

STAND. COM. REP. NO. **3271**

Honolulu, Hawaii

MAR 22 2024

RE: H.B. No. 1599
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred H.B. No. 1599, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE SUNSHINE LAW,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require public meeting notices to inform members of the public on 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; and
- (2) Recognize a board's authority to remove or block individuals who willfully disrupt or compromise the conduct of a remote meeting.

Your Committee received testimony in support of this measure from the Hawaii Employer-Union Health Benefits Trust Fund, ACLU of Hawai'i, and Public First Law Center.

Your Committee received comments on this measure from the Office of Information Practices.



Your Committee finds that some boards refuse to allow individuals to testify by videoconference without giving up certain rights, such as disclosing their identity or registering to appear in advance. Existing law concerning remote meetings permits these practices, provided that the meeting has a telephone conference option. According to testimony received by your Committee, this process establishes a tiered system that denies remote testifiers the opportunity to be seen by the board while testifying. Your Committee additionally finds that although boards have the legal ability to remove someone who willfully disrupts a meeting by interactive conference technology, existing law does not explicitly affirm that legal authority. This measure will support the interest of boards to better control their remote meetings and promote confidence in remote testifiers that the board is receiving the full benefit of their testimony and they are not being ignored in favor of in-person testifiers.

Your Committee acknowledges the concerns raised by the Office of Information Practices that this measure may result in unintended consequences, since requiring boards to allow testifiers to be seen as well as heard upon the testifier's request decreases the ability of boards to prevent willful disruptions by interactive conference technology such as zoombombing. Your Committee finds that this issue raises concerns that merit further consideration and respectfully requests further examination of this issue by your Committee on Judiciary.

Your Committee has amended this measure by inserting an effective date of July 1, 2491, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1599, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1599, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Government
Operations,



ANGUS L.K. MCKELVEY, Chair



