
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 [~~whieh~~] 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
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~~]
11 that the board has adopted at a meeting of the board;
12 provided that the assignment is made and the scope of
13 each 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~~] that would
18 constitute a quorum for the board, concerning the selection of
19 the board's officers may be conducted in private without
20 limitation or subsequent reporting.



1 (d) Board members present at a meeting that must be
2 canceled for lack of quorum or terminated pursuant to section
3 92-3.5(c) may nonetheless receive testimony and presentations on
4 items on the agenda and question the testifiers or presenters;
5 provided that:

6 (1) Deliberation or decisionmaking on any item, for which
7 testimony or presentations are received, occurs only
8 at a duly noticed meeting of the board held subsequent
9 to the meeting at which the testimony and
10 presentations were received;

11 (2) The members present shall create a record of the oral
12 testimony or presentations in the same manner as would
13 be required by section 92-9 for testimony or
14 presentations heard during a meeting of the board; and

15 (3) Before its deliberation or decisionmaking at a
16 subsequent meeting, the board shall:

17 (A) Provide copies of the testimony and presentations
18 received at the canceled meeting to all members
19 of the board; and



1 (B) Receive a report by the members who were present
2 at the canceled or terminated meeting about the
3 testimony and presentations received.

4 (e) Two or more members of a board, but less than the
5 number of members [~~which~~] that would constitute a quorum for the
6 board, may attend an informational meeting or presentation on
7 matters relating to official board business, including a meeting
8 of another entity, legislative hearing, convention, seminar, or
9 community meeting; provided that the meeting or presentation is
10 not specifically and exclusively organized for or directed
11 toward members of the board. The board members in attendance
12 may participate in discussions, including discussions among
13 themselves; provided that the discussions occur during and as
14 part of the informational meeting or presentation; and provided
15 further that no commitment relating to a vote on the matter is
16 made or sought.

17 At the next duly noticed meeting of the board, the board
18 members shall report their attendance and the matters presented
19 and discussed that related to official board business at the
20 informational meeting or presentation.



1 (f) 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 not relate to a matter over which a board is exercising its
5 adjudicatory function.

6 (g) 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 limited to matters specified in
10 section 26-35.

11 (h) A member of a county council may provide other members
12 of the council any government record open to public inspection
13 under chapter 92F; provided that:

14 (1) The government record was created by a person other
15 than an officer or employee of the county council;

16 (2) No additional discussion is added to the government
17 record other than a neutral statement in the
18 transmittal that identifies the government record and
19 the related matter of official business;

20 (3) No commitment relating to a vote on the matter is made
21 or sought;



1 (4) The transmission of the government record between
2 council members occurs during business hours and
3 concurrently, the transmittal document and government
4 record are filed in the council's office for public
5 inspection;

6 (5) The transmittal document and government record filed
7 in the council's office shall be accessible to the
8 public no less than twenty-four hours before any
9 matter to which the record relates is discussed at a
10 council meeting; and

11 (6) The transmittal document and government record filed
12 in the council's office shall upon request be
13 electronically mailed to requestors.

14 [~~h~~] (i) Communications, interactions, discussions,
15 investigations, and presentations described in this section are
16 not meetings for purposes of this part."

17 SECTION 2. Section 279D-9, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) Participation by members of any other board in a
20 meeting of a policy board shall be permitted interaction as
21 provided in section [~~92-2.5(h)-.~~] 92-2.5(i)."



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 2050;
7 provided that on June 30, 2019, sections 1 and 2 of this Act
8 shall be repealed and sections 92-2.5 and 279D-9(b), Hawaii
9 Revised Statutes, shall be reenacted in the form in which they
10 read on the day before the effective date of this Act.

11



Report Title:

Hawaii State Association of Counties Package; Public Agency Meetings; Permitted Interactions; Government Records; County Councils

Description:

Allows county council members to transmit certain government records to other county council members under specified conditions. Effective 7/1/2050. Sunsets on 6/30/2019. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

