

JAN 19 2024

A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS.

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

1 SECTION 1. The legislature finds that for decades, the
2 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 the Sunshine Law,
5 and report back to the board before a discussion occurs. The
6 statute requires three different meetings:

7 (1) To identify the members and scope of the investigation
8 team,

9 (2) For the group to report its findings, and

10 (3) To discuss and act on the report.

11 The legislature also finds that on multiple occasions over
12 the years, boards have attempted to circumvent the legislative
13 intent that the public, and the board, have an opportunity to
14 digest the report before any substantive discussion by
15 scheduling the second and third meetings back-to-back. The
16 legislature further finds that most recently, the city council
17 attempted to schedule a meeting for a group to report back on



1 its investigation into real property tax bills with a "separate"
2 meeting scheduled thirty minutes later that would discuss and
3 act on the report.

4 Accordingly the purpose of this Act is to clarify that the
5 third meeting of a board to investigate an issue, as required
6 under the Sunshine Law, must occur at least six days after the
7 second meeting.

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

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

13 (1) Investigate a matter relating to board business;
14 provided that:

15 (A) The scope of the investigation and the scope of
16 each member's authority are defined at a meeting
17 of the board;

18 (B) All resulting findings and recommendations are
19 presented to the board at a meeting of the board;
20 and



1 (C) Deliberation and decisionmaking on the matter
 2 investigated, if any, occurs only at a duly
 3 noticed meeting of the board held [~~subsequent to~~]
 4 not less than six calendar days after the meeting
 5 at which the findings and recommendations of the
 6 investigation were presented to the board; or

7 (2) Present, discuss, or negotiate any position that the
 8 board has adopted at a meeting of the board; provided
 9 that the assignment is made and the scope of each
 10 member's authority is defined at a meeting of the
 11 board before the presentation, discussion, or
 12 negotiation."

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

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

16

INTRODUCED BY: 



S.B. NO. 2637

Report Title:

Public Agency Meetings; Reports; Sunshine Law

Description:

Clarifies that the third meeting of public agency meetings must occur not less than six calendar days after the second.

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