

A Bill for an Act Relating to Public Meetings.

*Be It Enacted by the Legislature of the State of Hawaii:*

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

**“§92-2 Definitions.** As used in this part:

- [(+)] “Board” means any agency, board, commission, authority, or committee of the State or its political subdivisions which is created by constitution, statute, rule, or executive order, to have supervision, control, jurisdiction, or advisory power over specific matters and which is required to conduct meetings and to take official actions.
- [(2)] “Chance meeting” means a social or informal assemblage of two or more members at which matters relating to official business are not discussed.

“Interactive conference technology” means any form of audio or audio and visual conference technology, including teleconference, videoconference, and voice over internet protocol, that facilitates interaction between the public and board members.

- [(3)] “Meeting” means the convening of a board for which a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power.”

SECTION 2. Section 92-3.5, Hawaii Revised Statutes, is amended to read as follows:

**“§92-3.5 Meeting by ~~videconferenee;~~ interactive conference technology; notice; quorum.** (a) A board may hold a meeting by ~~videconferenee;~~ interactive conference technology; provided that the ~~videconferenee system~~ interactive conference technology used by the board ~~shall allow both audio and visual~~ allows interaction ~~[between]~~ among all members of the board participating in the meeting and ~~[the]~~ all members of the public attending the meeting, ~~[at any videconferenee location. The]~~ and the notice required by section 92-7 ~~shall specify~~ identifies all of the locations at which ~~where participating~~ board members will be physically present ~~[during a videconferenee meeting. The notice~~

ACT 202

~~shall also specify that the public may attend the meeting at any of the specified locations.] and indicates that members of the public may join board members at any of the identified locations.~~

(b) Any board member participating in a meeting by ~~[videoconference]~~ interactive conference technology shall be considered present at the meeting for the purpose of determining compliance with the quorum and voting requirements of the board.

(c) A meeting held by ~~[videoconference]~~ interactive conference technology shall be terminated ~~[if, after the meeting convenes, both the]~~ when audio ~~[and video]~~ communication cannot be maintained with all locations where the meeting by interactive conference technology is being held, even if a quorum of the board is physically present in one location~~[- provided that a meeting may be continued by audio communication alone, if:~~

- ~~(1) All visual aids required by, or brought to the meeting by board members or members of the public have already been provided to all meeting participants at all videoconference locations where the meeting is held; or~~
- ~~(2) Participants are able to readily transmit visual aids by some other means (e.g., fax copies), to all other meeting participants at all other videoconference locations where the meeting is held. If copies of visual aids are not available to all meeting participants at all videoconference locations where the meeting is held, those agenda items related to the visual aids shall be deferred until the next meeting; and~~
- ~~(3) No more than fifteen minutes shall elapse in implementing the requirements listed in paragraph (2)]. If copies of visual aids required by, or~~

brought to the meeting by board members or members of the public, are not available to all meeting participants, at all locations where audio-only interactive conference technology is being used, within fifteen minutes after audio-only communication is used, those agenda items for which visual aids are not available for all participants at all meeting locations cannot be acted upon at the meeting.

(d) Notwithstanding the other provisions of this section to the contrary, a board member with a disability that limits or impairs the member's ability to physically attend the meeting may participate in a board meeting from a location not accessible to the public; provided that the member with a disability is connected to other members of the board and the public by both visual and audio means, and the member identifies where the member is located and who, if anyone, is present at that location with the member."

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

SECTION 4. This Act shall take effect on July 1, 2012.

(Approved July 3, 2012.)

Note

1. Should be bracketed.