S.B. NO. ²⁰³⁸ S.D. 1 H.D. 1 PROPOSED

A BILL FOR AN ACT

RELATING TO BOARD MEMBERS.

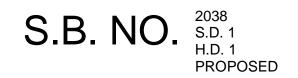
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECTION 1. Chapter 92, Hawaii Revised Statutes, is amended
2	by adding a new section to be appropriately designated and to
3	read as follows:
4	"§92- Meetings conducted during certain states of
5	emergency; in-person requirement waived. Notwithstanding
6	section 92-3.5 or any other law to the contrary, when the
7	governor declares a state of emergency is in effect for a
8	contagious illness, a board may hold a meeting by interactive
9	conference technology, as provided in section 92-3.5, and shall
10	not be required to allow members of the public to join board
11	members at the meeting locations where board members are
12	physically present; provided that the notice required by section
13	<u>92-7 shall:</u>
14	(1) List at least one meeting location that is open to the
15	public; and
16	(2) Inform members of the public on how to.

16 (2) Inform members of the public on how to:

S.B. NO. ²⁰³⁸ S.D. 1 H.D. 1 PROPOSED

1	(A) Remotely view the meeting through internet				
2	streaming or other means; and				
3	(B) Provide oral testimony through an internet link,				
4	telephone conference, or other means."				
5	SECTION 2. Section 92-2.5, Hawaii Revised Statutes, is				
6	amended to read as follows:				
7	"§92-2.5 Permitted interactions of members. (a) Two				
8	members of a board may discuss between themselves matters				
9	relating to official board business to enable them to perform				
10	their duties faithfully, as long as no commitment to vote is				
11	made or sought and the two members do not constitute a quorum of				
12	their board.				
13	(b) Two or more members of a board, but less than the				
14	number of members which would constitute a quorum for the board,				
15	may be assigned to:				
16	(1) Investigate a matter relating to the official business				
17	of their board; provided that:				
18	(A) The scope of the investigation and the scope of				
19	each member's authority are defined at a meeting				
20	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)	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 would constitute a
18	quorum fo	r the	board, concerning the selection of the board's
10			

19 officers may be conducted in private without limitation or 20 subsequent reporting.



Page 4

S.B. NO. ²⁰³⁸ S.D. 1 H.D. 1 PROPOSED

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

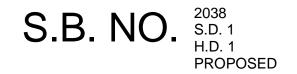
Page 5

S.B. NO. ²⁰³⁸ S.D. 1 H.D. 1 PROPOSED

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 would constitute a quorum for the board,
6	may attend an informational meeting or presentation on matters
7	relating to official board business, including a meeting of
8	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.

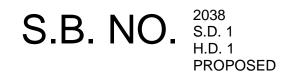
Page 6



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 (q) 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. (h) Communications, interactions, discussions, 11 12 investigations, and presentations described in this section are 13 not meetings for purposes of this part. 14 (i) Two or more members of a board may attend a state of 15 the city, state of the county, state of the State, or state of 16 the judiciary address; provided that no discussion of board 17 business by board members shall occur except during and as part 18 of the event; provided further that no commitment to vote shall 19 be made or sought."

20

SECTION 3. New statutory material is underscored.



- 1 SECTION 4. This Act shall take effect upon its approval;
- 2 provided that section 1 shall be repealed on June 30, 2021.





Report Title:

Sunshine Law; Permitted Interactions; Board Members; Addresses; Interactive Conference Technology; State of Emergency

Description:

Permits 2 or more members of a board to attend state of the city, state of the county, state of the State, or state of the judiciary addresses; provided that the board members do not discuss board business and no commitment to vote is made or sought. Authorizes boards to exclude the public from the meeting locations where board members are physically present if the board meetings are held by interactive conference technology during a state of emergency due to a contagious illness. (SB2038 HD1 PROPOSED)

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

