

SB-2636

Submitted on: 2/12/2024 10:00:25 PM

Testimony for GVO on 2/15/2024 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ben Robinson	Individual	Support	Written Testimony Only

Comments:

Support



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**Senate Committee on Government Operations
Senate Committee on Labor and Technology
Thursday, February 15, 2024 3:10 P.M.**

Testimony by:

Yvonne Lau, Executive Administrator and Secretary of the Board of Regents

S.B. No. 2636 – RELATING TO REMOTE MEETINGS.

Chair McKelvey, Chair Aquino, Vice Chair Gabbard, Vice Chair Moriwaki, and members of the Committees.

These comments on S.B. No. 2636 are offered in my capacity as the Executive Administrator and Secretary of the Board of Regents.

The Board of Regents of the University of Hawai'i (Board) has not yet had the opportunity to discuss this measure. Discussion is expected to occur at the Board's next meeting on February 16, 2024.

Thank you for the opportunity to offer comments on S.B. No. 2636.

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: Senate Committees on Government Operations and on
Labor and Technology

From: Cheryl Kakazu Park, Director

Date: February 15, 2024, 3:10 p.m.
State Capitol, Conference Room 225

Re: Testimony on S.B. No. 2636
Relating to Remote Meetings

Thank you for the opportunity to submit testimony on this bill, which would require a board holding a remote Sunshine Law meeting to provide all testifiers the option to present video testimony. The Office of Information Practices (OIP) offers comments.

Section 92-3.7, HRS, which allows remote meetings under the Sunshine Law, part I of chapter 92, currently requires boards to accept remote oral testimony in a way that allows meeting participants to hear the testimony – in other words, a board can satisfy the remote oral testimony requirement either (1) by providing a phone number for remote testifiers to call in to testify or (2) by providing a Zoom link or something similar for remote testifiers to testify on camera. This bill would require boards holding remote meetings to always provide a remote testimony method that allows testifiers to be seen as well as heard, meaning that the board would need to provide a Zoom link or similar on-camera option, while still leaving testifiers the option to be camera-off if they prefer. If someone in the public is unable to successfully stream or remotely testify at a remote meeting due to

problems with that person's own internet connection, it is not considered a failure of remote meeting connectivity on the board's part. In other words, remote meeting participants will still need to have their own adequate internet connection, or they have the option to attend at the connected physical location that is required for every remote meeting.

The current law allowing boards to use a telephone line or similar audio-only method for remote oral testimony gives boards more control over their meetings and can be a tool to help them avoid zoombombing, where a meeting is disrupted by someone taking control of the meeting feed and using it to broadcast obscene images or video. Boards have the legal ability to remove someone who willfully disrupts a meeting, and this bill would reiterate that legal authority in the remote meetings section. However, zoombombers appear unexpectedly and may be more technically sophisticated than the board members or staff running a remote meeting, and thus the legal authority to remove zoombombers is of little help when the board has no prior notice or is technically incapable of doing so. While rare, OIP is aware of instances in which a board has had to cancel its meeting because it was unable to prevent zoombombers from returning and retaking control every time the board tried to eject them. The easiest way for a board holding a remote meeting to avoid this situation is by using telephone testimony.

At the same time, OIP recognizes the valid concern that the telephone testimony experience can be an unsatisfactory one, especially as compared to in-person or even audio-video remote participation. Requiring boards to give remote testifiers the option of being visible would help to mitigate that. Thus, OIP recommends that this Committee decide whether to move this bill based on what it finds to be the best balance between the competing interests at issue here – a board's interest in being better able to control its remote meetings versus the

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remote testifiers' interest in feeling confident that the board is receiving the full benefit of their testimony and they are not being ignored in favor of the in-person attendees who the board members can see.

Thank you for considering OIP's testimony.



Senate Committee on Government Operations
Honorable Angus L.K. McKelvey, Chair
Honorable Mike Gabbard, Vice Chair

Senate Committee on Labor and Technology
Honorable Henry J.C. Aquino, Chair
Honorable Sharon Y. Moriwaki, Vice Chair

RE: Testimony in Support of S.B. 2636, Relating to Remote Meetings
Hearing: February 15, 2024 at 3:10 p.m.

Dear Chairs and Members of the Committees:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency. Thank you for the opportunity to submit testimony **in support of S.B. 2636**.

Some boards refuse to permit individuals to testify by videoconference without giving up certain rights (*e.g.*, disclosing identity, registering in advance of a meeting). The statute concerning remote meetings permits this behavior as long as the meeting has a telephone conference option. This process, however, establishes a tiered system that denies remote testifiers the opportunity to be *seen* by the board while testifying.

S.B. 2686 amends Hawai'i Revised Statutes (HRS) § 92-3.7 to clarify that boards must provide members of the public the option to participate by both audio *and* video means at remote meetings subject to Sunshine Law. This ensures that members of the public have the opportunity to

While boards may raise concerns about "Zoom-bombing," there are technological solutions to preserve the decorum of the meeting in the rare instances in which individuals may be disruptive in a meeting. To address this concern, S.B. 2686 expressly recognizes a board's authority to remove and block individuals who disrupt remote meetings.

Thank you again for the opportunity to testify in support of S.B. 2636.

