
A BILL FOR AN ACT

RELATING TO PUBLIC MEETINGS.

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

1 SECTION 1. Section 92-2.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§92-2.5 Permitted interactions of members.** (a) Two
4 members of a board may discuss between themselves matters
5 relating to official board business to enable them to perform
6 their duties faithfully [~~, as long as~~]; provided that no
7 commitment to vote [~~is~~] shall be made or sought and the two
8 members [~~do~~] shall not constitute a quorum of [~~their~~] the board.

9 (b) Two or more members of a board, but [~~less~~] fewer than
10 the number of members [~~which~~] that would constitute a quorum for
11 the board, may be assigned to:

12 (1) Investigate a matter relating to the official business
13 of [~~their~~] the board; provided that:

14 (A) The scope of the investigation and the scope of
15 each member's authority [~~are~~] shall be defined at
16 a meeting of the board;



- 1 (B) All resulting findings and recommendations [~~are~~]
2 shall be presented to the board at a meeting of
3 the board; and
- 4 (C) Deliberation and decisionmaking on the matter
5 investigated, if any, [~~occurs~~] shall occur only
6 at a duly noticed meeting of the board held
7 subsequent to the meeting at which the findings
8 and recommendations of the investigation were
9 presented to the board; or
- 10 (2) Present, discuss, or negotiate any position [~~which~~]
11 that the board has adopted at a meeting of the board;
12 provided that the assignment [~~is~~] shall be made and
13 the scope of each member's authority [~~is~~] shall be
14 defined at a meeting of the board prior to the
15 presentation, discussion, or negotiation.
- 16 (c) Discussions between two or more members of a board,
17 but [~~less~~] fewer than the number of members [~~which~~] that would
18 constitute a quorum for the board, concerning the selection of
19 the board's officers or assignment of members to the board's
20 committees may be conducted in private without limitation or
21 subsequent reporting.



1 (d) Discussions between the governor and one or more
2 members of a board may be conducted in private without
3 limitation or subsequent reporting; provided that the discussion
4 [~~does~~] shall not relate to a matter over which a board is
5 exercising its adjudicatory function.

6 (e) Discussions between two or more members of a board and
7 the head of a department to which the board is administratively
8 assigned may be conducted in private without limitation;
9 provided that the discussion [~~is~~] shall be limited to matters
10 specified in section 26-35.

11 (f) Two or more members of a board, but fewer than the
12 number of members that would constitute a quorum for the board,
13 may discuss their individual positions relating to official
14 board business at a meeting of another board or a public hearing
15 of the legislature.

16 (g) Two or more members of a board, but fewer than the
17 number of members that would constitute a quorum for the board,
18 may attend presentations, including seminars, conventions, and
19 community meetings, that involve matters relating to official
20 board business; provided that the presentation shall not be
21 specifically and exclusively organized for, or directed towards,
22 the members of the board.



1 Board members may participate in discussions, including
2 discussions among themselves; provided that the discussions
3 occur during and as part of the presentation and no commitment
4 to vote on official board business shall be made or sought.

5 ~~[(f)]~~ (h) Communications, interactions, discussions,
6 investigations, and presentations described in this section are
7 not meetings for purposes of this part."

8 SECTION 2. Section 92-15, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **[§92-15] Boards ~~[and commissions]; quorum; number of votes~~**
11 **necessary to validate acts.** (a) Whenever the number of members
12 necessary to constitute a quorum to do business, or the number
13 of members necessary to validate any act, of any board ~~[or~~
14 ~~commission of the State or of any political subdivision~~
15 ~~thereof,~~] is not specified in the law or ordinance creating the
16 same or in any other law or ordinance, a majority of all the
17 members to which the board ~~[or commission]~~ is entitled shall
18 constitute a quorum to do business~~[, and the]~~.

19 (b) The concurrence of a majority of all the members to
20 which the board ~~[or commission]~~ is entitled shall be necessary
21 to make any action of the board ~~[or commission]~~ valid; provided
22 that due notice shall have been given to all members of the



1 board [~~or commission~~] or a bona fide attempt shall have been
2 made to give the notice to all members to whom it was reasonably
3 practicable to give the notice. This section shall not
4 invalidate any act of any board [~~or commission~~] performed prior
5 to April 20, 1937, which, under the general law then in effect,
6 would otherwise be valid.

7 (c) A quorum shall be required for the purpose of
8 discussion prior and related to voting, and for voting required
9 to validate an act of the board as part of official board
10 business. Informational presentations shall not require a
11 quorum."

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

14 SECTION 4. This Act shall take effect on January 1, 2112.



Report Title:

Sunshine Law; Public Meetings; Board Members

Description:

Permits board members, numbering less than quorum, to (1) Discuss their individual positions related to official board business at other board meetings and legislative public hearings; (2) Attend and participate in discussions at presentations, such as community meetings; and (3) Discuss membership to a board's committees in private. Requires a quorum for discussion prior and related to voting and for voting to validate board actions. (HB128 HD1)

