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

13 The purpose of this Act is to balance these opposing
14 interests and allow greater communication with the public,
15 subject to appropriate limitations, through the establishment of
16 a limited meeting where any number of county council members may
17 attend a community group's meeting to discuss council business;



1 provided that no decision or commitments to vote are made by the
2 council members.

3 SECTION 2. Section 92-3.1, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§92-3.1 Limited meetings.** (a) If a board determines
6 that it is necessary to meet at a location that is dangerous to
7 health or safety, or if a board determines that it is necessary
8 to conduct an on-site inspection of a location that is related
9 to the board's business at which public attendance is not
10 practicable, and the director of the office of information
11 practices concurs, the board may hold a limited meeting at that
12 location that shall not be open to the public; provided that at
13 a regular meeting of the board prior to the limited meeting:

14 (1) The board determines, after sufficient public
15 deliberation, that it is necessary to hold the limited
16 meeting and specifies that the location is dangerous
17 to health or safety or that the on-site inspection is
18 necessary and public attendance is impracticable;

19 (2) Two-thirds of all members to which the board is
20 entitled vote to adopt the determinations required by
21 paragraph (1); and



1 (3) Notice of the limited meeting is provided in
2 accordance with section 92-7.

3 (b) A county council may hold a limited meeting that is
4 open to the public, as the guest of a board or community group
5 holding its own meeting, and the council shall not be required
6 to have a quorum of members in attendance or accept oral
7 testimony; provided that:

8 (1) Notice of the limited meeting shall be provided in
9 accordance with section 92-7, shall indicate the board
10 or community group whose meeting the council is
11 attending, and may include an agenda;

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

17 (3) No more than one limited meeting per month shall be
18 held by a county council for any one board or
19 community group;

20 (4) No limited meetings shall be held outside the State;
21 and



- 1 (5) Limited meetings shall not be used to circumvent the
- 2 purpose of part I, chapter 92.
- 3 [~~(b)~~] (c) At all limited meetings, the board shall:
- 4 (1) Videotape the meeting, unless the requirement is
- 5 waived by the director of the office of information
- 6 practices, and comply with all requirements of section
- 7 92-9;
- 8 (2) Make the videotape available at the next regular
- 9 meeting; and
- 10 (3) Make no decisions at the meeting."

11 SECTION 3. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval;
 14 provided that on June 30, 2018, section 2 of this Act shall be
 15 repealed and section 92-3.1, Hawaii Revised Statutes, shall be
 16 reenacted in the form in which it read on the day before the
 17 effective date of this Act.

Report Title:

Public Agency Meetings; County Council Members; Limited Meeting;
Sunshine Law

Description:

Authorizes a limited meeting where any number of county council members may attend a board's or community group's meeting to discuss council business, provided that certain requirements are met. Repeals 6/30/2018. (SD1)

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

