

JAN 25 2012

A BILL FOR AN ACT

RELATING TO PUBLIC MEETINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 92-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§92-2 Definitions.** As used in this part:

4 (1) "Board" means any agency, board, commission,
5 authority, or committee of the State or its political
6 subdivisions which is created by constitution,
7 statute, rule, or executive order, to have
8 supervision, control, jurisdiction or advisory power
9 over specific matters and which is required to conduct
10 meetings and to take official actions.

11 (2) "Chance meeting" means a social or informal assemblage
12 of two or more members at which matters relating to
13 official business are not discussed.

14 (3) "Interactive conference technology" means any form of
15 audio or audio and visual conference technology,
16 including teleconference, videoconference, and voice
17 over internet protocol, that facilitates interaction
18 between the public and board members.

1 ~~[(3)]~~ (4) "Meeting" means the convening of a board for
2 which a quorum is required in order to make a decision
3 or to deliberate toward a decision upon a matter over
4 which the board has supervision, control,
5 jurisdiction, or advisory power."

6 SECTION 2. Section 92-3.5, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§92-3.5 Meeting by ~~[videoconference]~~ interactive**
9 **conference technology; notice; quorum.** (a) A board may hold a
10 meeting by ~~[videoconference]~~ interactive conference technology;
11 provided that the ~~[videoconference system]~~ interactive
12 conference technology used by the board ~~[shall allow both audio~~
13 ~~and visual]~~ allows interaction ~~[between]~~ among all members of
14 the board participating in the meeting and ~~[the]~~ all members of
15 the public attending the meeting, ~~[at any videoconference~~
16 ~~location. The]~~ and the notice required by section 92-7 ~~shall~~
17 ~~specify~~ identifies all of the locations ~~at which~~ where
18 participating board members will be physically present ~~[during a~~
19 ~~videoconference meeting. The notice shall also specify that the~~
20 ~~public may attend the meeting at any of the specified~~
21 ~~locations.]~~ and indicates that members of the public may join
22 board members at any of the identified locations.

1 (b) Any board member participating in a meeting by
2 ~~[videoconference]~~ interactive conference technology shall be
3 considered present at the meeting for the purpose of determining
4 compliance with the quorum and voting requirements of the board.

5 (c) A meeting held by ~~[videoconference]~~ interactive
6 conference technology shall be terminated ~~[if, after the meeting~~
7 ~~convenes, both the]~~ when audio ~~[and video]~~ communication cannot
8 be maintained with all locations where the meeting by
9 interactive conference technology is being held, even if a
10 quorum of the board is physically present in one location
11 ~~[, provided that a meeting may be continued by audio~~
12 ~~communication alone, if:~~

13 ~~(1) All visual aids required by, or brought to the meeting~~
14 ~~by board members or members of the public have already~~
15 ~~been provided to all meeting participants at all~~
16 ~~videoconference locations where the meeting is held;~~
17 ~~or~~

18 ~~(2) Participants are able to readily transmit visual aids~~
19 ~~by some other means (e.g., fax copies), to all other~~
20 ~~meeting participants at all other videoconference~~
21 ~~locations where the meeting is held. If copies of~~
22 ~~visual aids are not available to all meeting~~
23 ~~participants at all videoconference locations where~~

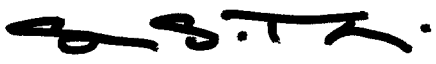
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1 ~~the meeting is held, those agenda items related to the~~
2 ~~visual aids shall be deferred until the next meeting,~~
3 ~~and~~

4 ~~(3) No more than fifteen minutes shall elapse in~~
5 ~~implementing the requirements listed in paragraph~~
6 ~~(2)].~~ If copies of visual aids required by, or
7 brought to the meeting by board members or members of the public
8 are not available to all meeting participants, at all locations
9 where audio only interactive conference technology is being
10 used, within fifteen minutes after audio only communication is
11 used, those agenda items for which visual aids are not available
12 for all participants at all meeting locations cannot be acted
13 upon at the meeting."

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

17
18 INTRODUCED BY: 

19 BY REQUEST

Report Title:

Sunshine Law; Board Meetings; Notice of Board Meetings

Description:

Use of interactive conference technology to increase ability of members of state and county boards and commissions to attend board meetings.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Attorney General.

TITLE: A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS.

PURPOSE: 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.

MEANS: Amend sections 92-2 and 92-3.5, HRS.

JUSTIFICATION: The Sunshine Law was amended several years ago in recognition of the fact that state and county boards and commissions face significant fiscal and geographic challenges to conducting business on behalf of the State. Many boards experience difficulty scheduling board meetings because of the time and cost required for members to travel to a single site statewide or even on each island.

Most board members are volunteers and have other obligations that make demands on their time. Sometimes their schedules are able to accommodate the time that their board is actually scheduled to meet, but travel to and from the site of their board's meeting prevents them from attending their board's meeting because it will mean that they will be late or unable to satisfy other obligations.

Reliance on interactive conference technology to conduct a board meeting at multiple locations can reduce the instances in which the competing demands for a board

member's time prevent the member from attending a meeting of a state or county board or commission. However, the Sunshine Law currently limits this form of interaction between multiple meeting sites to videoconferencing that provides audio and visual communication only.

This bill proposes to amend sections 92-2 and 92-3.5, Hawaii Revised Statutes, to allow boards to conduct meetings at multiple locations connected by either audio only or audio and visual forms of communication. This should allow board members to attend their board's meeting via audio only communications, when travel to or from where they need to be to satisfy other obligations, precludes them from physically attending a board meeting altogether.

Impact on the public: The amendment should not affect the public's access to or ability to participate at board meetings. Notices of board meetings must identify every location where a board member will be participating in the board meeting by interactive conference technology and provide that any member of the public may join the board members at any identified location to participate in the board's meeting. The public may not be in the same room with all members of a board attending a board's meeting but they will be able to communicate with all board members and other members of the public attending a board's meeting by audio and visual means, or audio means only.

Impact on the department and other agencies: This bill will authorize boards and commissions to use interactive conference technology to conduct their meetings, which will result in savings on time and travel costs, as well as increased efficiency in the board's deliberation and decision-making processes.

GENERAL FUND: LTG 105

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: Most.

OTHER AFFECTED
AGENCIES: All state and county boards and commissions.

EFFECTIVE DATE: Upon approval.