

Honolulu, Hawaii

MAR 01 2012

RE: S.B. No. 2737
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2737 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the
State's Sunshine Law to allow board and commission meetings to be
conducted by any form of interactive conference technology that
permits interaction by audio, or audio and visual means, provided
that:

- (1) All members of a board and the public are able to
interact with each other at least by audio
communications;
- (2) The public is given notice of all the locations at which
board members will be participating in the meeting, and
the public may join members to participate in the
meeting at those locations; and
- (3) An agenda item may not be considered if any meeting
location is connected by audio-only technology, and
copies of all visual aids brought or used to consider
that item on the agenda are not available at all meeting
locations within fifteen minutes after audio-only
technology is used.



Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; the Department of the Attorney General; the Office of Information Practices; the Office of Information Management and Technology; the High Technology Development Corporation; the Department of Planning and Permitting of the City and County of Honolulu; and the Building Industry of Hawaii.

Your Committee finds that this measure will reduce the instances in which a board is unable to conduct business and the public is foreclosed from participating in government for lack of a quorum. As volunteers, most members of state and county boards and commissions have obligations that from time to time prevent them from attending a board meeting. More often, however, travel time to and from a board meeting is what keeps them from attending a meeting. This measure will allow board members to participate in their boards' meetings from locations closer to their homes, offices, or other locations.

Your Committee notes the discussion regarding the provision in this measure that requires all locations at which board members will be participating in the meeting to be accessible to the public. The Office of Information Practices clarified that the requirement depends on the board business matter, the type of board, and the location. Thus, this measure does not require a board member to select a location with space available to accommodate fifty or more people, but enough to accommodate those who are interested, and with audio or audio and visual means that best serve the situation. However, your Committee also recognizes the comments made from the High Technology Development Corporation that additional limits should be placed on the location requirement to address situations in which a board member is located in an area that cannot easily accommodate the public, such as if the board member attends a meeting from the member's hospital room while recuperating.

As such, your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to ensure further discussion; and
- (2) 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 and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2737, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2737, S.D. 1.

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



CLAYTON HEE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 2137</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">EDT, JDL</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/17/12</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam	✓			
TOTAL	4			1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-left: 50px;">[Signature]</div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes