

Status of Bills and Resolutions
As of 04/01/2021

Measure	Title	Description	Latest Committee Report	Status
SB0082 SD2 HD2	Relating to Government Operation and Policy	Requires each new member of a board or commission to participate in an orientation and training session with the head of the department with jurisdiction of that member's board or commission or their designee. Requires each department and agency to train their members at least once per calendar year. Doesn't apply to ex officio members.	03/24/2021: Consumer Protection and Commerce	03/25/2021: Referred to House Finance (FIN)
SB1034 SD1 HD1	Relating to Sunshine Law Boards	Authorizes boards, in conjunction with in-person meetings, to use interactive conference technology to remotely conduct public meetings. Authorizes boards to exclude the public from nonpublic locations where board members are physically present when remote board meetings are held by interactive conference technology. Establishes requirements for the conduct of remote meeting. Requires remote meetings held by interactive conference technology to recess for a maximum prescribed period when audiovisual communication cannot be maintained by the board and allows the meeting to be reconvened under certain circumstances. Establishes a new notice requirement to provide the board's contact information for the submission of written testimony by electronic or postal mail, which also applies to remote meeting agendas. Allows for additional courtesy sites open to the public for remote and in-person meetings held by interactive conference technology.	03/16/2021: Pandemic and Disaster Preparedness	03/30/2021: Passed with amendments by House Judiciary and Hawaiian Affairs (JHA)
SCR0166-SR0131 SD1	Urging State Departments and Attached Agencies to Train Their Boards and Commissions	Heads of agencies are urged to provide training to all members of boards and commissions subject to 84-17, HRS, covering mission, roles, responsibilities, programs, processes and procedures; training at least once/calendar year	03/23/2021: Senate Government Operations (GVO)	04/05/2021: House Judiciary and Hawaiian Affairs (JHA)

A BILL FOR AN ACT

RELATING TO GOVERNMENT OPERATION AND POLICY.

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

1 SECTION 1. Section 26-34, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "§26-34 Selection, training, and terms of members of
4 **boards and commissions.** (a) The members of each board and
5 commission established by law shall be nominated and, by and
6 with the advice and consent of the senate, appointed by the
7 governor. Unless otherwise provided by this chapter or by law
8 hereafter enacted, the terms of the members shall be for four
9 years; provided that the governor may reduce the terms of those
10 initially appointed so as to provide, as nearly as can be, for
11 the expiration of an equal number of terms at intervals of one
12 year for each board and commission. Unless otherwise provided
13 by law, each term shall commence on July 1 and expire on
14 June 30, except that the terms of the chairpersons of the board
15 of agriculture, the board of land and natural resources, and the
16 Hawaiian homes commission shall commence on January 1 and expire
17 on December 31. No person shall be appointed consecutively to



1 more than two terms as a member of the same board or commission;
2 provided that membership on any board or commission shall not
3 exceed eight consecutive years.

4 (b) Upon appointment, each new member shall participate in
5 an orientation and training session with the head of the
6 department or agency that administratively controls or
7 supervises the member's board or commission, or the designee of
8 the head of the department or agency, regarding the mission,
9 roles, responsibilities, laws, programs, and procedures relevant
10 to the work of the board or commission.

11 (c) At least once per calendar year, all departments and
12 its agencies with boards and commissions subject to
13 section 84-17, shall update their members on information to
14 supplement their initial training.

15 ~~[(b)]~~ (d) Any member of a board or commission whose term
16 has expired and who is not disqualified for membership under
17 subsection (a) may continue in office as a holdover member until
18 a successor is nominated and appointed; provided that a holdover
19 member shall not hold office beyond the end of the second
20 regular legislative session following the expiration of the
21 member's term of office.



1 ~~(e)~~ (e) A vacancy occurring in the membership of any
2 board or commission during a term shall be filled for the
3 unexpired term thereof, subject to Article V, section 6 of the
4 Constitution of the State.

5 ~~(d)~~ (f) The governor may remove or suspend for cause any
6 member of any board or commission after due notice and public
7 hearing.

8 ~~(e)~~ (g) Except as otherwise provided by this chapter,
9 this section shall apply to every board and commission
10 established by part I, or existing or established after
11 November 25, 1959. All new appointments to any board or
12 commission shall thereafter be made in accordance with this
13 section.

14 ~~(f)~~ (h) This section shall not apply to ex officio
15 members of boards and commissions or to the board of trustees of
16 the employees retirement system."

17 SECTION 2. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 3. This Act shall take effect on July 1, 2112.



S.B. NO. 82
S.D. 2
H.D. 2

Report Title:

Departments; Boards; Commissions; Members; Training

Description:

Requires each new member of a board or commission to participate in an orientation and training session with the head of the department with jurisdiction of that member's board or commission or their designee. Requires each department and agency to train their members at least once per calendar year. Effective 7/1/2112. (HD2)

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



A BILL FOR AN ACT

RELATING TO SUNSHINE LAW BOARDS.

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

1 SECTION 1. The legislature finds that the coronavirus
2 disease 2019 (COVID-19) pandemic forced the implementation of
3 emergency measures suspending certain requirements of the
4 State's sunshine law in order to allow boards to continue
5 meeting and conducting necessary business while protecting
6 participants' health and safety and expanding public access to
7 meetings throughout the State. During the emergency stay-at-
8 home orders and travel restrictions, board members, staff, or
9 members of the public could not attend public meetings in
10 person. In lieu of traditional in-person meetings, remote
11 meetings connected people in different physical locations
12 through the use of interactive conference technology and thus
13 enabled and enhanced board and public participation.

14 The legislature further finds that, based on boards'
15 experiences with remote meetings during the COVID-19 pandemic,
16 the increased costs of staffing, technological equipment, and
17 resources needed to conduct remote meetings are offset by the



1 savings in time, convenience, and travel costs for board members
2 and participants, especially those from the neighbor islands.
3 During the COVID-19 pandemic, remote meetings helped to prevent
4 the spread of disease, and even when there is not an ongoing
5 pandemic, remote meetings can be a way to protect the health and
6 safety of participants, particularly those who have disabilities
7 or medical conditions that would place them at greater risks
8 during travel or attendance at in-person public meetings.

9 The legislature additionally finds that the benefits of
10 remote meetings should continue in non-emergency times,
11 requiring permanent amendments to the sunshine law. For remote
12 meetings not held during times of emergency, there is a need for
13 boards to provide for an in-person meeting location where
14 members of the public can come to observe the remote meeting or
15 testify in person using interactive conference technology
16 equipment provided by the board, without requiring board members
17 to be at the in-person location.

18 The purpose of this Act is to allow boards the option to
19 use interactive conference technology to conduct remote meetings
20 under the sunshine law, while still retaining the option to
21 conduct traditional in-person meetings at a single meeting site



1 or at multiple meeting sites connected by interactive conference
2 technology.

3 SECTION 2. Chapter 92, Hawaii Revised Statutes, is amended
4 by adding a new section to part I to be appropriately designated
5 and to read as follows:

6 "§92- Remote meeting by interactive conference
7 technology; notice; quorum. (a) A board may hold a remote
8 meeting by interactive conference technology. A board holding a
9 remote meeting pursuant to this section shall not be required to
10 allow members of the public to join board members in person at
11 nonpublic locations where board members are physically present
12 or to identify those locations in the notice required by
13 section 92-7; provided that at the meeting, each board member
14 shall state who, if anyone, is present at the nonpublic location
15 with the member. The notice required by section 92-7 shall:

- 16 (1) If requested by a member of the public at least
17 seventy-two hours before the meeting, list at least
18 one meeting location that is open to the public that
19 shall have an audio-visual connection; and
20 (2) Inform members of the public how to contemporaneously:



- 1 (A) Remotely view the video and audio of the meeting
- 2 through internet streaming or other means; and
- 3 (B) Provide remote oral testimony in a manner that
- 4 allows board members and other meeting
- 5 participants to hear the testimony, whether
- 6 through an internet link, a telephone conference,
- 7 or other means.

8 The notice required by section 92-7 may list additional
9 locations open for public participation and shall specify, in
10 the event an additional location loses its audio-visual
11 connection to the remote meeting, whether the meeting will
12 continue without that location or will be automatically recessed
13 to restore communication as provided in subsection (c).

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

16 (1) The interactive conference technology used by the
17 board shall allow interaction among all members of the
18 board participating in the meeting and all members of
19 the public attending the meeting;

20 (2) Except as provided in subsections (c) and (d), a
21 quorum of board members shall be visible and audible

1 to other members and the public during the meeting;
2 provided that so long as a quorum of board members is
3 visible, no other meeting participants shall be
4 required to be visible during the meeting;

5 (3) Any board member participating in a meeting by
6 interactive conference technology shall be considered
7 present at the meeting for the purpose of determining
8 compliance with the quorum and voting requirements of
9 the board;

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

12 (5) All votes shall be conducted by roll call; and

13 (6) When practicable, boards shall record meetings open to
14 the public and make the recording of any meeting
15 electronically available to the public as soon as
16 practicable after a meeting and until a time as the
17 minutes required by section 92-9 are electronically
18 posted on the board's website.

