THE SENATE TWENTY-FOURTH LEGISLATURE, 2008 STATE OF HAWAII

S.B. NO. 2295

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JAN 1 8 2008

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 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] that would constitute a quorum for the
11	board, 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

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of the board;

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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)	Pres	ent, discuss, or negotiate any position which the
11		boar	d has adopted at a meeting of the board; provided
12		that	the assignment is made and the scope of each
13		memb	er's authority is defined at a meeting of the
14		boar	d prior to the presentation, discussion, or
15		nego	tiation.
16	(c)	Disc	ussions between two or more members of a board,
17	but less	than	the number of members [which] that would
18	constitut	e a qu	orum for the board, concerning the selection of
19	the board	's ofi	ficers may be conducted in private without
20	limitatio	n or s	subsequent reporting.

21 (d) Discussions between the governor and one or more22 members of a board may be conducted in private without

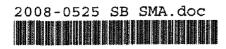


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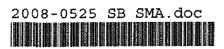
1	limitation or subsequent reporting; provided that the discussion
2	does not relate to a matter over which a board is exercising its
3	adjudicatory function.
4	(e) Discussions between two or more members of a board and
5	the head of a department to which the board is administratively
6	assigned may 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 that would constitute a quorum for the board,
11	may:
12	(1) Discuss their individual positions, including
13	providing testimonies or presentations, relating to
14	official board business at a meeting of another board
15	or a public hearing of the legislature; or
16	(2) Attend informational meetings or presentations,
17	including but not limited to seminars, conventions,
18	and community meetings, that involve matters relating
19	to official board business; provided that the
20	presentation shall not be specifically and exclusively
21	organized for or directed toward members of the board;



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1	provided that members' intent to attend the meeting or
2	presentation are announced at a meeting of the board prior to
3	the meeting or presentation, if attendance is anticipated in
4	advance and the members report the attendance and the topics
5	discussed at the meeting, hearing, or presentation to the board
6	at the board's next duly noticed meeting.
7	Members may participate in discussions conducted at the
8	meeting or presentation; provided that the discussions occur
9	during and as part of the meeting or presentation, the members
10	do not deliberate on those matters, and no commitment to vote on
11	official board business shall be made or sought.
12	(g) Members of the board may be polled in writing,
13	including through facsimile transmissions and email
14	communications, regarding their individual positions on matters
15	relating to official board business; provided that the
16	documentation is made available to the public pursuant to rules
17	adopted by the board. The polling shall not constitute a vote
18	on a matter by the board.
19	[(f)] <u>(h)</u> Communications, interactions, discussions,
20	investigations, and presentations described in this section are
21	not meetings for purposes of this part."



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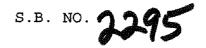
1 SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored. 2

3 SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: Norman Salama

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Report Title: Public Meetings; Member Interaction

Description:

Allows two or more board members to discuss their individual positions or attend meetings or presentations relating to board business under certain circumstances. Allows members to be polled on official board business outside of meetings under certain circumstances.

