
A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY 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 no commitment to vote is
7 made or sought and the two members do not constitute a quorum of
8 their board.

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

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

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



1 (B) All resulting findings and recommendations are
2 presented to the board at a meeting of the board;
3 and

4 (C) Deliberation and decisionmaking on the matter
5 investigated, if any, occurs only at a duly
6 noticed meeting of the board held subsequent to
7 the meeting at which the findings and
8 recommendations of the investigation were
9 presented to the board; or

10 (2) Present, discuss, or negotiate any position which the
11 board has adopted at a meeting of the board; provided
12 that the assignment is made and the scope of each
13 member's authority is defined at a meeting of the
14 board prior to the presentation, discussion or
15 negotiation.

16 (c) Discussions between two or more members of a board,
17 but less than the number of members which would constitute a
18 quorum for the board, concerning the selection of the board's
19 officers may be conducted in private without limitation or
20 subsequent reporting.

21 (d) Discussions between the governor and one or more
22 members of a board may be conducted in private without



1 limitation or subsequent reporting; provided that the discussion
2 does not relate to a matter over which a board is exercising its
3 adjudicatory function.

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

9 (f) Two or more members of a board, but less than the
10 number of members necessary to constitute a quorum for the
11 board, may attend presentations on matters relating to official
12 board business, including meetings of other another entity,
13 seminars, and community meetings; provided that the presentation
14 is not specifically and exclusively organized for or directed
15 towards members of the board. Board members may participate in
16 discussions, including discussions among themselves, provided
17 that the discussions occur during and as part of the
18 presentation and no commitment to vote is made or sought. The
19 board members, at the next duly noticed meeting of their board,
20 shall report their attendance and the matters presented and
21 discussed that related to official board business at the
22 presentation.



1 ~~[(f)]~~ (g) Communications, interactions, discussions,
2 investigations, and presentations described in this section are
3 not meetings for purposes of this part."

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

6 "~~[[~~§92-15~~]]~~ **Boards and commissions; quorum; number of**
7 **votes necessary to validate acts.** (a) Whenever the number of
8 members necessary to constitute a quorum to do business, or the
9 number of members necessary to validate any act, of any board or
10 commission of the State or of any political subdivision thereof,
11 is not specified in the law or ordinance creating the same or in
12 any other law or ordinance, a majority of all the members to
13 which the board or commission is entitled shall constitute a
14 quorum to do business~~[, and the]~~.

15 (b) The concurrence of a majority of all the members to
16 which the board or commission is entitled shall be necessary to
17 make any action of the board or commission valid; provided that
18 ~~[due]~~:

19 (1) Due notice shall have been given to all members of the
20 board or commission or a bona fide attempt shall have
21 been made to give the notice to all members to whom it
22 was reasonably practicable to give the notice~~[,]~~ and



1 (2) Presentations, including testimony or other
 2 informational oral or video presentation, may proceed
 3 during a meeting when a quorum has been lost because
 4 of a member's temporary absence from the meeting.

5 (c) A quorum is required only to do business or for the
 6 purpose of discussion and voting required to validate an act of
 7 the board as part of official board business. Informational
 8 presentations do not require a quorum.

9 (d) This section shall not invalidate any act of any board
 10 or commission performed prior to April 20, 1937, which, under
 11 the general law then in effect, would otherwise be valid."

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 upon its approval.

15

INTRODUCED BY:

[Handwritten signatures and names]
 Inya B. Berg John M. Magno
 [Signature] Rida T.R. Cabanilla
 K. L. [Signature]
 [Signature]
 [Signature]



Report Title:

Boards and Commissions; Meetings; Quorum

Description:

Allows 2 or more members, but less than a quorum, of a board or commission to attend presentations, including meetings of other agencies, relating to official board business. Authorizes informational presentations when a quorum is temporarily lost.

