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# 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.

14 (g) Two or more members of a board, but less than the  
15 number of members that would constitute a quorum for the board,  
16 may attend presentations, including seminars, conventions, and  
17 community meetings, that involve matters relating to official  
18 board business; provided that the presentation shall not be  
19 specifically and exclusively organized for, or directed towards,  
20 the members of the board.

21 Board members may participate in discussions, including  
22 discussions among themselves; provided that the discussions



1 shall occur during and as part of the presentation and no  
2 commitment to vote shall be made or sought.

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

6        SECTION 2. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8        SECTION 3. This Act shall take effect on July 1, 2050.



**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. Effective 7/1/2050. (SD1)

