

TESTIMONY OF THE STATE ATTORNEY GENERAL

ON H.B. NO. 3302

RELATING TO OPEN MEETINGS

**BEFORE THE SENATE COMMITTEE ON
GOVERNMENT OPERATIONS, ENVIRONMENTAL PROTECTION
AND HAWAIIAN PROGRAMS**

DATE: MONDAY, March 21, 1994

TIME: 1:15 p.m.

**PLACE: Honolulu City Council
Community Meeting Room
City Hall, Second floor
530 South King Street**

PERSON(S) TESTIFYING:

**Robert A. Marks
Attorney General**

or

**John Anderson
Deputy Attorney General
Supervisor, Commerce & Economic Development Division**

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The Honorable Chairperson and Committee Members:

The State Attorney General supports this bill and believes it enhances the efficiency and cost effectiveness of boards by allowing them to meet by using modern communication technology while protecting the interests served by the sunshine law.

Currently, the law is silent as to any authority to conduct board meetings through telecommunications when board members are in different physical locations. As many board members live on neighbor islands, there are both cost and time implications arising from requiring all board members to travel to the same location for meetings. If one or more board members are unable to attend a board meeting, there may be difficulty in achieving a quorum of the board and a meeting may be cancelled or rescheduled. This diminishes the effectiveness of the board and may inconvenience other board members and the public. The bill addresses these problems by giving boards the flexibility to convene meetings with members in different locations using telecommunications.

This bill contains several safeguards that protect the public's opportunity to participate fully in board meetings

using this new authority. It requires that any board wishing to hold meetings through telecommunications adopt rules governing the use of such technology and the procedures to be followed at meetings using this technology. If a board decides to hold a meeting in multiple locations, the notice of the meeting must indicate all locations where board members will be physically present thus allowing the public to participate in the meeting at the remote location as well. In addition, the bill requires that the telecommunications system used for board meetings permit both audio and visual interaction between all participants in all locations. Both the public's right to attend a meeting and a board member's interest in participating in meetings are protected by the requirement that a meeting be terminated if both video and audio interaction become impossible, even if a quorum of the board is physically present in a single location. Thus no one would be disadvantaged by electing to attend the meeting at the remote location.

With the safeguards contained in this bill, we believe that government efficiency will be increased without sacrificing the public's right of access. Therefore, we strongly urge passage of this bill.