

The Sunshine Law



Hawaii's Open Meetings Law
Part I of Chapter 92, HRS

What's the purpose?

- Protect public's right to know
- Open governmental process to public scrutiny and public participation





"[I]t is the policy of this State that the formation and conduct of public policy -- the discussions, deliberations, decisions and actions of government agencies -- shall be conducted as openly as possible."

Sunshine Law requires:

- Discussions, deliberations and decisions must be conducted at a meeting
- Every meeting must be open unless executive meeting is allowed
- Boards must accept testimony
- Boards must provide notice
- Boards must keep minutes



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“Board Business”

- Matters over which the board has supervision, control, jurisdiction or advisory power that are before the board or reasonably anticipated to come before the board in the foreseeable future



“Board Business”

- Within the board’s authority
- On current or future agenda



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- No caucuses
- No polling
- No telephone discussions
- No e-mails
- No memos



Permitted Interactions

- 2 members
- Investigate
- Present, discuss or negotiate
- Selection of officers
- Governor
- Department head



Permitted Interactions - 2 Members

- Communicate privately
- Cannot commit to vote
- Cannot seek commitment
- Cannot use serially



Permitted Interactions - Investigations



- Less than a quorum
- Scope of investigation defined at a meeting
- Findings and recommendations presented at a 2nd meeting
- Deliberation and decision-making at a 3rd meeting

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Examples of “Investigation” Permitted Interactions

- Confidential interviews
- Site inspections and product demonstrations
- Receipt and consideration of confidential information



Executive Meetings



- Closed to public
- 2/3 vote of board members present
- Announce reasons for closed meeting
- Vote recorded and entered into minutes

Executive Meeting Purposes

- professional or vocational license applicants
- personnel matters
- authority of labor negotiator or person designated to negotiate purchase of land
- legal matters with board's attorney
- criminal misconduct
- sensitive matters relating to public safety
- private donations and
- matters confidential by law or court order



Limited Meetings

- Dangerous location OR public attendance impracticable
- OIP concurrence
- 2/3 Vote
- Show video next time
- No decisions made



Videoconference Meetings

- Audio and visual interaction at all locations
- Notice where board members will be
- Public can attend at any location
- Meeting ends if audio interaction not maintained at all locations

Testimony

- All interested persons may submit written testimony on any agenda item.
- All interested persons may present oral testimony on any agenda item.



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Notice Requirements

- written notice
- date, time and place
- includes agenda
- for executive meeting, must state purpose and cite statutory basis



- Filed with the Lieutenant Governor's office and at the board's office (posted at meeting site when feasible)
- 6 calendar days prior to meeting
- Copy mailed to anyone so requesting

Meeting Agenda

- All items that the board intends to consider
- To inform the public of the matters the board intends to consider so that the public can decide whether to participate in the meeting



Amending the Agenda

- Only with 2/3 vote of all members
- Cannot add item if:
 - of reasonably major importance, and
 - will affect a significant number of people



Emergency Meetings

- imminent peril to public health, safety and welfare, or
- unanticipated event
- requires meeting in less than 6 calendar days



Minutes

- Written minutes required
- True reflection of matters discussed and views of participants
- Date, time and place
- Members present/absent
- Substance of all matters proposed, discussed or decided
- Record, by member, of votes
- Other information that a member requests be included



Minutes, continued...

- Public within 30 calendar days



- Executive meeting minutes may be withheld for so long as publication would defeat lawful purpose of meeting

A screenshot of the Office of Information Practices website. The page features a navigation menu on the left with links for "Laws / Rules / Opinions", "Forms", "Openline / Guidance", "Reports", "Related Links", "Search", and "What's New". The main content area includes a map of Hawaii, a "Thank you" message, and a quote: "Ensuring open government while protecting your privacy". The footer contains copyright information for the State of Hawaii.

Need Help?

- AOD -- 586-1400



- E-mail: oiip@hawaii.gov
- OIP Website: www.hawaii.gov/oiip
