

A Bill for an Act Relating to Public Agency Meetings.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that county council members are hindered in communicating with constituents and understanding community concerns because they are subject to the sunshine law, restricting the number of members permitted to attend and discuss council business at community meetings or similar events. Constituents often do not understand that the limited number of council members attending is due to a restriction rather than to a lack of interest by members. At the same time, members of the public are concerned about the potential for abuse of the public's right to know and participate in the policy making process if protections provided by the sunshine law are removed.

The purpose of this Act is to balance these opposing interests and allow greater communication with the public, subject to appropriate limitations, through the establishment of a limited meeting where any number of county council members may attend a community group's meeting to discuss council business; provided that no decision or commitments to vote are made by the council members.

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 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.

~~[(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. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval; provided that on June 30, 2016, 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.

(Approved July 7, 2014.)