

JAN 18 2008

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 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 the
11 board has adopted at a meeting of the board; provided
12 that the assignment is made and the scope of each
13 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.

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 not relate to a matter over which a board is exercising its
3 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 limited to matters specified in
8 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:

12 (1) Discuss their individual positions, including
13 providing testimonies or presentations, relating to
14 official board business at a meeting of another board
15 or a public hearing of the legislature; or

16 (2) Attend informational meetings or presentations,
17 including but not limited to seminars, conventions,
18 and community meetings, that involve matters relating
19 to official board business; provided that the
20 presentation shall not be specifically and exclusively
21 organized for or directed toward members of the board;



1 provided that members' intent to attend the meeting or
2 presentation are announced at a meeting of the board prior to
3 the meeting or presentation, if attendance is anticipated in
4 advance and the members report the attendance and the topics
5 discussed at the meeting, hearing, or presentation to the board
6 at the board's next duly noticed meeting.

7 Members may participate in discussions conducted at the
8 meeting or presentation; provided that the discussions occur
9 during and as part of the meeting or presentation, the members
10 do not deliberate on those matters, and no commitment to vote on
11 official board business shall be made or sought.

12 (g) Members of the board may be polled in writing,
13 including through facsimile transmissions and email
14 communications, regarding their individual positions on matters
15 relating to official board business; provided that the
16 documentation is made available to the public pursuant to rules
17 adopted by the board. The polling shall not constitute a vote
18 on a matter by the board.

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



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 Statutory material to be repealed is bracketed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

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

4
INTRODUCED BY: Norman Sabena

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Report Title:

Public Meetings; Member Interaction

Description:

Allows two or more board members to discuss their individual positions or attend meetings or presentations relating to board business under certain circumstances. Allows members to be polled on official board business outside of meetings under certain circumstances.

