

STAND. COM. REP. NO.

1836

Honolulu, Hawaii

APR 09 , 2021

RE: S.B. No. 1034
S.D. 1
H.D. 2

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 1034, S.D. 1, H.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 meetings under the State's open meetings law, also known as the Sunshine Law;
- (2) Allow for additional courtesy sites open to the public for meetings held by interactive conference technology;
- (3) Require a meeting held by interactive conference technology to be automatically recessed for up to one hour to restore communication under certain circumstances; and
- (4) Require public notices of board meetings to include the board's electronic and postal contact information for submission of testimony before the meeting.

2021-2890 SB1034 HD2 HSCR HMSO-1



Your Committee received testimony in support of this measure from the University of Hawai'i System, Department of Land and Natural Resources, Department of Transportation, Hawai'i Civil Rights Commission, Office of Information Practices, Disability and Communication Access Board, State Council on Developmental Disabilities, Board of Trustees of the Hawaii Employer-Union Health Benefits Trust Fund, Board of Trustees of the Employees' Retirement System, two members of the Maui County Council, Honolulu Authority for Rapid Transportation, Civil Beat Law Center for the Public Interest, Hawaii Chapter of the Society of Professional Journalists, Common Cause Hawaii, Transform Hawai'i Government, National Federation of the Blind of Hawaii, and nine individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that the ability to allow the public to view and participate in meetings of public agencies is of vital importance for democracy to thrive. Your Committee further finds that during the coronavirus disease 2019 (COVID-19) pandemic, the State's Sunshine Law was suspended to ensure the health and safety of employees and the public, changing the focus from in-person meetings to remote meetings. Remote meetings have increased transparency by allowing more members of the public to participate, regardless of their physical location. Your Committee believes that this practice should continue, thereby increasing transparency and engagement.

Your Committee has amended this measure by:

- (1) Requiring that the interactive conference technology used by the board for remote meetings allow audiovisual interaction among all members of the board participating in the meeting and all members of the public attending the meeting;
- (2) Requiring a member of the public to request a meeting location that is open to the public and has audiovisual connection at least three working days before the meeting, rather than seventy-two hours before the meeting;
- (3) Clarifying that the provision of additional locations open to the public is optional;



- (4) Requiring all board members participating in a remote meeting held by interactive conference technology to be visible and audible to other members and the public during the meeting, subject to certain limitations, rather than only requiring a quorum of board members to be visible and audible;
- (5) Requiring a roll call vote for board action items, instead of every vote by the board which would have included votes on procedural matters such as the approval of minutes or adjournment; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that if a person requests accommodations, such as an interpreter, for a board meeting and the board meeting goes beyond the scheduled end time, the board should end the meeting at the scheduled time and notice a new meeting date and time to ensure that the person who requested accommodations may fully access the meeting.

Your Committee also notes that public libraries with computer availability satisfy the public access requirements under this measure to the extent authorized under local public library rules.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1034, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1034, S.D. 1, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



