

H. B. NO. 1866**A BILL FOR AN ACT**

RELATING TO PUBLIC AGENCY MEETINGS.

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

1 SECTION 1. In 1993 a lawsuit was filed that claimed that
2 an advisory group of experts which had been assembled by a
3 state department head as consultants on a matter within the
4 department head's jurisdiction was a board for sunshine law
5 purposes even though the existence of the group was wholly
6 within the director's discretion and the group was not intended
7 to function as a deliberative or parliamentary body. The same
8 lawsuit asserted that citizen groups that had organized
9 themselves to address matters within the jurisdiction of the
10 state department were subject to sunshine law requirements.
11 The purpose of this Act is to clarify that only entities that
12 are expressly created by the state constitution or a statute,
13 charter, executive order, ordinance, or rule are "boards" under
14 chapter 92, Hawaii Revised Statutes. There are many occasions
15 when public officials may consider it advisable to receive the
16 counsel of groups of experts or citizens as part of their
17 consideration on public matters. Such groups, however, are not

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1 boards within the meaning of section 92-2 unless they literally
 2 satisfy the definition of the term "board" in that section.
 3 The bill also clarifies that the term "board" includes entities
 4 that are created by charter and ordinance.

5 SECTION 2. Section 92-2, Hawaii Revised Statutes, is
 6 amended by amending the definition of "board" to read as
 7 follows:

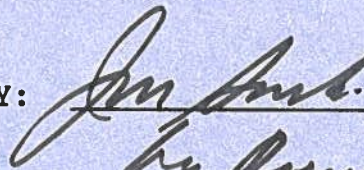
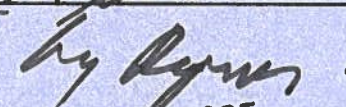
8 "(1) "Board" means any agency, board, commission,
 9 authority, or committee of the State or its political
 10 subdivisions which expressly is created by the state
 11 constitution, a statute, [rule, or] charter,
 12 executive order, ordinance, or rule to have
 13 supervision, control, jurisdiction, or advisory power
 14 over specific matters [and which is required to
 15 conduct meetings and to take official actions].
 16 Entities created by rule are within the term if the
 17 constitution, a statute, charter, or ordinance
 18 expressly requires the creation of the entity by
 19 rule."

20 SECTION 3. Statutory material to be repealed is
 21 bracketed. New statutory material is underscored.

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

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INTRODUCED BY:

JAN 26 1995 ATG-17(95)