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# A BILL FOR AN ACT

RELATING TO OPEN MEETINGS.

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

1           SECTION 1. The legislature finds that for decades, the  
2 State's Sunshine Law has had an exception to the open meetings  
3 requirement to permit a limited number of board members to  
4 investigate an issue, without complying with opening meeting  
5 requirements, and report back to the board before a discussion  
6 is made. In such cases, the board must hold three meetings:  
7 first, to identify the members and scope of the investigative  
8 group; second, for the investigative group to report its  
9 findings to the board; and finally, for the board to discuss and  
10 act on the investigative group's report. However, the  
11 legislature finds that over the years there have been multiple  
12 occasions where boards have attempted to circumvent the  
13 legislative intent that is aimed to allow sufficient time for  
14 the public and the board have an opportunity to digest the  
15 investigative group's report before any substantive discussion  
16 occurs by the board. Specifically, board's have circumvented  
17 this legislative intent by separately noticing back-to-back



1 meetings, first for the investigative group to report to the  
2 board, and second for the board to act on the report. Most  
3 recently, the Honolulu city council attempted to schedule a  
4 meeting for an investigative group to report back on its  
5 investigation into real property tax bills with a "separate"  
6 meeting to discuss and act on the report scheduled for thirty  
7 minutes after the investigative group reported to the council.

8 The purpose of this Act is to clarify that board meetings  
9 to discuss and act on an investigative group's report must occur  
10 at least six days after the investigative group has reported the  
11 results of its investigation to the board.

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

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

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

18 provided that:

19 (A) The scope of the investigation and the scope of  
20 each member's authority are defined at a meeting  
21 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 no 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 (2) Present, discuss, or negotiate any position that the  
 11 board has adopted at a meeting of the board; provided  
 12 that the assignment is made and the scope of each  
 13 member's authority is defined at a meeting of the  
 14 board before the presentation, discussion, or  
 15 negotiation."

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

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

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INTRODUCED BY: *Dan Carnes*

JAN 16 2024



# H.B. NO. 1600

**Report Title:**

Sunshine Law; Permitted Interaction Groups; Scheduling; Open Meetings

**Description:**

Requires that a board may only schedule a meeting for discussion and decisionmaking on a report by an investigative group six days after the investigative group has made a report of its findings to the board.

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

