STAND. COM. REP. NO. **1228**-2 Honolulu, Hawaii , 2020 **JUN 25** RE: S.B. No. 2038 S.D. 1 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2038, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BOARD MEMBERS,"

begs leave to report as follows:

The purpose of this measure is to permit two or more board members to attend a State of the City, State of the County, State of the State, or State of the Judiciary address without violating Hawaii's Sunshine Law regarding open meetings.

Prior to decision making on this measure, your Committee posted and made available for public review a proposed H.D. 1, which amends this measure by authorizing, until June 30, 2021, boards to hold meetings by interactive conference technology and bar members of the public from joining board members at the meeting locations where the board members are physically present, subject to certain conditions, when the Governor declares a state of emergency is in effect for a contagious illness.

Your Committee received testimony in support of the proposed H.D. 1 from the Department of Commerce and Consumer Affairs, Department of Agriculture, Office of Information Practices, Executive Office on Aging, Hawaii State Council on Developmental Disabilities, Board of Regents of the University of Hawaii, three

SB2038 HD1 HSCR JUD HMS 2020-2132

STAND. COM. REP. NO. 223-20 Page 2

members of the Maui County Council, and one individual. Your Committee received testimony in opposition to the proposed H.D. 1 from the Civil Beat Law Center for the Public Interest and one individual. Your Committee received comments on the proposed H.D.1 from the Department of Accounting and General Services, Hawaii Civil Rights Commission, and Common Cause Hawaii.

Your Committee finds that given the highly public and ceremonial nature of State of the City, State of the County, State of the State, and State of the Judiciary addresses, it is appropriate for board members to jointly attend and participate in these events.

Your Committee further finds that due to the COVID-19 pandemic, boards should be allowed to waive certain requirements under Hawaii's Sunshine Law that require boards to provide the public with physical access to board meetings held remotely or via streaming. This measure will temporarily allow boards subject to the Sunshine Law to provide public access to meetings via interactive conference technology, which will help reduce the risk of exposure to COVID-19.

Your Committee has amended this measure by adopting the proposed H.D. 1 and further amending the measure by:

- Further clarifying the notice requirements for holding meetings by interactive conference technology during and after a state of emergency due to a contagious illness;
- (2) Authorizing a board to require members of the public attending a meeting in person to provide their names and contact information for the purpose of contact tracing if the board reasonably believes doing so is necessary due to the contagious illness;
- (3) Requiring a board to recess, rather than terminate, a meeting held by interactive conference technology when audio communication cannot be maintained; provided that the meeting may reconvene if audio communication is reestablished; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

SB2038 HD1 HSCR JUD HMS 2020-2132



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. 2038, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2038, S.D. 1, H.D. 1, and be referred to your Committee on Finance.

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

CHRIS LEE, Chair

SB2038 HD1 HSCR JUD HMS 2020-2132

## State of Hawaii House of Representatives The THIRTIETH Legislature



## **Record of Votes of the Committee on Judiciary**

Bill/Resolution No.:	Committee Referral:		Date:	
SB2038, SD1	JUD, FIN JUNE 24,2020			,2020
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended (as is) Pass, with amendments (HD) Hold				
Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)				
2. SAN BUENAVENTURA, Joy A.	. (VC)			
3. BROWER, Tom			The second s	
4. CREAGAN, Richard P.				
5. LOWEN, Nicole E.			search an the second	
6. McKELVEY, Angus L.K.				
7. NAKASHIMA, Mark M.				
7. NAKASHIWA, Wark M.				
8. PERRUSO, Amy A.	lay - 1968 tennelli, en get else literature de la competencia de			
9. SAY, Calvin K.Y.			<u>an in the second s</u>	<u>na fikila ita pairte anak</u>
10. TAKAYAMA, Gregg		il and a boot dilitie of the legender the	in alla surf diji nëmikëtë	om againmainte de la composición de la
11. YAMANE, Ryan I.			na a sana na ana katana da 1 a 1999 na masa ka	
12. THIELEN, Cynthia			initianiti and a set of a set	
<b>TOTAL (12)</b>	11			
The recommendation is: Adopted If joint referral, did not support recommendation.				
committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Rink) - HMSO				