

JAN 23 2025

A BILL FOR AN ACT

RELATING TO TRUSTED PUBLIC REPRESENTATIVES.

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

SECTION 1. The purpose of this Act is to establish the trusted public representatives program within the office of information practices to train and authorize volunteers to attend and monitor closed board meetings to ensure that the discussions are held in accordance with the State's sunshine law.

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

"§92-A Trusted public representatives program. (a) The office of information practices shall establish a trusted public representatives program under which the office shall train and assign a volunteer trusted public representative trained in the requirements of this chapter to observe meetings closed to the public to ensure the meeting's compliance with this chapter.

(b) A trusted public representative shall, at minimum:

(1) Be a resident of the State;



- 1 (2) Be at least eighteen years of age;
- 2 (3) Have no conflicts of interest with the boards or
- 3 commissions the representative will monitor;
- 4 (4) Demonstrate a commitment to transparency and
- 5 accountability in government;
- 6 (5) Pass a background check conducted by the office of
- 7 information practices; and
- 8 (6) Possess strong communication and observation skills.
- 9 (c) The office of information practices:
- 10 (1) Shall provide training on this chapter to each trusted
- 11 public representative to enable trusted public
- 12 representatives to perform their duties;
- 13 (2) May assign trusted public representatives to observe
- 14 meetings closed to the public pursuant to section
- 15 92-4;
- 16 (3) Shall adopt rules pursuant to chapter 91 necessary to
- 17 implement the program, including but not limited to
- 18 establishing:
- 19 (A) The criteria and procedures for the recruitment
- 20 and selection of trusted public representatives;



1 (B) Procedures for the trusted public representatives
2 to observe meetings closed to the public and
3 report suspected noncompliance with this chapter
4 to the office of information practices;

5 (C) Procedures for investigating reports of suspected
6 noncompliance with this chapter; and

7 (D) Procedures and criteria in performing periodic
8 review and evaluations of trusted public
9 representatives; and

10 (4) Shall submit an annual report to the legislature of
11 the activities of the trusted public representatives
12 program and any resulting recommendations for
13 legislative or administrative action.

14 (d) Trusted public representatives:

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; provided that reimbursement shall follow
19 procedures and requirements established by the office
20 of information practices, including the submission of
21 receipts and documentation;



- 1 (2) Observe meetings closed to the public, as assigned by
2 the office of information practices;
- 3 (3) Submit a confidential report to the director of the
4 office of information practices that the meeting was
5 conducted in conformance with this chapter and, if
6 not, describe any board discussion that appeared to
7 exceed the scope of this chapter; and
- 8 (4) Maintain the confidentiality of discussions held in
9 the meetings.

10 SECTION 3. Section 846-2.7, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) Criminal history record checks may be conducted by:

- 13 (1) The department of health or its designee on operators
14 of adult foster homes for individuals with
15 developmental disabilities or developmental
16 disabilities domiciliary homes and their employees, as
17 provided by section 321-15.2;
- 18 (2) The department of health or its designee on
19 prospective employees, persons seeking to serve as
20 providers, or subcontractors in positions that place
21 them in direct contact with clients when providing



1 non-witnessed direct mental health or health care
2 services as provided by section 321-171.5;

3 (3) The department of health or its designee on all
4 applicants for licensure or certification for,
5 operators for, prospective employees, adult
6 volunteers, and all adults, except adults in care, at
7 healthcare facilities as defined in section 321-15.2;

8 (4) The department of education on employees, prospective
9 employees, and teacher trainees in any public school
10 in positions that necessitate close proximity to
11 children as provided by section 302A-601.5;

12 (5) The counties on employees and prospective employees
13 who may be in positions that place them in close
14 proximity to children in recreation or child care
15 programs and services;

16 (6) The county liquor commissions on applicants for liquor
17 licenses as provided by section 281-53.5;

