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## A BILL FOR AN ACT

RELATING TO BOARDS.

**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 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~~]  
15 provided further that no commitment relating to a vote on the  
16 matter is 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) A board may conduct up to one retreat in private per  
7 calendar year; provided that:

8 (1) The retreat shall not exceed one calendar day; and

9 (2) The board shall announce the date on which it held a  
10 retreat and report attendance at the retreat at the  
11 next duly noticed meeting of the board.

12 As used in this subsection, "retreat" means a gathering of  
13 the members of a board for the purposes of team building,  
14 information gathering, and general discussions on matters of  
15 shared concern; provided that the board shall not vote on any  
16 matter, make decisions, or deliberate toward a decision on any  
17 matter currently pending before the board or likely to arise  
18 before the board.

19 [~~g~~] (h) Discussions between two or more members of a  
20 board and the head of a department to which the board is  
21 administratively assigned may be conducted in private without



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1 limitation; provided that the discussion is limited to matters  
2 specified in section 26-35.

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

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

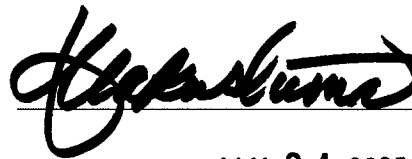
8 "(b) Participation by members of any other board in a  
9 meeting of a policy board shall be permitted interaction as  
10 provided in section [~~92-2.5(h).~~] 92-2.5(i)."

11 SECTION 3. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

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

14

INTRODUCED BY:



JAN 21 2022



# H.B. NO. 1874

**Report Title:**

Permitted Board Interactions; Board Members; Private Retreats

**Description:**

Allows a board to conduct up to one retreat in private per calendar year; provided that the board does not vote on any matter, make decisions, or deliberate toward a decision on any matter currently pending before the board or likely to arise before the board.

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

