

JAN 25 2006

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# A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS.

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

1           SECTION 1. The legislature finds that the public interest  
2 is served best by striking the correct balance among open and  
3 transparent governmental processes, privacy concerns for public  
4 officials, and the ability of public agencies to carry out their  
5 duties reasonably and responsibly.

6           The purpose of this Act is to broaden public agency  
7 meetings law by allowing:

- 8           (1) Discussions conducted in private between one or more  
9           members of a board and the governor to include other  
10           elected officials;
- 11           (2) Discussions between two or more members of a board and  
12           the head of a department to which a board is  
13           administratively assigned to include the executive  
14           secretary or executive director of the board; and
- 15           (3) A board to hold a meeting closed to the public to  
16           consult with the executive secretary or executive  
17           director to the board.



1 SECTION 2. Section 92-2.5, Hawaii Revised Statutes, is  
2 amended by amending subsections (d) and (e) to read as follows:

3 "(d) Discussions [~~between~~] among the governor, other  
4 elected officials, and one or more members of a board may be  
5 conducted in private without limitation or subsequent reporting;  
6 provided that the discussion does not relate to a matter over  
7 which a board is exercising its adjudicatory function.

8 (e) Discussions [~~between~~] among two or more members of a  
9 board and the head of a department to which the board is  
10 administratively assigned, and the executive secretary or  
11 executive director to the board may be conducted in private  
12 without limitation; provided that the discussion is limited to  
13 matters specified in section 26-35."

14 SECTION 3. Section 92-5, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

16 "(a) A board may hold a meeting closed to the public  
17 pursuant to section 92-4 for one or more of the following  
18 purposes:

19 (1) To consider and evaluate personal information relating  
20 to individuals applying for professional or vocational  
21 licenses cited in section 26-9 or both;



- 1           (2) To consider the hire, evaluation, dismissal, or  
2           discipline of an officer or employee or of charges  
3           brought against the officer or employee, where  
4           consideration of matters affecting privacy will be  
5           involved; provided that if the individual concerned  
6           requests an open meeting, an open meeting shall be  
7           held;
- 8           (3) To deliberate concerning the authority of persons  
9           designated by the board to conduct labor negotiations  
10          or to negotiate the acquisition of public property, or  
11          during the conduct of such negotiations;
- 12          (4) To consult with the board's attorney or the executive  
13          secretary or executive director to the board on  
14          questions and issues pertaining to the board's powers,  
15          duties, privileges, immunities, and liabilities;
- 16          (5) To investigate proceedings regarding criminal  
17          misconduct;
- 18          (6) To consider sensitive matters related to public safety  
19          or security;
- 20          (7) To consider matters relating to the solicitation and  
21          acceptance of private donations; and



# S.B. NO. 3145

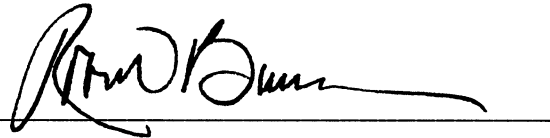
1           (8) To deliberate or make a decision upon a matter that  
2           requires the consideration of information that must be  
3           kept confidential pursuant to a state or federal law,  
4           or a court order."

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

7           SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:



**By Request**



**Report Title:**  
Public Agency; Meetings

**SB. NO. 3145**

**Description:**  
Broadens the public agency meetings and records law.

