

JAN 15 2025

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 ensuring
2 transparency and openness in the appointment of leadership
3 positions within state divisions and agencies is essential to
4 fostering public trust, accountability, and effective
5 governance. In recent years, public discourse and media
6 coverage have underscored the importance of transparency,
7 particularly in the context of decisions that shape the
8 operational priorities and policies of government entities.

9 Transparency in the selection of board-appointed leadership
10 has a direct impact on public confidence in the integrity and
11 fairness of governmental operations. Lack of openness in these
12 processes may lead to perceptions of favoritism, conflicts of
13 interest, or decisions that do not reflect the best interests of
14 the public. This perception undermines the democratic
15 principles that are the foundation of public governance.

16 The legislature recognizes the following critical concerns:



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- 1 (1) Public interest and stakeholder engagement. Public
2 boards often oversee critical areas such as education,
3 health care, public safety, and infrastructure.
4 Decisions affecting the leadership of state divisions
5 or agencies responsible for these areas can
6 significantly influence the quality of services
7 provided to residents;
- 8 (2) Media reports and investigative findings.
9 Investigative reports have highlighted instances where
10 opaque or inconsistent processes in appointing or
11 selecting heads of divisions or agencies have led to
12 controversies, eroding public trust and creating legal
13 or operational challenges for state agencies;
- 14 (3) National standards and best practices. Across the
15 United States, many states have moved towards
16 codifying open and transparent selection processes for
17 public appointments to ensure equity, merit-based
18 decisions, and public confidence; and
- 19 (4) Economic and social implications. Leadership
20 transitions often involve policy shifts that affect
21 local economies, vulnerable populations, and resource



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1 allocation. Transparent processes ensure that all
2 stakeholders understand and can contribute to these
3 decisions.

4 The legislature believes that it is critical for the State
5 to affirm its commitment to integrity, equity, and transparency,
6 and ensure that board decisions concerning the appointment and
7 selection of heads of state divisions and agencies are made
8 openly and in alignment with the public's best interest.

9 Accordingly, the purpose of this Act is to establish a
10 clear statutory framework mandating transparency,
11 accountability, and public participation in the selection
12 processes for board-appointed positions. This framework will
13 ensure that all deliberations and votes related to the selection
14 of heads of state divisions and agencies occur in public
15 meetings; processes and timelines for appointments are
16 predetermined and disclosed to the public; and amendments to
17 selection processes are made transparently and openly.

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



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1 "§92- Appointment; selection; head of a division or
2 agency. (a) Upon the vacancy or anticipated vacancy of the
3 head of any division or agency of the State that requires a
4 board to appoint or otherwise select the new head, the board
5 shall use open deliberation in an open meeting to establish a
6 process and timeline for the appointment or selection of the new
7 head. Approval of the process and timeline shall be determined
8 in an open meeting.

9 (b) The board shall follow the process and timeline
10 established under subsection (a). If, during the selection
11 process, the board determines that the process or timeline
12 requires amendment, the amendment shall be made through open
13 deliberation in an open meeting and approval of the amendment
14 shall be determined in an open meeting.

15 (c) Any appointment or selection of a head of any division
16 or agency of the State by a board that is made in violation of
17 this section shall be invalid."

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



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

4 (1) To consider and evaluate personal information relating
5 to individuals applying for professional or vocational
6 licenses cited in section 26-9 or both;

7 (2) To consider the hire, evaluation, dismissal, or
8 discipline of an officer or employee or of charges
9 brought against the officer or employee, where
10 consideration of matters affecting privacy will be
11 involved; provided that if the individual concerned
12 requests an open meeting, an open meeting shall be
13 held; provided further that any vote to appoint or
14 select a head of a division or agency pursuant to
15 section 92- shall be conducted in an open meeting;

16 (3) To deliberate concerning the authority of persons
17 designated by the board to conduct labor negotiations
18 or to negotiate the acquisition of public property, or
19 during the conduct of such negotiations;



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

14 SECTION 4. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 5. New statutory material is underscored.

18 SECTION 6. This Act shall take effect upon its approval.

19

INTRODUCED BY: 



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Report Title:

Public Agency Meetings and Records; Sunshine Law; Open Deliberation; Open Meeting; Appointment; Selection; Head of a State Division or Agency; Voting

Description:

Requires appointments and selections of heads of state divisions and agencies that require a board approval to be made through a publicly established process and timeline. Requires the approval of the process and timeline to appoint or select a new head of a state division or agency to be determined in an open meeting. Requires that votes to appoint or select heads of state divisions and agencies be conducted in an open meeting. Provides that any vote to appoint or select a head of a state division or agency cast in violation of the foregoing shall be invalid.

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

