

STAND. COM. REP. NO. 1454-22

Honolulu, Hawaii

MAR 24 , 2022

RE: S.B. No. 3219
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Government Reform, to which was referred
S.B. No. 3219 entitled:

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

begs leave to report as follows:

The purpose of this measure is to amend the State's Sunshine Law to exclude any person under eighteen from the mandatory disclosure of the names of persons who are physically with a board member attending a remote board meeting at a nonpublic location.

Your Committee received testimony in support of this measure from the Hawai'i Tourism Authority and one member of the Maui County Council. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that Act 220, Session Laws of Hawaii 2021 (Act 220), allows boards subject to the State's Sunshine Law the option to use interactive conference technology to conduct remote meetings. Your Committee further finds that Act 220 requires a board member participating from a nonpublic location to identify those who are also present in that same location. Your Committee notes that there are times when board members may have their minor children present with them during a virtual board or committee meeting. Your Committee believes that children's privacy rights prevail over the public's right to disclosure of

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all the individuals who are present with a board member in a virtual meeting.

Your Committee additionally finds that in today's economy, there may be young people who are still of an age to be considered a minor yet engage in internship or professional capacities, potentially with organizations or entities that may have business in front of a board. Your Committee also finds that a private interest stipulation should be added to this measure so that if any such situation exists, the young person would still have to declare their presence under the Sunshine Law.

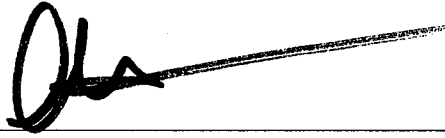
Accordingly, your Committee has amended this measure by:

- (1) Requiring a board member attending a remote public meeting to state the name of any person eighteen years of age or older who is present with the member at the nonpublic location, rather than excluding any person under eighteen from the mandatory disclosure;
- (2) Requiring the disclosure of the name of any individual who is present with a board member at a nonpublic location and is under the age of eighteen if the individual has a private interest on any issue before the board at the remote public meeting;
- (3) Changing the effective date to July 1, 2112, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Government Reform that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3219, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3219, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



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



ANGUS L.K. MCKELVEY, Chair



