

ACT 284

S.B NO. 2924

A Bill for an Act Relating to Open Meetings.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the “slice waste and tape” or “SWAT” regulatory reform initiative within the lieutenant governor’s office is designed to improve state government by eliminating null and void, unnecessary, ineffective, and overly complex administrative rules that deter economic development and hamper government efficiency. The intent of this initiative is to reduce the burden of government regulation and minimize its negative effects on Hawaii’s residents, businesses, the economy, and government operations. Strategies to achieve these objectives include such measures as improving public access to rules, eliminating unnecessary rules, and reviewing and overhauling the rulemaking process.

In 1994, the legislature recognized that allowing boards and commissions to hold meetings by videoconference would help increase public access to such meetings, reduce costs, and help government to operate more efficiently and effectively. Act 121, Session Laws of Hawaii 1994, codified as section 92-3.5, Hawaii Revised Statutes, permits boards to meet by videoconference and provides specific requirements for holding such meetings. However, section 92-3.5(d), Hawaii Revised Statutes, mandates that any board planning to hold meetings by videoconference first adopt unspecified additional rules pursuant to chapter 91, Hawaii Revised Statutes, the Hawaii Administrative Procedure Act. To date, no board has gone through the rulemaking process to adopt additional rules for holding meetings by videoconference, and because of this, no board has been able to take advantage of the efficiencies and economies of section 92-3.5, Hawaii Revised Statutes.

The purpose of this Act is to implement one of the lieutenant governor’s initiatives to eliminate unnecessary rules and requirements. The legislature finds that this Act will help increase public access to meetings of boards and commissions, reduce costs, and help government to operate more efficiently and effectively.

SECTION 2. Section 92-3.5, Hawaii Revised Statutes, is amended to read as follows:

“[[§92-3.5]] Meeting by videoconference; notice; quorum. (a) A board may hold a meeting by videoconference; provided that the videoconference system used by the board shall allow both audio and visual interaction between all members of the board participating in the meeting and the public attending the meeting, at any videoconference location. The notice required by section 92-7 shall specify all locations at which board members will be physically present during a videoconference meeting[, and the public shall be allowed to attend the meeting at any such location]. The notice shall also specify that the public may attend the meeting at any of the specified locations.

(b) Any board member participating in a meeting by videoconference shall be considered present at the meeting for the purpose¹ of determining compliance with the quorum and voting requirements of the board.

(c) A meeting held by videoconference shall be terminated if both audio and video communication cannot be maintained with all locations where the meeting is being held, even if a quorum of the board is physically present in one location.

[(d) Each board shall adopt rules in accordance with chapter 91 regarding the use of and the procedures to be followed in a meeting held by videoconference, before the meetings are held.]”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 28, 2000.)

Note

1. Prior to amendment “purposes” appeared here.