

JAN 28 2009

A BILL FOR AN ACT

RELATING TO PUBLIC AGENCIES AND BOARDS.

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

1 SECTION 1. The legislature finds that the public is
2 interested in maintaining and expanding citizen access to
3 government proceedings, which is governed by the public agency
4 meetings and records law. In addition to citizen interest in
5 participating in agency meetings, the media and civic watchdog
6 groups monitor agency meetings for the public interest, which
7 encourages and increases government accountability.

8 From time to time, a public agency or official establishes
9 a committee, task force, or other entity to perform government
10 functions that are not within the purview of the public agency
11 meetings and records law. Although these public entities often
12 agree to follow open meetings laws, the voluntary nature of
13 their compliance with the law regularly raises concerns.

14 Further, existing law allows boards and commissions to vote
15 and act in executive meetings that are closed to the public.
16 Although the minutes of executive meetings become publicly
17 available after the need for privacy ceases, this could take



1 months or years. In many states, boards must either vote in
2 open meetings or announce their actions to the public.

3 Enforcement of the public agency meetings and records law
4 is limited to proceedings before a circuit court, which creates
5 a barrier for most citizens seeking agency compliance with the
6 law. The legislature finds that in addition to the attorney
7 general and prosecuting attorneys, the administrator of the
8 public agency meetings and records law, which is the office of
9 information practices, should be authorized to enforce
10 compliance.

11 The purpose of this Act is to expand the definition of
12 "board" to include those created by an official government
13 document, to require that actions taken in executive meetings be
14 announced in public, and to authorize the office of information
15 practices to enforce the open meetings law.

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

18 "§92-2 Definitions. As used in this part:

19 ~~[-(1)]~~ "Board" means any agency, board, commission,
20 authority, or committee of the State or its political
21 subdivisions ~~[which]~~ that is created by constitution, statute,
22 rule, ~~[or]~~ executive order, or any other official government



1 document, to have supervision, control, jurisdiction or advisory
2 power over specific matters and [~~which~~] that is required to
3 conduct meetings and to take official actions.

4 [~~(2)~~] "Chance meeting" means a social or informal
5 assemblage of two or more members at which matters relating to
6 official business are not discussed.

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

11 SECTION 3. Section 92-4, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§92-4 **Executive meetings.** A board may hold an executive
14 meeting closed to the public upon an affirmative vote, taken at
15 an open meeting, of two-thirds of the members present; provided
16 the affirmative vote constitutes a majority of the members to
17 which the board is entitled. A meeting closed to the public
18 shall be limited to matters exempted by section 92-5. The
19 reason for holding such a meeting shall be publicly announced
20 and the vote of each member on the question of holding a meeting
21 closed to the public shall be recorded, and entered into the
22 minutes of the meeting. Actions taken in a meeting closed to



1 the public shall be announced at the next meeting of the board,
 2 including the vote taken on each matter. The chairperson of a
 3 legislative committee that has jurisdiction over the matter
 4 covered by the board may attend the executive meetings of that
 5 board."

6 SECTION 4. Section 92-12, Hawaii Revised Statutes, is
 7 amended by amending subsection (a) to read as follows:

8 "(a) The attorney general, the office of information
 9 practices, and the prosecuting attorney shall enforce this
 10 part."

11 SECTION 5. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: _____

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Report Title:

Public Agency Hearings and Boards; Expanding Applicability,
Enforcement, and Disclosure

Description:

Makes boards established by official government document subject to open meetings law. Requires actions taken in closed meetings to be announced in public. Authorizes the office of information practices to enforce the open meetings law.

