

JAN 24 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- Trusted public representatives. (a) The director
5 shall adopt rules, pursuant to chapter 91, to establish a
6 process for the selection and appointment of trusted public
7 representatives. The process shall include:

8 (1) For the selection of trusted public representatives:

9 (A) Consultation with civic leaders and community
10 members; and

11 (B) Interviews with prospective trusted public
12 representatives; and

13 (2) For the appointment of trusted public representatives,
14 a requirement that a trusted public representative be
15 appointed only after ten days after the publication of
16 the prospective trusted public representative's name



1 and a brief summary of the prospective trusted
2 representative's background.

3 (b) The director:

4 (1) Shall provide training on chapter 92 to each trusted
5 public representative to enable trusted public
6 representatives to perform their duties;

7 (2) May assign trusted public representatives to observe
8 board meetings closed to the public pursuant to
9 section 92-4; and

10 (3) Shall include in the director's annual report to the
11 legislature required by section 92F-42(7) the
12 activities of trusted public representatives.

13 (c) Trusted public representatives appointed under this
14 section shall:

15 (1) Serve on a volunteer basis and without compensation
16 but shall be reimbursed for expenses, including travel
17 expenses, necessary for the performance of their
18 duties;

19 (2) If assigned by the director, observe board meetings
20 closed to the public;



- 1 (3) Submit a confidential report to the director that the
2 board meeting was conducted in conformance with
3 chapter 92 and, if not, describe any board discussion
4 that appeared to exceed the scope of chapter 92; and
5 (4) Maintain the confidentiality of discussions held in
6 board executive sessions.

7 (d) For the purposes of this section, "director" means the
8 director of the office of information practices."

9 SECTION 2. Section 92-2, Hawaii Revised Statutes, is
10 amended by adding a new definition to be appropriately inserted
11 and to read as follows:

12 "Trusted public representative" means a resident of the
13 State who is widely trusted and respected by others, has a
14 reputation of integrity and caring for the community, and is
15 committed to maintaining the intent and spirit of chapter 92 for
16 the purpose of observing board meetings closed to the public."

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

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




- 1 (1) To consider and evaluate personal information relating
2 to individuals applying for professional or vocational
3 licenses cited in section 26-9 or both;
- 4 (2) To consider the hire, evaluation, dismissal, or
5 discipline of an officer or employee or of charges
6 brought against the officer or employee, where
7 consideration of matters affecting privacy will be
8 involved; provided that if the individual concerned
9 requests an open meeting, an open meeting shall be
10 held;
- 11 (3) To deliberate concerning the authority of persons
12 designated by the board to conduct labor negotiations
13 or to negotiate the acquisition of public property, or
14 during the conduct of such negotiations;
- 15 (4) To consult with the board's attorney on questions and
16 issues pertaining to the board's powers, duties,
17 privileges, immunities, and liabilities;
- 18 (5) To investigate proceedings regarding criminal
19 misconduct;
- 20 (6) To consider sensitive matters related to public safety
21 or security;



- 1 (7) To consider matters relating to the solicitation and
- 2 acceptance of private donations; [~~and~~]
- 3 (8) To deliberate or make a decision upon a matter that
- 4 requires the consideration of information that must be
- 5 kept confidential pursuant to a state or federal law,
- 6 or a court order[-]; and
- 7 (9) To conduct business regarding interviews of
- 8 prospective officers or employees, strategic planning
- 9 retreats, consultation meetings on procurement
- 10 projects, and planning of community collaboratives and
- 11 public-private partnerships; provided that a trusted
- 12 public representative has been assigned by the
- 13 director of the office of information practices and is
- 14 present at the meeting."

15 SECTION 4. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

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

18
 INTRODUCED BY: 



S.B. NO. 3307

Report Title:

OIP; Public Agency Meetings; Sunshine Law; Exemption; Trusted Public Representatives; Report

Description:

Requires the Director of the Office of Information Practices to adopt rules to establish a process for the selection and appointment of trusted public representatives. Allows the Director of the Office of Information Practices to assign trusted public representatives to observe board meetings closed to the public. Requires the Director of the Office of Information Practices to include in the Director's annual report the activities of trusted public representatives. Requires trusted public representatives to submit a confidential report to the Director of the Office of Information Practices that a board meeting was conducted in conformance with chapter 92, Hawaii Revised Statutes. Defines "trusted public representative". Allows boards to hold certain meetings closed to the public if a trusted public representative is assigned to the meeting by the Director of the Office of Information Practices and is present at the meeting.

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

