minutes to restore communication under certain circumstances; and
- (4) 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, Department of Public Safety, Disability and Communication Access Board, Hawai'i Civil Rights Commission, Hawaii Employer-Union Health Benefits Trust Fund Board of Trustees, State Council on Developmental Disabilities, Employees' Retirement System, Office of the Board of Regents of the University of Hawai'i System, Office of Information Practice, two members of the Maui County Council, Common Cause Hawaii, National Federation of the Blind of Hawaii, All Hawaii News, Waikiki Neighborhood Board, Transform Hawai'i Government, Society of Professional Journalists Hawaii Chapter, Civil Beat Law Center for the Public Interest, and two individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and Hawaii State Public Library System.

Your Committee finds that the ability to allow the public to view and participate in meetings of public agencies is a fundamental necessity for democracy to thrive. Your Committee further finds that as a result of the coronavirus disease 2019, the State's Sunshine Law was suspended to ensure the safety of employees, thereby changing the focus from in-person meetings to virtual meetings. Virtual meetings have increased transparency by allowing more public members to participate in meetings, regardless of their physical location. Your Committee believes that this practice should continue to increase transparency and ensure active participation from the public.

Your Committee notes that disability accessibility requirements are currently covered under federal and state laws and other agencies are responsible for ensuring compliance with the Americans with Disabilities Act, rather than the Office of Information Practices. Your Committee believes that establishing a new cause of action under the Sunshine Law for disability rights would create confusion, government inefficiency, and potential conflicts between existing laws and agencies. While your Committee understands there may be issues with enforcement, your Committee believes these provisions should be addressed in the relevant laws by the agencies already administering it and not in the Sunshine Law.



Accordingly, your Committee has amended this measure by:

- (1) Specifying that a notice shall list at least one meeting location that is open to the public that has an audio-visual connection only if requested by a member of the public at least seventy-two hours prior to the meeting;
- (2) Deleting language that would have required interactive conference technology used for a remote meeting to include captioning services through the streaming provider or through an outside service, and any related language;
- (3) Deleting language that would have required a meeting be recessed or terminated if connection to an additional public location is interrupted in a way that interferes with an Americans with Disabilities Act accommodation and any related language;
- (4) Deleting language that would have required any additional public location to be provided with accommodations pursuant to the Americans with Disabilities Act upon request from a member of the public;
- (5) Restoring language that required a meeting held by interactive conference technology to be automatically recessed for up to one hour, rather than twenty minutes;
- (6) Clarifying the definition of "interactive conference technology" by removing the requirement that the technology be accessible to and usable by individuals with disabilities;
- (7) Removing language relating to notice requirements for instructions on how to request an auxiliary aid or service or an accommodation due to a disability for all locations specified in the notice; and
- (8) 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 S.B. No. 1034, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1034, S.D. 1, 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

State of Hawaii
House of Representatives
The Thirty-first Legislature

HSCR 1382

Record of Votes of the Committee on Pandemic & Disaster Preparedness

Bill/Resolution No.: <i>SB 1034 SDI</i>	Committee Referral: <i>PDP, JHA</i>	Date: <i>3/16/21</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
PDP Members	Ayes	Ayes (WR)	Nays	Excused
1. ICHIYAMA, Linda (C)	✓			
2. ELI, Stacelynn K.M. (VC)	✓			
3. CULLEN, Ty J.K.	✓			
4. McKELVEY, Angus L.K.	✓			
5. MIZUNO, John M.	✓			
6. WILDBERGER, Tina	✓			
7. WOODSON, Justin H.	✓			
8. YAMASHITA, Kyle T.	✓			
9. WARD, Gene	✓			
TOTAL (9)	<i>9</i>			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: <i>[Signature]</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				