

JAN 19 2007

A BILL FOR AN ACT

RELATING TO THE SUNSHINE LAW.

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

1 SECTION 1. The legislature finds that under 92-2.5(b),
2 Hawaii Revised Statutes, which provides that two or more, but
3 less than a quorum of board members may be assigned to
4 investigate a matter relating to the official business of their
5 board, the majority of the board members are dependent upon the
6 minority's interpretation of the facts, giving the minority an
7 unfair advantage over the majority.

8 Therefore, 92-2.5(b), Hawaii Revised Statutes, should be
9 amended to allow any member to participate in a committee
10 regardless of whether the number serving on the committee
11 constitutes a minority, majority, or the whole of the total
12 board membership.

13 SECTION 2. Section 92-2.5, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) [~~Two or more~~] Any number of members of a board [~~but~~
16 ~~less than the number of members which would constitute a quorum~~
17 ~~for the board,~~] may be assigned to:



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

3 (A) The scope of the investigation and the scope of
4 each member's authority are defined at a meeting
5 of the board;

6 (B) All resulting findings and recommendations are
7 presented to the board at a meeting of the board;
8 and

9 (C) Deliberation and decisionmaking on the matter
10 investigated, if any, occurs only at a duly
11 noticed meeting of the board held subsequent to
12 the meeting at which the findings and
13 recommendations of the investigation were
14 presented to the board; or

15 (2) Present, discuss, or negotiate any position which the
16 board has adopted at a meeting of the board; provided
17 that the assignment is made and the scope of each
18 member's authority is defined at a meeting of the
19 board prior to the presentation, discussion, or
20 negotiation."

21 SECTION 3. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



S.B. NO. 1069

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

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INTRODUCED BY: *[Signature]* By Request



Report Title:

Public Agencies; Sunshine Laws

Description:

Allows any number of board members of a public agency to serve on a committee of that agency.