19 (c) A meeting held by interactive conference technology
20 shall be automatically recessed for up to one hour to restore
21 communication when audiovisual communication cannot be



1 maintained with a quorum of members or with the public location
2 identified in the board's notice pursuant to subsection (a)(1)
3 or with the remote public broadcast identified in the board's
4 notice pursuant to subsection (a)(2)(A). This subsection shall
5 not apply based on the inability of a member of the public to
6 maintain an audiovisual connection to the remote public
7 broadcast, unless the remote public broadcast itself is not
8 transmitting an audiovisual link to the meeting. The meeting
9 may reconvene when either audiovisual communication is restored,
10 or audio-only communication is established after an unsuccessful
11 attempt to restore audiovisual communication, but only if the
12 board has provided reasonable notice to the public as to how to
13 access the reconvened meeting after an interruption to
14 communication. If audio-only communication is established, then
15 each speaker shall be required to state their name prior to
16 making their remarks. Within fifteen minutes after audio-only
17 communication is established, copies of nonconfidential visual
18 aids, which are required by or brought to the meeting by board
19 members or as part of a scheduled presentation, shall be made
20 available either by posting on the Internet or by other means to
21 all meeting participants, including those participating



1 remotely, and those agenda items for which visual aids are not
2 available for all participants shall not be acted upon at the
3 meeting. If it is not possible to reconvene the meeting as
4 provided in this subsection within one hour after an
5 interruption to communication and the board has not provided
6 reasonable notice to the public as to how the meeting will be
7 continued at an alternative date and time, then the meeting
8 shall be automatically terminated.

9 (d) During executive meetings from which the public has
10 been excluded, board members shall be audible to other
11 authorized participants and are not required to be visible. To
12 preserve the executive nature of any portion of a meeting closed
13 to the public, the presiding officer shall publicly state the
14 names and titles of all authorized participants, and upon
15 convening the executive session all participants shall confirm
16 to the presiding officer that no unauthorized person is present
17 or able to hear them at their remote locations or via another
18 audio or audio-visual connection. The person organizing the
19 interactive conference technology shall confirm that no
20 unauthorized person has access to the executive meeting as



1 indicated on the control panels of the interactive conference
2 technology being used for the meeting, if applicable."

3 SECTION 3. Section 92-2, Hawaii Revised Statutes, is
4 amended by amending the definition of "interactive conference
5 technology" to read as follows:

6 ""Interactive conference technology" means any form of
7 [~~audio or~~] audio and visual conference technology, or audio
8 conference technology where permitted under this part, including
9 teleconference, videoconference, and voice over internet
10 protocol, that facilitates interaction between the public and
11 board members."

12 SECTION 4. Section 92-3.5, Hawaii Revised Statutes, is
13 amended by amending its title and subsections (a) through (c) to
14 read as follows:

15 "**§92-3.5 [Meeting] In-person meeting at multiple sites by**
16 **interactive conference technology; notice; quorum.** (a) A board
17 may hold [a] an in-person meeting at multiple meeting sites
18 connected by interactive conference technology; provided that
19 the interactive conference technology used by the board allows
20 audio or audiovisual interaction among all members of the board
21 participating in the meeting and all members of the public



1 attending the meeting, and the notice required by section 92-7
2 identifies all of the locations where participating board
3 members will be physically present and indicates that members of
4 the public may join board members at any of the identified
5 locations. The notice may list additional locations open for
6 public participation but where no participating board members
7 will be physically present, and in the event one of those
8 additional locations loses its audio connection to the remote
9 meeting, the notice shall specify whether the meeting will
10 continue without that location or will be automatically recessed
11 to restore communication as provided in subsection (c).

12 (b) Any board member participating in a meeting by
13 interactive conference technology under this section shall be
14 considered present at the meeting for the purpose of determining
15 compliance with the quorum and voting requirements of the board.

16 (c) A meeting held by interactive conference technology
17 under this section shall be [~~terminated~~] automatically recessed
18 for up to one hour to restore communication when audio
19 communication cannot be maintained with all locations where the
20 meeting by interactive conference technology is being held, even
21 if a quorum of the board is physically present in one location.



