### A BILL FOR AN ACT

RELATING TO GOVERNMENT RECORDS.

### 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 or							
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;							

(E	3)	All result	ing	fir	ndings	and	recommend	dations	are
		presented	to	the	board	at a	a meeting	of the	board;
		and				1			

- (C) Deliberation and decisionmaking on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board; or
- (2) Present, discuss, or negotiate any position which the board has adopted at a meeting of the board; provided that the assignment is made and the scope of each member's authority is defined at a meeting of the board prior to the presentation, discussion, or negotiation.
- (c) Discussions between two or more members of a board, but less than the number of members which would constitute a quorum for the board, concerning the selection of the board's officers may be conducted in private without limitation or subsequent reporting.
- 21 (d) Board members present at a meeting that must be
  22 canceled for lack of quorum or terminated pursuant to section
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1	92-3.5(c)	may nonetheless receive testimony and presentations on
2	items on	the agenda and question the testifiers or presenters;
3	provided	that:
4	(1)	Deliberation or decisionmaking on any item, for which
5		testimony or presentations are received, occurs only
6		at a duly noticed meeting of the board held subsequent
7		to the meeting at which the testimony and
8		presentations were received;
9	(2)	The members present shall create a record of the oral
10		testimony or presentations in the same manner as would
11		be required by section 92-9 for testimony or
12		presentations heard during a meeting of the board; and
13	(3)	Before its deliberation or decisionmaking at a
14		subsequent meeting, the board shall:
15		(A) Provide copies of the testimony and presentations
16		received at the canceled meeting to all members
17		of the board; and
18		(B) Receive a report by the members who were present
19		at the canceled or terminated meeting about the
20		testimony and presentations received.
21	(e)	Two or more members of a board, but less than the

number of members which would constitute a quorum for the board,



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- 1 may attend an informational meeting or presentation on matters
- 2 relating to official board business, including a meeting of
- 3 another entity, legislative hearing, convention, seminar, or
- 4 community meeting; provided that the meeting or presentation is
- 5 not specifically and exclusively organized for or directed
- 6 toward members of the board. The board members in attendance
- 7 may participate in discussions, including discussions among
- 8 themselves; provided that the discussions occur during and as
- 9 part of the informational meeting or presentation; and provided
- 10 further that no commitment relating to a vote on the matter is
- 11 made or sought.
- 12 At the next duly noticed meeting of the board, the board
- 13 members shall report their attendance and the matters presented
- 14 and discussed that related to official board business at the
- 15 informational meeting or presentation.
- 16 (f) Discussions between the governor and one or more
- 17 members of a board may be conducted in private without
- 18 limitation or subsequent reporting; provided that the discussion
- 19 does not relate to a matter over which a board is exercising its
- 20 adjudicatory function.
- 21 (q) Discussions between two or more members of a board and
- 22 the head of a department to which the board is administratively

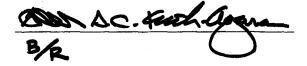
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- 1 assigned may be conducted in private without limitation;
- 2 provided that the discussion is limited to matters specified in
- **3** section 26-35.
- 4 (h) A member of a board may provide to other members of the
- 5 board, by memorandum or other means of transmittal, any
- 6 government record for which disclosure is required by section
- 7 92F-12; provided that no commitment relating to a vote on the
- 8 matter is made or sought by the board member in the means of
- 9 transmittal.
- 10 [\(\frac{(h)}{}\)] (i) Communications, interactions, discussions,
- 11 investigations, and presentations described in this section are
- 12 not meetings for purposes of this part."
- 13 SECTION 2. Statutory material to be repealed is bracketed
- 14 and stricken. New statutory material is underscored.
- 15 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:



# S.B. NO. 2961

### Report Title:

Public Agency Meetings and Records

#### Description:

Allows any member of a board to disclose any government record to other members of the board; provided that the disclosure is required by section 92F-12, HRS.

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