18 (7) The county liquor commissions on employees and
19 prospective employees involved in liquor
20 administration, law enforcement, and liquor control
21 investigations;



1 (8) The department of human services on operators and
2 employees of child caring institutions, child placing
3 organizations, and resource family homes as provided
4 by section 346-17;

5 (9) The department of human services on prospective
6 adoptive parents as established under section 346-
7 19.7;

8 (10) The department of human services or its designee on
9 applicants to operate child care facilities, household
10 members of the applicant, prospective employees of the
11 applicant, and new employees and household members of
12 the provider after registration or licensure as
13 provided by section 346-154, and persons subject to
14 section 346-152.5;

15 (11) The department of human services on persons exempt
16 pursuant to section 346-152 to be eligible to provide
17 child care and receive child care subsidies as
18 provided by section 346-152.5;

19 (12) The department of health on operators and employees of
20 home and community-based case management agencies and
21 operators and other adults, except for adults in care,



1 residing in community care foster family homes as
2 provided by section 321-15.2;

3 (13) The department of human services on staff members of
4 the Hawaii youth correctional facility as provided by
5 section 352-5.5;

6 (14) The department of human services on employees,
7 prospective employees, and volunteers of contracted
8 providers and subcontractors in positions that place
9 them in close proximity to youth when providing
10 services on behalf of the office or the Hawaii youth
11 correctional facility as provided by section 352D-4.3;

12 (15) The judiciary on employees and applicants at detention
13 and shelter facilities as provided by section 571-34;

14 (16) The department of corrections and rehabilitation on
15 employees and prospective employees, volunteers,
16 contract service providers, and subcontract service
17 providers who are directly involved with the treatment
18 and care of, or directly involved in providing
19 correctional programs and service to, persons
20 committed to a correctional facility, or placed in
21 close proximity to persons committed when providing



1 services on behalf of the department or the
2 correctional facility, as provided by section 353-1.5
3 and the department of law enforcement on employees and
4 prospective employees whose duties involve or may
5 involve the exercise of police powers including the
6 power of arrest as provided by section 353C-5;

7 (17) The board of private detectives and guards on
8 applicants for private detective or private guard
9 licensure as provided by section 463-9;

10 (18) Private schools and designated organizations on
11 employees and prospective employees who may be in
12 positions that necessitate close proximity to
13 children; provided that private schools and designated
14 organizations receive only indications of the states
15 from which the national criminal history record
16 information was provided pursuant to section 302C-1;

17 (19) The public library system on employees and prospective
18 employees whose positions place them in close
19 proximity to children as provided by section 302A-
20 601.5;



- 1 (20) The State or any of its branches, political
2 subdivisions, or agencies on applicants and employees
3 holding a position that has the same type of contact
4 with children, vulnerable adults, or persons committed
5 to a correctional facility as other public employees
6 who hold positions that are authorized by law to
7 require criminal history record checks as a condition
8 of employment as provided by section 78-2.7;
- 9 (21) The department of health on licensed adult day care
10 center operators, employees, new employees,
11 subcontracted service providers and their employees,
12 and adult volunteers as provided by section 321-15.2;
- 13 (22) The department of human services on purchase of
14 service contracted and subcontracted service providers
15 and their employees and volunteers, as provided by
16 sections 346-2.5 and 346-97;
- 17 (23) The department of human services on foster grandparent
18 program, senior companion program, and respite
19 companion program participants as provided by section
20 346-97;



1 (24) The department of human services on contracted and
2 subcontracted service providers and their current and
3 prospective employees that provide home and community-
4 based services under section 1915(c) of the Social
5 Security Act, title 42 United States Code section
6 1396n(c), or under any other applicable section or
7 sections of the Social Security Act for the purposes
8 of providing home and community-based services, as
9 provided by section 346-97;

10 (25) The department of commerce and consumer affairs on
11 proposed directors and executive officers of a bank,
12 savings bank, savings and loan association, trust
13 company, and depository financial services loan
14 company as provided by section 412:3-201;