1 ~~[If copies of visual aids required by, or brought to the meeting~~
2 ~~by board members or members of the public, are not available to~~
3 ~~all meeting participants, at all locations where audio-only~~
4 ~~interactive conference technology is being used, within] The~~
5 ~~meeting may reconvene when either audio or audio-visual~~
6 ~~communication is restored. Within fifteen minutes after audio-~~
7 ~~only communication is ~~[used,]~~ established, copies of~~
8 ~~nonconfidential visual aids, which are required by or brought to~~
9 ~~the meeting by board members or as part of a scheduled~~
10 ~~presentation, shall be made available either by posting on the~~
11 ~~Internet or by other means to all meeting participants,~~
12 ~~including those participating remotely, and those agenda items~~
13 ~~for which visual aids are not available for all participants at~~
14 ~~all meeting locations ~~[cannot]~~ shall not be acted upon at the~~
15 ~~meeting. If it is not possible to reconvene the meeting as~~
16 ~~provided in this subsection within one hour after an~~
17 ~~interruption to communication, and the board has not provided~~
18 ~~reasonable notice to the public as to how the meeting will be~~
19 ~~continued at an alternative date and time, then the meeting~~
20 ~~shall be automatically terminated."~~



1 SECTION 5. Section 92-7, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) The board shall give written public notice of any
4 regular, special, emergency, or rescheduled meeting, or any
5 executive meeting when anticipated in advance. The notice shall
6 include an agenda that lists all of the items to be considered
7 at the forthcoming meeting; the date, time, and place of the
8 meeting; the board's electronic and postal contact information
9 for submission of testimony before the meeting; instructions on
10 how to request an auxiliary aid or service or an accommodation
11 due to a disability, including a response deadline, if one is
12 provided, that is reasonable; and in the case of an executive
13 meeting the purpose shall be stated. If an item to be
14 considered is the proposed adoption, amendment, or repeal of
15 administrative rules, an agenda meets the requirements for
16 public notice pursuant to this section if it contains a
17 statement on the topic of the proposed rules or a general
18 description of the subjects involved, as described in
19 section 91-3(a)(1)(A), and a statement of when and where the
20 proposed rules may be viewed in person and on the Internet as
21 provided in section 91-2.6. The means specified by this section



1 shall be the only means required for giving notice under this
2 part notwithstanding any law to the contrary."

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on May 6, 2137.



Report Title:

Sunshine Law; Interactive Conference Technology; Remote Meetings

Description:

Authorizes boards, in conjunction with in-person meetings, to use interactive conference technology to remotely conduct public meetings. Authorizes boards to exclude the public from nonpublic locations where board members are physically present when remote board meetings are held by interactive conference technology. Establishes requirements for the conduct of remote meeting. Requires remote meetings held by interactive conference technology to recess for a maximum prescribed period when audiovisual communication cannot be maintained by the board and allows the meeting to be reconvened under certain circumstances. Establishes a new notice requirement to provide the board's contact information for the submission of written testimony by electronic or postal mail, which also applies to remote meeting agendas. Allows for additional courtesy sites open to the public for remote and in-person meetings held by interactive conference technology. Effective 5/6/2137. (HD1)

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SENATE RESOLUTION

URGING STATE DEPARTMENTS AND ATTACHED AGENCIES TO TRAIN THEIR
BOARDS AND COMMISSIONS.

1 WHEREAS, there are over one hundred seventy state boards,
2 councils, authorities, committees, and commissions, hereinafter
3 collectively referred to as "boards and commissions", that are
4 established by the Constitution of Hawaii, state statutes, and
5 executive orders; and
6

7 WHEREAS, these boards and commissions are appointed to give
8 citizens a voice in government and provide an opportunity for a
9 cross-section of the State's residents to offer vital input to
10 influence decisions that shape the quality of life for the
11 residents of Hawaii; and
12

13 WHEREAS, the members of boards and commissions must quickly
14 become familiar with certain specific laws regarding open
15 meetings, open records, fiduciary duty, and other ethical
16 standards of conduct, in order to ensure the validity of their
17 actions; and
18

19 WHEREAS, upon their appointment, members may not possess
20 knowledge of the mission roles, and responsibilities of their
21 board or commission under applicable laws; programs; processes
22 and procedures relevant to the work of the board or commission;
23 and
24

25 WHEREAS, the departments and agencies that administratively
26 control or supervise these boards and commissions are the
27 appropriate entities to train and educate members of the board
28 or commission; now, therefore,
29

30 BE IT RESOLVED by the Senate of the Thirty-first
31 Legislature of the State of Hawaii, Regular Session of 2021,
32 that the heads of the departments and agencies that
33 administratively control or supervise a board or commission are



1 urged to provide training for all members of their boards and
2 commissions subject to 84-17, Hawaii Revised Statutes; and
3

4 BE IT FURTHER RESOLVED that the training provided should
5 cover the board or commission's mission, roles, and
6 responsibilities under applicable laws; programs; processes and
7 procedures relevant to the work of the board or commission; and
8

9 BE IT FURTHER RESOLVED that the departments and attached
10 agencies should provide the training at least once per calendar
11 year; and
12

13 BE IT FURTHER RESOLVED that certified copies of this
14 Resolution be transmitted to the Governor and the heads of each
15 executive department of the state.

