

STAND. COM. REP. NO. 753

Honolulu, Hawaii

MAR 04 2021

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1034 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow boards to use interactive conference technology to remotely conduct public meetings under the Sunshine Law;
- (2) Authorize boards to exclude the public from nonpublic locations, such as homes, where board members are physically present when remote board meetings are held by interactive conference technology;
- (3) Establish requirements for notice, procedures, and the conduct of remote meetings;
- (4) Amend existing option to hold in-person meetings at multiple public meeting sites connected by interactive conference technology to require termination of meeting only if audio communication is lost and cannot be reestablished within an hour and the board had not provided reasonable notice of how the meeting would be continued;



- (5) Allow for additional courtesy sites open to the public for both remote and in-person meetings held by interactive conference technology; and
- (6) Allow for contact tracing and social distancing in a pandemic.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of Public Safety, Hawai'i Civil Rights Commission, Hawaii State Council on Developmental Disabilities, Office of Information Practices, Hawaii Public Housing Authority, Disability and Communication Access Board, University of Hawai'i System, Civil Beat Law Center for the Public Interest, Common Cause Hawaii, National Federation of the Blind of Hawaii, Hawaii Community Development Authority, Big Island Press Club, Society of Professional Journalists Hawaii Chapter, All Hawaii News, League of Women Voters of Hawaii, and twelve individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Hawaii Employer-Union Health Benefits Trust Fund, and one individual.

Your Committee finds that the coronavirus disease 2019 (COVID-19) pandemic forced the implementation of emergency measures suspending certain requirements of the State's Sunshine Law in order to allow boards to continue meeting and conducting necessary business, while protecting participants' health and safety and expanding public access to meetings throughout the State. Your Committee further finds that, during the COVID-19 pandemic, remote meetings help to prevent the spread of disease and that, even when there is not an ongoing pandemic, remote meetings can be a way to protect the health and safety of participants. Your Committee additionally finds that remote meetings can enable members of a board or the public to participate in meetings even if they live far from the physical location of a meeting or on another island.

Your Committee has amended this measure by:

- (1) Deleting language from the purpose section;



- (2) Requiring that the mandatory public meeting location for a remote meeting be connected by audio-visual connection;
- (3) Requiring the notice of a remote meeting to include information on how to access captioning services;
- (4) Requiring that, if the connection to an additional public location is interrupted in a way that interferes with an Americans with Disabilities Act (ADA) accommodation, the meeting shall be recessed until the connection is restored and, if the connection is not restored in a timely fashion, the meeting shall be terminated;
- (5) Requiring all remotely conducted meetings to utilize captioning services through the streaming provider or an outside service;
- (6) Requiring that all votes conducted during a remote meeting be taken by roll call;
- (7) Requiring additional public locations to include accommodations for persons with disabilities pursuant to the ADA upon request from a member of the public;
- (8) Reducing the time a meeting may be recessed to correct a technical or connection problem from one hour to twenty minutes;
- (9) Deleting language that would have allowed for contact tracing during a pandemic;
- (10) Specifying that "interactive conference technology" is accessible to and usable by individuals with disabilities;
- (11) Requiring notice of a meeting to include instructions on how to request accommodations due to disabilities for all locations specified in the notice;
- (12) Inserting an effective date of May 6, 2137, to encourage further discussion; and



- (13) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



