

JAN 19 2024

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# A BILL FOR AN ACT

RELATING TO REMOTE MEETINGS.

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

1           SECTION 1. Section 92-3.7, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§92-3.7 Remote meeting by interactive conference**  
4 **technology; notice; quorum.** (a) A board may hold a remote  
5 meeting by interactive conference technology; provided that the  
6 interactive conference technology used by the board allows  
7 audiovisual interaction among all members of the board  
8 participating in the meeting and all members of the public  
9 attending the meeting, except as otherwise provided under this  
10 section; provided further that there is at least one meeting  
11 location that is open to the public and has an audiovisual  
12 connection. A board holding a remote meeting pursuant to this  
13 section shall not be required to allow members of the public to  
14 join board members in person at nonpublic locations where board  
15 members are physically present or to identify those locations in  
16 the notice required by section 92-7; provided that at the  
17 meeting, each board member shall state the name of any person



1 eighteen years of age or older who is present at the nonpublic  
2 location with the member; provided further that the name of a  
3 person under the age of eighteen years shall be stated if the  
4 person has a personal business, property, or financial interest  
5 on any issue before the board at the meeting. The notice  
6 required by section 92-7 shall:

7 (1) List at least one meeting location that is open to the  
8 public that shall have an audiovisual connection; and

9 (2) Inform members of the public how to contemporaneously:

10 (A) Remotely view the video and audio of the meeting  
11 through internet streaming or other means; and

12 (B) Provide remote oral testimony in a manner that  
13 allows board members and other meeting

14 participants to hear and, at the testifier's

15 option, view the testimony~~[, whether through an~~

16 ~~internet link, a telephone conference, or other~~

17 ~~means]~~.

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

20 any additional locations open for public participation and

21 specify, in the event an additional location loses its



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

5 (b) For a remote meeting held by interactive conference  
6 technology pursuant to this section:

7 (1) The interactive conference technology used by the  
8 board shall allow interaction among all members of the  
9 board participating in the meeting and all members of  
10 the public attending the meeting;

11 (2) Except as provided in subsections (c) and (d), a  
12 quorum of board members participating in the meeting  
13 shall be visible and audible to other members and the  
14 public during the meeting; provided that no other  
15 meeting participants shall be required to be visible  
16 during the meeting;

17 (3) Any board member participating in a meeting by  
18 interactive conference technology shall be considered  
19 present at the meeting for the purpose of determining  
20 compliance with the quorum and voting requirements of  
21 the board;



1 (4) At the start of the meeting the presiding officer  
2 shall announce the names of the participating members;

3 (5) All votes shall be conducted by roll call unless  
4 unanimous; and

5 (6) Boards shall record meetings open to the public, when  
6 practicable, and make the recording of any meeting  
7 electronically available to the public as soon as  
8 practicable after a meeting and until a time as the  
9 minutes required by section 92-9 are electronically  
10 posted on the board's website. Boards are encouraged  
11 to keep recordings available on their website.

12 (c) A meeting held by interactive conference technology  
13 shall be automatically recessed for up to thirty minutes to  
14 restore communication when audiovisual communication cannot be  
15 maintained with all members participating in the meeting or with  
16 the public location identified in the board's notice pursuant to  
17 subsection (a)(1) or with the remote public broadcast identified  
18 in the board's notice pursuant to subsection (a)(2)(A). This  
19 subsection shall not apply based on the inability of a member of  
20 the public to maintain an audiovisual connection to the remote  
21 public broadcast, unless the remote public broadcast itself is



1 not transmitting an audiovisual link to the meeting. The  
2 meeting may reconvene when either audiovisual communication is  
3 restored, or audio-only communication is established after an  
4 unsuccessful attempt to restore audiovisual communication, but  
5 only if the board has provided reasonable notice to the public  
6 as to how to access the reconvened meeting after an interruption  
7 to communication. If audio-only communication is established,  
8 then each speaker shall be required to state their name before  
9 making their remarks. Within fifteen minutes after audio-only  
10 communication is established, copies of nonconfidential visual  
11 aids that are required by or brought to the meeting by board  
12 members or as part of a scheduled presentation shall be made  
13 available either by posting on the Internet or by other means to  
14 all meeting participants, including those participating  
15 remotely, and those agenda items for which visual aids are not  
16 available for all participants shall not be acted upon at the  
17 meeting. If it is not possible to reconvene the meeting as  
18 provided in this subsection within thirty minutes after an  
19 interruption to communication and the board has not provided  
20 reasonable notice to the public as to how the meeting will be



1 continued at an alternative date and time, then the meeting  
2 shall be automatically terminated.

3 (d) During executive meetings from which the public has  
4 been excluded, board members shall be audible to other  
5 authorized participants but shall not be required to be visible.  
6 To preserve the executive nature of any portion of a meeting  
7 closed to the public, the presiding officer shall publicly state  
8 the names and titles of all authorized participants, and, upon  
9 convening the executive session, all participants shall confirm  
10 to the presiding officer that no unauthorized person is present  
11 or able to hear them at their remote locations or via another  
12 audio or audiovisual connection. The person organizing the  
13 interactive conference technology shall confirm that no  
14 unauthorized person has access to the executive meeting as  
15 indicated on the control panels of the interactive conference  
16 technology being used for the meeting, if applicable.

17 (e) Nothing in this section shall prohibit a board from  
18 removing or blocking any persons who wilfully disrupt or  
19 compromise the conduct of a meeting."

20 SECTION 2. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 3. This Act shall take effect upon its approval.

2

INTRODUCED BY: 



# S.B. NO. 2636

**Report Title:**

Boards; Remote Testifiers; Remote Testimony; Removal

**Description:**

Requires a board to offer remote testifiers an option to be seen and heard by the board and the public when offering remote testimony. Authorizes a board to remove or block any persons who intentionally disrupt or compromise the conduct of a meeting.

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

