
A BILL FOR AN ACT

RELATING TO OPEN MEETINGS.

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

1 SECTION 1. The legislature finds that for decades, the
2 State's Sunshine Law has had an exception to the open meetings
3 requirement to permit a limited number of board members to
4 investigate an issue and report back to the board before a
5 decision is made. In these cases, the board must hold three
6 meetings: first, to identify the members and scope of the
7 investigative group; second, for the investigative group to
8 report its findings to the board; and finally, for the board to
9 discuss and act on the investigative group's report. However,
10 the legislature finds that over the years, there have been
11 multiple occasions where boards have attempted to circumvent the
12 legislative intent that the public and board have sufficient
13 time to digest the investigative group's report before any
14 substantive discussion occurs by the board. Specifically,
15 boards have circumvented this legislative intent by separately
16 noticing back-to-back meetings, first for the investigative
17 group to report to the board, and second for the board to act on



1 the report. Most recently, the Honolulu city council attempted
2 to schedule a meeting for an investigative group to report back
3 on its investigation into real property tax bills with a
4 "separate" meeting to discuss and act on the report scheduled
5 for thirty minutes after the investigative group reported to the
6 council.

7 The purpose of this Act is to require board meetings to
8 deliberate and decision-make on an investigative group's report
9 to occur at least six business days after the investigative
10 group has presented the findings and recommendations of its
11 investigation to the board.

12 SECTION 2. Section 92-2.5, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) Two or more members of a board, but less than the
15 number of members that would constitute a quorum for the board,
16 may be assigned to:

17 (1) Investigate a matter relating to board business;

18 provided that:

19 (A) The scope of the investigation and the scope of
20 each member's authority are defined at a meeting
21 of the board;



1 (B) All resulting findings and recommendations are
2 presented to the board at a meeting of the board;
3 and

4 (C) Deliberation and [~~decisionmaking~~] decision-making
5 on the matter investigated, if any, occurs only
6 at a duly noticed meeting of the board held
7 [~~subsequent to~~] no less than six business days
8 after the meeting at which the findings and
9 recommendations of the investigation were
10 presented to the board; or

11 (2) Present, discuss, or negotiate any position that the
12 board has adopted at a meeting of the board; provided
13 that the assignment is made and the scope of each
14 member's authority is defined at a meeting of the
15 board before the presentation, discussion, or
16 negotiation."

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

19 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Sunshine Law; Permitted Interaction Groups; Scheduling; Open Meetings; Exemption

Description:

Requires boards to schedule a meeting for deliberation and decision-making on a report by an investigative group at least six business days after the board meeting in which the investigative group presented the findings and recommendations of its investigation to the board. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