15 (26) The department of commerce and consumer affairs on
16 proposed directors and executive officers of a
17 nondepository financial services loan company as
18 provided by section 412:3-301;

19 (27) The department of commerce and consumer affairs on the
20 original chartering applicants and proposed executive



officers of a credit union as provided by section
412:10-103;

(28) The department of commerce and consumer affairs on:

(A) Each principal of every non-corporate applicant
for a money transmitter license;

(B) Each person who upon approval of an application
by a corporate applicant for a money transmitter
license will be a principal of the licensee; and

(C) Each person who upon approval of an application
requesting approval of a proposed change in
control of licensee will be a principal of the
licensee,

as provided by sections 489D-9 and 489D-15;

(29) The department of commerce and consumer affairs on
applicants for licensure and persons licensed under
title 24;

(30) The Hawaii health systems corporation on:

(A) Employees;

(B) Applicants seeking employment;

(C) Current or prospective members of the corporation
board or regional system board; or



(D) Current or prospective volunteers, providers, or
contractors,
in any of the corporation's health facilities as
provided by section 323F-5.5;

(31) The department of commerce and consumer affairs on:

(A) An applicant for a mortgage loan originator
license, or license renewal; and

(B) Each control person, executive officer, director,
general partner, and managing member of an
applicant for a mortgage loan originator company
license or license renewal,

as provided by chapter 454F;

(32) The state public charter school commission or public
charter schools on employees, teacher trainees,
prospective employees, and prospective teacher
trainees in any public charter school for any position
that places them in close proximity to children, as
provided in section 302D-33;

(33) The counties on prospective employees who work with
children, vulnerable adults, or senior citizens in
community-based programs;



1 (34) The counties on prospective employees for fire
2 department positions that involve contact with
3 children or vulnerable adults;

4 (35) The counties on prospective employees for emergency
5 medical services positions that involve contact with
6 children or vulnerable adults;

7 (36) The counties on prospective employees for emergency
8 management positions and community volunteers whose
9 responsibilities involve planning and executing
10 homeland security measures including viewing,
11 handling, and engaging in law enforcement or
12 classified meetings and assisting vulnerable citizens
13 during emergencies or crises;

14 (37) The State and counties on employees, prospective
15 employees, volunteers, and contractors whose position
16 responsibilities require unescorted access to secured
17 areas and equipment related to a traffic management
18 center;

19 (38) The State and counties on employees and prospective
20 employees whose positions involve the handling or use
21 of firearms for other than law enforcement purposes;



- 1 (39) The State and counties on current and prospective
2 systems analysts and others involved in an agency's
3 information technology operation whose position
4 responsibilities provide them with access to
5 proprietary, confidential, or sensitive information;
- 6 (40) The department of commerce and consumer affairs on:
- 7 (A) Applicants for real estate appraiser licensure or
8 certification as provided by chapter 466K;
- 9 (B) Each person who owns more than ten per cent of an
10 appraisal management company who is applying for
11 registration as an appraisal management company,
12 as provided by section 466M-7; and
- 13 (C) Each of the controlling persons of an applicant
14 for registration as an appraisal management
15 company, as provided by section 466M-7;
- 16 (41) The department of health or its designee on:
- 17 (A) Individual applicants or individuals acting on
18 behalf of applying entities for hemp processor
19 permits as provided under section 328G-2; and
- 20 (B) All license applicants, licensees, employees,
21 contractors, and prospective employees of medical



1 cannabis dispensaries, and individuals permitted
2 to enter and remain in medical cannabis
3 dispensary facilities as provided under sections
4 329D-15(a)(4) and 329D-16(a)(3);

5 (42) The department of commerce and consumer affairs on
6 applicants for nurse licensure or license renewal,
7 reactivation, or restoration as provided by sections
8 457-7, 457-8, 457-8.5, and 457-9;

