

JAN 19 2018

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 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
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~~] decision making
5 on the matter investigated, if any, occurs only
6 at a duly noticed meeting of the board held
7 subsequent to the meeting at which the findings
8 and 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~~] decision making on
7 any item, for which testimony or presentations are
8 received, occurs only at a duly noticed meeting of the
9 board held subsequent to the meeting at which the
10 testimony and 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~~] decision
16 making at a 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 board may provide other members of the
12 board, by memorandum or other means of transmittal, any
13 government record for which disclosure is required by section
14 92F-12; provided that:

15 (1) No commitment relating to a vote on the matter is made
16 or sought by the board member in the means of
17 transmittal; and

18 (2) No additional discussion other than a statement
19 describing the government record and the issue related
20 to the government record shall be included in the
21 transmittal.



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

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

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

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

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

12
INTRODUCED BY:

M. D. H.
By Request



S.B. NO. 2167

Report Title:

Hawaii State Association of Counties Package; Sunshine Law;
Government Records; Permitted Interactions

Description:

Amends the Sunshine Law to allow certain government records to be shared among public board members where no commitment relating to a vote on the matter is made or sought.

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

