

JAN 19 2024

A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS.

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

1 SECTION 1. Chapter 92, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§92- Hiring of a head; division; agency. (a) Upon
5 the vacancy or anticipated vacancy of the head of any division,
6 agency, or other subdivision of the State that requires a board
7 to appoint or otherwise select the new head, the board shall
8 establish and comply with a process and timeline for the
9 selection of the new head through open deliberation in an open
10 meeting, subject to subsection (b). Approval of the process and
11 timeline shall be in the same manner as a public item on the
12 board's agenda.

13 (b) If, during the selection process, the board determines
14 that the process or timeline requires amendment, the amendment
15 shall be made through deliberation in an open public meeting and
16 approval shall be in the same manner as a public item on the
17 board's agenda.



1 (c) Any appointment or selection of a head of any
2 division, agency, or other subdivision of the State by a board,
3 made in violation of this section, shall be invalid."

4 SECTION 2. Section 92-5, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

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

- 9 (1) To consider and evaluate personal information relating
10 to individuals applying for professional or vocational
11 licenses cited in section 26-9 or both;
- 12 (2) To consider the hire, evaluation, dismissal, or
13 discipline of an officer or employee or of charges
14 brought against the officer or employee, where
15 consideration of matters affecting privacy will be
16 involved; provided that if the individual concerned
17 requests an open meeting, an open meeting shall be
18 held; provided further that any vote to hire an
19 officer or employee shall be conducted in an open
20 meeting;



- 1 (3) To deliberate concerning the authority of persons
2 designated by the board to conduct labor negotiations
3 or to negotiate the acquisition of public property, or
4 during the conduct of such negotiations;
- 5 (4) To consult with the board's attorney on questions and
6 issues pertaining to the board's powers, duties,
7 privileges, immunities, and liabilities;
- 8 (5) To investigate proceedings regarding criminal
9 misconduct;
- 10 (6) To consider sensitive matters related to public safety
11 or security;
- 12 (7) To consider matters relating to the solicitation and
13 acceptance of private donations; and
- 14 (8) To deliberate or make a decision upon a matter that
15 requires the consideration of information that must be
16 kept confidential pursuant to a state or federal law,
17 or a court order."

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

21 SECTION 4. New statutory material is underscored.

S.B. NO. 2517

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

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INTRODUCED BY: *Van Antwerp*



S.B. NO. 2517

Report Title:

Public Agency Meetings and Records; Sunshine Law; Executive Session; Personnel; Voting; Hiring; Officers; Employees

Description:

Required that heads of agencies that require board appointments be made through a publicly established process and timeline. Requires that a vote by a public agency board to hire an officer or employee be conducted in an open meeting.

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