9 (43) The county police departments on applicants for
10 permits to acquire firearms pursuant to section 134-2,
11 on individuals registering their firearms pursuant to
12 section 134-3, and on applicants for new or renewed
13 licenses to carry a pistol or revolver and ammunition
14 pursuant to section 134-9;

15 (44) The department of commerce and consumer affairs on:

16 (A) Each of the controlling persons of the applicant
17 for licensure as an escrow depository, and each
18 of the officers, directors, and principals who
19 will be in charge of the escrow depository's
20 activities upon licensure; and



1 (B) Each of the controlling persons of an applicant
2 for proposed change in control of an escrow
3 depository licensee, and each of the officers,
4 directors, and principals who will be in charge
5 of the licensee's activities upon approval of the
6 application,

7 as provided by chapter 449;

8 (45) The department of taxation on current or prospective
9 employees or contractors who have access to federal
10 tax information in order to comply with requirements
11 of federal law, regulation, or procedure, as provided
12 by section 231-1.6;

13 (46) The department of labor and industrial relations on
14 current or prospective employees or contractors who
15 have access to federal tax information in order to
16 comply with requirements of federal law, regulation,
17 or procedure, as provided by section 383-110;

18 (47) The department of human services on current or
19 prospective employees or contractors who have access
20 to federal tax information in order to comply with
21 requirements of federal law, regulation, or procedure,



1 and on current or prospective employees, volunteers,
2 contractors, or contractors' employees or volunteers,
3 subcontractors, or subcontractors' employees or
4 volunteers, whose position places or would place them
5 in close proximity to minors, young adults, or
6 vulnerable adults, as provided by section 346-2.5;

7 (48) The child support enforcement agency on current or
8 prospective employees, or contractors who have access
9 to federal tax information in order to comply with
10 federal law, regulation, or procedure, as provided by
11 section 576D-11.5;

12 (49) The department of the attorney general on current or
13 prospective employees or employees or agents of
14 contractors who have access to federal tax information
15 to comply with requirements of federal law,
16 regulation, or procedure, as provided by section 28-
17 17;

18 (50) The department of commerce and consumer affairs on
19 each control person, executive officer, director,
20 general partner, and managing member of an installment



1 loan licensee, or an applicant for an installment loan
2 license, as provided in chapter 480J;

3 (51) The university of Hawaii on current and prospective
4 employees and contractors whose duties include
5 ensuring the security of campus facilities and
6 persons; [and]

7 (52) The office of information practices or its designee on
8 current or prospective volunteer trusted public
9 representatives as provided in section 92-A; and

10 [~~(52)~~] (53) Any other organization, entity, or the State,
11 its branches, political subdivisions, or agencies as
12 may be authorized by state law."

13 SECTION 4. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2025-2026 and
16 the same sum or so much thereof as may be necessary for fiscal
17 year 2026-2027 for the establishment, implementation, and
18 administration of the trusted public representatives program
19 under this Act.

20 The sums appropriated shall be expended by the office of
21 information practices for the purposes of this Act.



1 SECTION 5. In codifying the new section added by section 2
2 and referenced in section 3 of this Act, the revisor of statutes
3 shall substitute appropriate section numbers for the letters
4 used in designating the new section in this Act.

5 SECTION 6. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 7. This Act shall take effect on July 1, 2025.

8

INTRODUCED BY: 



S.B. NO. 1556

Report Title:

OIP; Public Agency Meetings; Sunshine Law; Executive Meetings;
Trusted Public Representatives; Program; Rules; Report;
Appropriations

Description:

Establishes a Trusted Public Representative Program within the Office of Information Practices under which the Office assigns a volunteer Trusted Public Representative trained in the requirements of the Sunshine Law and observes public agency meetings closed to the public. Allows the Office of Information Practices to conduct background checks of current and prospective Trusted Public Representatives. Requires annual reports to the Legislature. Appropriates funds.

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

