
A BILL FOR AN ACT

RELATING TO THE SUNSHINE LAW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that children's privacy
2 rights prevail over the public's right to know. Therefore, the
3 purpose of this Act is to amend the State's sunshine law to
4 protect children's privacy in online public meetings.

5 SECTION 2. Section 92-3.7, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) A board may hold a remote meeting by interactive
8 conference technology; provided that the interactive conference
9 technology used by the board allows audiovisual interaction
10 among all members of the board participating in the meeting and
11 all members of the public attending the meeting, except as
12 otherwise provided under this section; provided further that
13 there is at least one meeting location that is open to the
14 public and has an audiovisual connection. A board holding a
15 remote meeting pursuant to this section shall not be required to
16 allow members of the public to join board members in person at
17 nonpublic locations where board members are physically present



1 or to identify those locations in the notice required by section
2 92-7; provided that at the meeting, each board member shall
3 state [~~who, if anyone, is~~] the name of any person eighteen years
4 of age or older who is present at the nonpublic location with
5 the member[-]; provided further that the name of a person under
6 the age of eighteen years shall be stated if the person has a
7 conflict of interest on any issue before the board at the
8 meeting. The notice required by section 92-7 shall:

- 9 (1) List at least one meeting location that is open to the
10 public that shall have an audiovisual connection; and
11 (2) Inform members of the public how to contemporaneously:
12 (A) Remotely view the video and audio of the meeting
13 through internet streaming or other means; and
14 (B) Provide remote oral testimony in a manner that
15 allows board members and other meeting
16 participants to hear the testimony, whether
17 through an internet link, a telephone conference,
18 or other means.

19 The board may provide additional locations open for public
20 participation. The notice required by section 92-7 shall list
21 any additional locations open for public participation and



1 specify, in the event an additional location loses its
2 audiovisual connection to the remote meeting, whether the
3 meeting will continue without that location or will be
4 automatically recessed to restore communication as provided in
5 subsection (c).

6 As used in this subsection, "conflict of interest" means a
7 real or seeming incompatibility between a person's private
8 interests and the person's public or fiduciary duties."

9 SECTION 3. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2112.

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Report Title:

Public Meetings; Remote Meetings; Sunshine Law; Disclosure;
Minors; Privacy; Conflict of Interest

Description:

Requires that the mandatory disclosure of the names of persons who are physically with a board member attending a remote board meeting shall apply only to the disclosure of the names of adults, and not minors, who are physically with the board member at a nonpublic location, except when a minor may have a conflict of interest with any issue before the board. Effective 7/1/2112. (HD1)

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