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# 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 purpose of this Act is to:

2 (1) Require public meeting notices to inform members of  
3 the public how to provide remote oral testimony in a  
4 manner that allows the testifier, upon request, to be  
5 visible to board members and other meeting  
6 participants; and

7 (2) Recognize a board's authority to remove and block  
8 individuals who disrupt meetings remotely.

9 SECTION 2. Section 92-3.7, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 **"§92-3.7 Remote meeting by interactive conference**  
12 **technology; notice; quorum.** (a) A board may hold a remote  
13 meeting by interactive conference technology; provided that the  
14 interactive conference technology used by the board allows  
15 audiovisual interaction among all members of the board  
16 participating in the meeting and all members of the public  
17 attending the meeting, except as otherwise provided under this



1 section; provided further that there is at least one meeting  
2 location that is open to the public and has an audiovisual  
3 connection. A board holding a remote meeting pursuant to this  
4 section shall not be required to allow members of the public to  
5 join board members in person at nonpublic locations where board  
6 members are physically present or to identify those locations in  
7 the notice required by section 92-7; provided that at the  
8 meeting, each board member shall state the name of any person  
9 eighteen years of age or older who is present at the nonpublic  
10 location with the member; provided further that the name of a  
11 person under the age of eighteen years shall be stated if the  
12 person has a personal business, property, or financial interest  
13 on any issue before the board at the meeting. The notice  
14 required by section 92-7 shall:

- 15 (1) List at least one meeting location that is open to the  
16 public that shall have an audiovisual connection; and  
17 (2) Inform members of the public how to contemporaneously:  
18 (A) Remotely view the video and audio of the meeting  
19 through internet streaming or other means; and  
20 (B) Provide remote oral testimony in a manner that  
21 [allows]:





- 1           (2) Except as provided in subsections (c) and (d), a  
2                    quorum of board members participating in the meeting  
3                    shall be visible and audible to other members and the  
4                    public during the meeting; provided that no other  
5                    meeting participants shall be required to be visible  
6                    during the meeting;
- 7           (3) Any board member participating in a meeting by  
8                    interactive conference technology shall be considered  
9                    present at the meeting for the purpose of determining  
10                  compliance with the quorum and voting requirements of  
11                  the board;
- 12          (4) At the start of the meeting the presiding officer  
13                  shall announce the names of the participating members;
- 14          (5) All votes shall be conducted by roll call unless  
15                  unanimous; and
- 16          (6) Boards shall record meetings open to the public, when  
17                  practicable, and make the recording of any meeting  
18                  electronically available to the public as soon as  
19                  practicable after a meeting and until a time as the  
20                  minutes required by section 92-9 are electronically



1            posted on the board's website. Boards are encouraged  
2            to keep recordings available on their website.

3            (c) A meeting held by interactive conference technology  
4 shall be automatically recessed for up to thirty minutes to  
5 restore communication when audiovisual communication cannot be  
6 maintained with all members participating in the meeting or with  
7 the public location identified in the board's notice pursuant to  
8 subsection (a) (1) or with the remote public broadcast identified  
9 in the board's notice pursuant to subsection (a) (2) (A). This  
10 subsection shall not apply based on the inability of a member of  
11 the public to maintain an audiovisual connection to the remote  
12 public broadcast, unless the remote public broadcast itself is  
13 not transmitting an audiovisual link to the meeting. The  
14 meeting may reconvene when either audiovisual communication is  
15 restored, or audio-only communication is established after an  
16 unsuccessful attempt to restore audiovisual communication, but  
17 only if the board has provided reasonable notice to the public  
18 as to how to access the reconvened meeting after an interruption  
19 to communication. If audio-only communication is established,  
20 then each speaker shall be required to state their name before  
21 making their remarks. Within fifteen minutes after audio-only



1 communication is established, copies of nonconfidential visual  
2 aids that are required by or brought to the meeting by board  
3 members or as part of a scheduled presentation shall be made  
4 available either by posting on the Internet or by other means to  
5 all meeting participants, including those participating  
6 remotely, and those agenda items for which visual aids are not  
7 available for all participants shall not be acted upon at the  
8 meeting. If it is not possible to reconvene the meeting as  
9 provided in this subsection within thirty minutes after an  
10 interruption to communication and the board has not provided  
11 reasonable notice to the public as to how the meeting will be  
12 continued at an alternative date and time, then the meeting  
13 shall be automatically terminated.

14 (d) During executive meetings from which the public has  
15 been excluded, board members shall be audible to other  
16 authorized participants but shall not be required to be visible.  
17 To preserve the executive nature of any portion of a meeting  
18 closed to the public, the presiding officer shall publicly state  
19 the names and titles of all authorized participants, and, upon  
20 convening the executive session, all participants shall confirm  
21 to the presiding officer that no unauthorized person is present



1 or able to hear them at their remote locations or via another  
2 audio or audiovisual connection. The person organizing the  
3 interactive conference technology shall confirm that no  
4 unauthorized person has access to the executive meeting as  
5 indicated on the control panels of the interactive conference  
6 technology being used for the meeting, if applicable.

7 (e) Nothing in this section shall prohibit a board from  
8 removing or blocking any person who wilfully disrupts or  
9 compromises the conduct of a meeting."

10 SECTION 3. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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JAN 16 2024



# H.B. NO. 1599

**Report Title:**

Public Meetings; Remote Testimony; Visibility

**Description:**

Requires public meeting notices to inform members of the public how to provide remote oral testimony in a manner that allows the testifier, upon request, to be visible to board members and other meeting participants.

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

