

JAN 19 2018

A BILL FOR AN ACT

RELATING TO TRANSPARENCY IN STATE GOVERNMENT.

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

SECTION 1. Section 92-3.1, Hawaii Revised Statutes, is amended to read as follows:

"§92-3.1 Limited meetings. (a) If a board determines that it is necessary to meet at a location that is dangerous to health or safety, or if a board determines that it is necessary to conduct an on-site inspection of a location that is related to the board's business at which public attendance is not practicable, and the director of the office of information practices concurs, the board may hold a limited meeting at that location that shall not be open to the public; provided that at a regular meeting of the board prior to the limited meeting:

(1) The board determines, after sufficient public deliberation, that it is necessary to hold the limited meeting and specifies that the location is dangerous to health or safety or that the on-site inspection is necessary and public attendance is impracticable;



(2) Two-thirds of all members to which the board is entitled vote to adopt the determinations required by paragraph (1); and

(3) Notice of the limited meeting is provided in accordance with section 92-7.

(b) A county council may hold a limited meeting that is open to the public, as the guest of a board or community group holding its own meeting, and the council shall not be required to have a quorum of members in attendance or accept oral testimony; provided that:

(1) Notice of the limited meeting shall be provided in accordance with section 92-7, shall indicate the board or community group whose meeting the council is attending, and shall not be required to include an agenda;

(2) If the board or community group whose meeting the council is attending is subject to part I, chapter 92, then that board or community group shall comply with the notice, agenda, testimony, minutes, and other requirements of part I, chapter 92;



(3) No more than one limited meeting per month shall be held by a county council for any one board or community group;

(4) No limited meetings shall be held outside the State; and

(5) Limited meetings shall not be used to circumvent the purpose of part I, chapter 92.

(c) A house of the state legislature may hold a limited meeting that is open to the public, as the guest of a board or community group holding its own meeting, and the respective house of the legislature shall not be required to have a quorum of members in attendance or accept oral testimony; provided that:

(1) Notice of the limited meeting shall be provided in accordance with section 92-7, shall indicate the board or community group whose meeting the respective house of the legislature is attending, and shall not be required to include an agenda;

(2) If the board or community group whose meeting the respective house of the legislature is attending is subject to part I, chapter 92, then that board or



1 community group shall comply with the notice, agenda,
2 testimony, minutes, and other requirements of part I,
3 chapter 92;

4 (3) No more than one limited meeting per month shall be
5 held by a house of the legislature for any one board
6 or community group;

7 (4) No limited meetings shall be held outside the State;
8 and

9 (5) Limited meetings shall not be used to circumvent the
10 purpose of part I, chapter 92.

11 ~~[(e)]~~ (d) At all limited meetings, the board shall:

12 (1) Videotape the meeting, unless the requirement is
13 waived by the director of the office of information
14 practices, and comply with all requirements of section
15 92-9;

16 (2) Make the videotape available at the next regular
17 meeting; and

18 (3) Make no decisions at the meeting.

19 ~~[(d)]~~ (e) Each county council and each house of the
20 legislature shall submit an annual report to the legislature and
21 the office of information practices, respectively, no later than



1 twenty days prior to the convening of each regular session on
2 the effectiveness and application of limited meeting procedures
3 provided in ~~[subsection]~~ subsections (b) and (c), respectively,
4 including any recommendations or proposed legislation."

5 SECTION 2. Section 92-10, Hawaii Revised Statutes, is
6 repealed.

7 ~~["§92-10 Legislative branch; applicability.~~
8 ~~Notwithstanding any provisions contained in this chapter to the~~
9 ~~contrary, open meeting requirements, and provisions regarding~~
10 ~~enforcement, penalties and sanctions, as they are to relate to~~
11 ~~the state legislature or to any of its members shall be such as~~
12 ~~shall be from time to time prescribed by the prescribed~~
13 ~~respective rules and procedures of the senate and the house of~~
14 ~~representatives, which rules and procedures shall take~~
15 ~~precedence over this part. Similarly, provisions relating to~~
16 ~~notice, agenda and minutes of meetings, and such other~~
17 ~~requirements as many be necessary, shall also be governed by the~~
18 ~~respective rules and procedures of the senate and the house of~~
19 ~~representatives."]~~

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



1 SECTION 4. This Act shall take effect on July 1, 2018.

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INTRODUCED BY: *[Signature]*
By Request



S.B. NO. 2139

Report Title:

Sunshine Law; Limited Meetings; Applicability to Legislature

Description:

Applies the conditions and requirements relating to limited meeting to the Legislature when a house of the Legislature holds a limited meeting that is open to the public, as a guest of a board or community group. Repeals the Legislature's exemption from the open meeting requirements of the Sunshine Law.

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

