

SECTION 1. County councils are the elected legislative bodies for the counties, and are subject to the Sunshine Law, part I of chapter 92, Hawaii Revised Statutes. Council members have claimed that they are unduly hampered in communicating with constituents and understanding community concerns because the Sunshine Law restricts the number of members permitted to attend and discuss council business at community groups' meetings or similar events, and that their constituents often do not understand that the limited number of council members attending is due to the law's restriction rather than to a lack of interest by members. At the same time, members of the public have expressed strong reservations about the potential for abuse of the public's right to know and participate in the policy-making process if the Sunshine Law's protections are removed.

The purpose of this bill is to balance these opposing interests and allow greater communication with the public, subject to appropriate limitations. This bill creates a "guest meeting" as a special form of limited meeting, at which any number of county council members could attend a community group's meeting as guests of the community group to discuss council business there, provided that no decisions or commitments to vote are made by the council members. Public notice of the council's intent to hold a guest meeting must be given and a videotape or minutes of the guest meeting must be prepared, but the council is not required to provide an agenda, limit discussions to items on an agenda, or take public testimony. If the community group is already subject to the Sunshine Law, that group would still be required to follow the Sunshine Law's requirements for notice, agenda, testimony, and minutes.

This bill includes a sunset date four years from the present year, in order to allow assessment of how the guest meetings work in practice before any final decision is made as to their permanent placement in the Sunshine Law.

SECTION 2. 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 the reasons for its determination 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.

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(b) A county council may hold a limited meeting 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 its members in attendance or accept oral testimony, provided that:

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

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

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

(4) No limited meeting as provided in this subsection shall be held outside the state of Hawaii; and

(5) Meetings allowed under this section shall not be used to circumvent the spirit of the Sunshine Law.

[{(b)}(c)] At all limited meetings, the board shall:

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

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

(3) Make no decisions at the meeting. "

SECTION 3. This Act shall take effect upon its approval; provided that on June 30, 2018, section 2 of this Act shall be repealed and section 92-3.1, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of this Act.