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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 and report back to the board before a  
5 discussion is had. In these cases, the board must hold three  
6 meetings: first, to identify the members and scope of the  
7 investigative group; second, for the investigative group to  
8 report its findings to the board; and finally, for the board to  
9 discuss and act on the investigative group's report. However,  
10 the legislature finds that over the years, there have been  
11 multiple occasions where boards have attempted to circumvent the  
12 legislative intent that the public and board have sufficient  
13 time to digest the investigative group's report before any  
14 substantive discussion occurs by the board. Specifically,  
15 boards have circumvented this legislative intent by separately  
16 noticing back-to-back meetings, first for the investigative  
17 group to report to the board, and second for the board to act on



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

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

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

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

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

17 provided that:

18 (A) The scope of the investigation and the scope of  
19 each member's authority are defined at a meeting  
20 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 on July 1, 3000.

**Report Title:**

Sunshine Law; Permitted Interaction Groups; Scheduling; Open Meetings

**Description:**

Requires that a board may only schedule a meeting for deliberation and decisionmaking on a report by an investigative group six days after the investigative group presented the report of its findings and recommendations to the board.  
Effective 7/1/3000. (HD1)

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

