
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 for decades, the
2 Sunshine Law has had an exception to the open meetings
3 requirement, permitting a limited number of board members to
4 investigate an issue without complying with the open meeting
5 requirement and reporting back to the board before a discussion
6 occurs; provided that three separate board meetings are held:

7 (1) To define the scope of the investigation and scope of
8 authority of each member of the investigation group;

9 (2) For the group to report its findings and
10 recommendations; and

11 (3) To discuss and act on the matter investigated
12 following the report.

13 The legislature also finds that on multiple occasions over
14 the years, boards have attempted to circumvent the legislative
15 intent to provide the public and the board with an opportunity
16 to digest the report before any substantive discussions are
17 held, by scheduling the second and third meetings back-to-back.



1 The legislature further finds that most recently, the Honolulu
2 city council attempted to schedule a meeting for a group of its
3 members to report back on its investigation into real property
4 tax bills with a "separate" meeting scheduled thirty minutes
5 later to discuss and act on the report.

6 Accordingly, the purpose of this Act is to require the
7 third meeting of a board to deliberate and act on a matter
8 investigated by its members, as required under the Sunshine Law,
9 to be held at least six days after the second meeting.

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

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

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

16 provided that:

17 (A) The scope of the investigation and the scope of
18 each member's authority are defined at a meeting
19 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 on the matter
5 investigated, if any, occurs only at a duly
6 noticed meeting of the board held [~~subsequent to~~]
7 not less than six calendar days after the meeting
8 at which the findings and recommendations of the
9 investigation were presented to the board; [~~or~~]
10 provided that the board may expedite
11 deliberations regarding testimony for legislative
12 hearings, but not other board business; or

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

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

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



Report Title:

Board Meetings; Sunshine Law; Open Meetings Requirement;
Exemptions; Investigations; Scheduling of Meetings

Description:

Require the third meeting of a board to deliberate and act on a matter investigated by a group of its members to be held at least six days after the second meeting. (SD1)

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