
A BILL FOR AN ACT

RELATING TO PUBLIC 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~~]; provided that no
7 commitment to vote [~~is~~] shall be made or sought and the two
8 members [~~do~~] shall not constitute a quorum of 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~~] the board; provided that:

14 (A) The scope of the investigation and the scope of
15 each member's authority [~~are~~] shall be defined at
16 a meeting of the board;



1 (B) All resulting findings and recommendations [~~are~~]
2 shall be presented to the board at a meeting of
3 the board; and

4 (C) Deliberation and decisionmaking on the matter
5 investigated, if any, [~~occurs~~] shall occur 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~~] shall be made and
13 the scope of each member's authority [~~is~~] shall be
14 defined at a meeting of the board prior to the
15 presentation, discussion, or 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.

21 (d) Discussions between the governor and one or more
22 members of a board may be conducted in private without



1 limitation or subsequent reporting; provided that the discussion
2 [~~does~~] shall not relate to a matter over which a board is
3 exercising its adjudicatory function.

4 (e) Discussions between two or more members of a board and
5 the head of a department to which the board is administratively
6 assigned may be conducted in private without limitation;
7 provided that the discussion [~~is~~] shall be limited to matters
8 specified in section 26-35.

9 (f) Two or more members of a board, but less than the
10 number of members that would constitute a quorum for the board,
11 may discuss their individual positions relating to official
12 board business at a meeting of another board or a public hearing
13 of the legislature; provided that:

14 (1) The members shall announce their intention to attend
15 and participate in the meeting or hearing at a prior
16 meeting of their board; and

17 (2) The members, at the next duly noticed meeting of their
18 board, shall report their attendance and the matters
19 discussed at the meeting or hearing.

20 (g) Two or more members of a board, but less than the
21 number of members that would constitute a quorum for the board,
22 may attend presentations, including seminars, conventions, and



1 community meetings, that involve matters relating to official
2 board business; provided that the presentation shall not be
3 specifically and exclusively organized for, or directed towards,
4 the members of the board.

5 Board members may participate in discussions, including
6 discussions among themselves; provided that the discussions
7 shall occur during and as part of the presentation and no
8 commitment to vote shall be made or sought.

9 Board members, at the next duly noticed meeting of their
10 board, shall report their attendance at the presentation and the
11 matters presented and discussed that relate to their official
12 board business.

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

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.



HB 2404 HD 1

Report Title:

Public Officials; Policy Discussions

Description:

Allows two or more members of a board, but less than the number of members that would constitute a quorum, to discuss their individual positions relating to official board business at meetings of other boards or at public hearings of the Legislature, and to attend and participate in discussions at presentations, including seminars, conventions, and community meetings, that include matters relating to official business.
(HB2404 HD1)

