

ACT 13

H.B. NO. 1600

A Bill for an Act Relating to Open Meetings.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that for decades, the State's Sunshine Law has had an exception to the open meetings requirement to permit a limited number of board members to investigate an issue and report back to the board before a decision is made. In these cases, the board must hold three meetings:

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first, to identify the members and scope of the investigative group; second, for the investigative group to report its findings to the board; and finally, for the board to discuss and act on the investigative group's report. However, the legislature finds that over the years, there have been multiple occasions where boards have attempted to circumvent the legislative intent that the public and board have sufficient time to digest the investigative group's report before any substantive discussion occurs by the board. Specifically, boards have circumvented this legislative intent by separately noticing back-to-back meetings, first for the investigative group to report to the board, and second for the board to act on the report. Most recently, the Honolulu city council attempted to schedule a meeting for an investigative group to report back on its investigation into real property tax bills with a "separate" meeting to discuss and act on the report scheduled for thirty minutes after the investigative group reported to the council.

The purpose of this Act is to require board meetings to deliberate and decision-make on an investigative group's report to occur at least six business days after the investigative group has presented the findings and recommendations of its investigation to the board.

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

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

- (1) Investigate a matter relating to board business; provided that:
 - (A) The scope of the investigation and the scope of each member's authority are defined at a meeting of the board;
 - (B) All resulting findings and recommendations are presented to the board at a meeting of the board; and
 - (C) Deliberation and ~~[decisionmaking]~~ decision-making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held ~~[subsequent to]~~ no less than six business days after the meeting at which the findings and recommendations of the investigation were presented to the board; or
- (2) Present, discuss, or negotiate any position that the board has adopted at a meeting of the board; provided that the assignment is made and the scope of each member's authority is defined at a meeting of the board before the presentation, discussion, or negotiation."

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

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

(Approved May 3, 2024.)