
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~~] the 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[~~r~~
17 ~~but less than the number of members which would constitute a~~
18 ~~quorum for the board,~~] concerning the selection of the board's
19 officers or assignment of members to the board's committees may
20 be conducted in private without limitation or subsequent
21 reporting.



1 (d) 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~~] shall not relate to a matter over which a board is
5 exercising its adjudicatory function.

6 (e) 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~~] shall be limited to matters
10 specified in section 26-35.

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

16 (1) When reasonably practicable, the members have
17 announced their intention to attend and participate in
18 the meeting or hearing at a prior meeting of the board
19 on which they sit; and

20 (2) The members report their attendance and the matters
21 discussed at the meeting or hearing at the next duly
22 noticed meeting of the board on which they sit.



1 (g) Two or more members of a board, but fewer than the
2 number of members that would constitute a quorum for the board,
3 may attend presentations, including seminars, conventions, and
4 community meetings, that involve matters relating to official
5 board business; provided that the presentation shall not be
6 specifically and exclusively organized for, or directed towards,
7 the members of the board.

8 Board members may participate in discussions, including
9 discussions among themselves; provided that the discussions
10 occur during and as part of the presentation and no commitment
11 to vote on official board business shall be made or sought.

12 The board members shall, at the next duly noticed meeting
13 of their board, report their attendance and the matters
14 presented and discussed at the presentation that relate to their
15 official board business.

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

19 SECTION 2. Section 92-15, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "~~[(f)]~~§92-15~~[(f)]~~ **Boards [~~and commissions~~]; quorum; number of**
22 **votes necessary to validate acts.** (a) Whenever the number of



1 members necessary to constitute a quorum to do business, or the
2 number of members necessary to validate any act, of any board
3 [~~or commission of the State or of any political subdivision~~
4 ~~thereof,~~] is not specified in the law or ordinance creating the
5 same or in any other law or ordinance, a majority of all the
6 members to which the board [~~or commission~~] is entitled shall
7 constitute a quorum to do business [~~, and the~~].

8 **(b)** The concurrence of a majority of all the members to
9 which the board [~~or commission~~] is entitled shall be necessary
10 to make any action of the board [~~or commission~~] valid; provided
11 that due notice shall have been given to all members of the
12 board [~~or commission~~] or a bona fide attempt shall have been
13 made to give the notice to all members to whom it was reasonably
14 practicable to give the notice. This section shall not
15 invalidate any act of any board [~~or commission~~] performed prior
16 to April 20, 1937, which, under the general law then in effect,
17 would otherwise be valid.

18 **(c)** A quorum shall be required for the purpose of
19 discussion prior to and related to voting, and for voting
20 required to validate an act of the board as part of official
21 board business. Informational presentations shall not require a



1 quorum; provided that the informational presentation is noticed
2 on an agenda pursuant to section 92-7."

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

5 SECTION 4. This Act shall take effect on January 1, 2112.



Report Title:

Sunshine Law; Public Meetings; Board Members

Description:

Permits board members, numbering less than quorum, to: (1) discuss their individual positions related to official board business at other board meetings and legislative public hearings; (2) attend and participate in discussions at presentations, such as community meetings; and (3) discuss membership to a board's committees in private. Requires a quorum for discussion prior and related to voting and for voting to validate board actions. (HB1968 HD1)

