

HOUSE OF REPRESENTATIVES
THE SEVENTEENTH LEGISLATURE
REGULAR SESSION OF 1994

COMMITTEE ON JUDICIARY

Rep. Terrance W.H. Tom, Chair
Rep. Ron Menor, Vice Chair

Rep. Annelle Amaral	Rep. Robert Bunda
Rep. Romy Cachola	Rep. Suzanne Chun
Rep. Robert Herkes	Rep. Mazie Hirono
Rep. Paula Ishii-Morikami	Rep. Paul Oshiro
Rep. Henry Peters	Rep. Dwight Takamine
Rep. Michael White	Rep. Cynthia Thielen

NOTICE OF HEARING

DATE: Thursday, February 24, 1994
TIME: 1:30 P.M.
PLACE: Conference Room 802
Leiopapa A Kamehameha Building

A G E N D A

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| / HB 2725 | RELATING TO FORFEITURE
Amends provisions relating to forfeiture by specifying proceedings which the state may commence in various situations. | JUD |
| / HB 3610 | RELATING TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
Allows the department of accounting and general services to adopt rules as may be necessary or desirable for the operation and maintenance of public buildings, including control of activities conducted in or around the public buildings. | JUD |
| / HB 2818 | RELATING TO THE UNIFORM SIMULTANEOUS DEATH ACT
Amends provisions relating to exceptions provision. Requires survival by 120 hours if the governing instrument contains language dealing explicitly with simultaneous deaths or deaths in a common disaster and that language is operable under the facts of the case. | JUD |
| / HB 3073 | RELATING TO INTERSPOUSAL TORT IMMUNITY
Amends provision relating to interspousal tort immunity by requiring that provision shall be construed to include all suits | JUD |

commencing on, and subsequent to, April 26, 1993.


- ✓ HB 3511 RELATING TO HAWAII RULES OF EVIDENCE JUD
 Provides that, upon request, the proponent of evidence shall provide reasonable notice in advance of trial, or during trial if the court excuses pretrial notice on good cause shown, of the date, location, and general nature of any such evidence it intends to introduce at trial.
- HB 3190 RELATING TO THE PUBLIC DISCLOSURE OF WRITTEN OPINIONS BY THE DEPARTMENT OF TAXATION JUD
 Establishes that written opinions shall be open to public inspection and copying.
- ✓ HB 3302 RELATING TO OPEN MEETINGS JUD
 Establishes provision relating to meeting by videoconference.
- ✓ HB 3167 RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION JUD
 Allows nonprivileged records to be disclosed as may be requested by a party in a complaint filed with the Hawaii Civil Rights Commission.

DECISION MAKING TO FOLLOW

PERSONS WISHING TO TESTIFY ARE REQUESTED TO SUBMIT 40 COPIES OF THEIR TESTIMONY 24 HOURS PRIOR TO THE HEARING TO: (1) THE COMMITTEE'S CHAIR IN ROOM 803, LEIOPAPA A KAMEHAMEHA BUILDING; OR (2) THE HOUSE SGT.-AT-ARMS PERSONNEL ON THE ALAKEA STREET SIDE OF THE CAPITOL CENTER (1177 ALAKEA STREET). TESTIMONY MAY BE FAXED TO THE HOUSE SGT.-AT-ARMS OFFICE AT: 586-6501 (OAHU) OR 1-800-535-3859 (NEIGHBOR ISLANDS).

IT IS ALSO REQUESTED THAT THE COPIES BE ON ONE SIDE OF AN 8-1/2" X 11" SHEET WITH TWO HOLES PUNCHED AT THE TOP. FOR FURTHER INFORMATION, PLEASE CALL THE COMMITTEE CLERK AT 586-6490.

IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILIARY AIDS AND/OR SERVICES TO PARTICIPATE IN THE PUBLIC HEARING PROCESS OF THE STATE HOUSE (I.E., SIGN LANGUAGE INTERPRETER, WHEELCHAIR ACCESSIBILITY, OR PARKING DESIGNATED FOR THE DISABLED), PLEASE CONTACT THE COMMITTEE CLERK 24 HOURS PRIOR TO THE HEARING SO ARRANGEMENTS CAN BE MADE.



 Rep. Terrance W.H. Tom
 Chair

TESTIMONY OF THE STATE ATTORNEY GENERAL

ON H.B. NO. 3302

RELATING TO OPEN MEETINGS

BEFORE THE HOUSE COMMITTEE ON JUDICIARY

DATE: THURSDAY, February 24, 1994
TIME: 1:30 a.m.
PLACE: Conference Room 802
Leiopapa A Kamehameha Building
235 South Beretania Street

PERSON(S) TESTIFYING:

Robert A. Marks
Attorney General

or

John Anderson
Deputy Attorney General
Commerce & Economic Development Division

TESTIMONY OF THE STATE ATTORNEY GENERAL**ON H.B. NO. 3302****RELATING TO OPEN MEETINGS**

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.