
A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS.

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

1 SECTION 1. Chapter 92, Hawaii Revised Statutes, is amended
2 by adding a new section to part I to be appropriately designated
3 and to read as follows:

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

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



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

4 SECTION 2. Section 92-5, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

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

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

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



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

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



- 1 SECTION 4. New statutory material is underscored.
- 2 SECTION 5. This Act shall take effect upon its approval.



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 division or agency to be determined in an open meeting. Requires that votes to appoint or select a head of state divisions and agencies to 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. Requires that a vote by a board to appoint or select hire a head of a division or agency be conducted in an open meeting. (SD1)

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

