

JAN 21 2022

A BILL FOR AN ACT

RELATING TO OPEN MEETINGS.

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

1 SECTION 1. The legislature finds that government boards
2 successfully implemented interactive conference technology that
3 allowed board members and the public to participate in board
4 meetings remotely during the corona virus disease 2019 pandemic.
5 The legislature further finds that the expanded public access
6 and participation made possible through the use of interactive
7 conference technology was of great utility and benefit for all
8 persons, especially for residents of rural areas and across
9 multiple islands, and should be made a permanent component of
10 government meetings.

11 The purpose of this Act is to require government boards to
12 provide interactive conference technology for all meetings under
13 the State's open meetings law to permit remote participation for
14 those who do not attend in person and to require boards to send
15 board packets to those persons who have requested notification
16 of meetings.



1 SECTION 2. Section 92-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§92-3 Open meetings. Every meeting of all boards shall
4 be open to the public and all persons shall be permitted to
5 attend any meeting unless otherwise provided in the constitution
6 or as closed pursuant to sections 92-4 and 92-5; provided that
7 the board shall also offer the option of virtual participation
8 and remote testimony by interactive conference technology
9 consistent with the requirements of section 92-3.7 for all open
10 meetings; provided further that the removal of any person or
11 persons who wilfully disrupts a meeting to prevent and
12 compromise the conduct of the meeting shall not be prohibited.
13 The boards shall afford all interested persons an opportunity to
14 submit data, views, or arguments, in writing, on any agenda
15 item. The boards shall also afford all interested persons an
16 opportunity to present oral testimony on any agenda item[-] in
17 person or remotely through interactive conference technology.
18 The boards may provide for reasonable administration of oral
19 testimony by rule."

20 SECTION 3. Section 92-7, Hawaii Revised Statutes, is
21 amended as follows:



1 1. By amending subsection (a) to read:

2 "(a) The board shall give written public notice of any
3 regular, special, emergency, or rescheduled meeting, or any
4 executive meeting when anticipated in advance. The notice shall
5 include an agenda that lists all of the items to be considered
6 at the forthcoming meeting; the date, time, and place of the
7 meeting; provide instructions on how to virtually attend the
8 meeting and provide remote testimony by interactive conference
9 technology; the board's electronic and postal contact
10 information for submission of testimony before the meeting;
11 instructions on how to request an auxiliary aid or service or an
12 accommodation due to a disability, including a response
13 deadline, if one is provided, that is reasonable; and in the
14 case of an executive meeting, the purpose shall be stated. If
15 an item to be considered is the proposed adoption, amendment, or
16 repeal of administrative rules, an agenda meets the requirements
17 for public notice pursuant to this section if it contains a
18 statement on the topic of the proposed rules or a general
19 description of the subjects involved, as described in section
20 91-3(a)(1)(A), and a statement of when and where the proposed
21 rules may be viewed in person and on the Internet as provided in



1 section 91-2.6. The means specified by this section shall be
2 the only means required for giving notice under this part
3 notwithstanding any law to the contrary."

4 2. By amending subsection (e) to read:

5 "(e) The board shall maintain a list of names and postal
6 or electronic mail addresses of persons who request notification
7 of meetings and shall mail or electronically mail a copy of the
8 notice and a copy of the board packet to the persons by the
9 means chosen by the persons at their last recorded postal or
10 electronic mail address no later than the time the agenda is
11 required to be electronically posted under subsection (b)."

12 SECTION 4. Section 92-7.5, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "[+]§92-7.5[+] **Board packet; filing; public inspection;**
15 **notice.** At the time the board packet is distributed to the
16 board members, the board shall also make the board packet
17 available for public inspection in the board's office. The
18 board shall provide notice to persons requesting notification of
19 meetings pursuant to section 92-7(e) that the board packet is
20 available for inspection in the board's office and shall provide
21 [~~reasonably prompt~~] access to the board packet by mail or



1 electronic access pursuant to section 92-7(e) to any person upon
2 request [~~. The board is not required to mail board packets. As~~
3 ~~soon as practicable, the board shall accommodate requests for~~
4 ~~electronic access to the board packet.~~] within twenty-four hours
5 in advance of any noticed meeting.

6 For purposes of this section, "board packet" means
7 documents that are compiled by the board and distributed to
8 board members before a meeting for use at that meeting, to the
9 extent the documents are public under chapter 92F; provided that
10 this section shall not require disclosure of executive session
11 minutes, license applications, or other records for which the
12 board cannot reasonably complete its redaction of nonpublic
13 information in the time available before the public inspection
14 required by this section."

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on July 1, 2022.

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INTRODUCED BY: *Jane Acasio*



S.B. NO. 2403

Report Title:

Sunshine Law; Interactive Conference Technology; Remote Attendance and Testimony; Board Packets

Description:

Requires boards to provide interactive conference technology for all meetings under the State's open meetings law to permit remote participation and testimony. Requires boards to send board packets to those who have requested notification of meetings either by mail or electronic access.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

