

JAN 28 2009

A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to clarify the
2 intent of the Sunshine Law with regard to permitted interactions
3 among board members and continuances of meetings.

4 SECTION 2. Section 92-2.5, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§92-2.5 Permitted interactions of members. (a) Two
7 members of a board may discuss between themselves matters
8 relating to official board business to enable them to perform
9 their duties faithfully, as long as no commitment to vote is
10 made or sought and the two members do not constitute a quorum of
11 their board.

12 (b) Two or more members of a board, but less than the
13 number of members [~~which~~] that would constitute a quorum for the
14 board, may be assigned to:

15 (1) Investigate a matter relating to the official business
16 of their board; provided that:



1 (A) The scope of the investigation and the scope of
2 each member's authority are defined at a meeting
3 of the board;

4 (B) All resulting findings and recommendations are
5 presented to the board at a meeting of the board;
6 and

7 (C) Deliberation and decisionmaking on the matter
8 investigated, if any, occurs only at a duly
9 noticed meeting of the board held subsequent to
10 the meeting at which the findings and
11 recommendations of the investigation were
12 presented to the board; or

13 (2) Present, discuss, or negotiate any position [~~which~~]
14 that the board has adopted at a meeting of the board;
15 provided that the assignment is made and the scope of
16 each member's authority is defined at a meeting of the
17 board prior to the presentation, discussion, or
18 negotiation.

19 (c) Discussions between two or more members of a board,
20 but less than the number of members [~~which~~] that would
21 constitute a quorum for the board, concerning the selection of



1 the board's officers may be conducted in private without
2 limitation or subsequent reporting.

3 (d) Discussions between the governor and one or more
4 members of a board may be conducted in private without
5 limitation or subsequent reporting; provided that the discussion
6 does not relate to a matter over which a board is exercising its
7 adjudicatory function.

8 (e) Discussions between two or more members of a board and
9 the head of a department to which the board is administratively
10 assigned may be conducted in private without limitation;
11 provided that the discussion is limited to matters specified in
12 section 26-35.

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

16 (g) No board member may distribute or disseminate written
17 memoranda or written communications related to proposed
18 amendments to proposals under deliberation and decisionmaking by
19 the board to other members of the board in advance of a public
20 meeting, unless copies of those written memoranda or written
21 communications are also made available to the public."



1 SECTION 3. Section 92-7, Hawaii Revised Statutes, is
 2 amended by amending subsection (d) to read as follows:
 3 "(d) No board shall change the agenda, once filed, by
 4 adding items thereto without a two-thirds recorded vote of all
 5 members to which the board is entitled; provided that no item
 6 shall be added to the agenda if it is of reasonably major
 7 importance and action thereon by the board will affect a
 8 significant number of persons. Items of reasonably major
 9 importance not decided at a scheduled meeting shall be
 10 considered only at a second meeting continued to a reasonable
 11 day and time. If any further continuance is needed, the board
 12 shall provide written public notice of the continuance as
 13 required under this section."

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

16 SECTION 5. This Act shall take effect upon its approval.
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INTRODUCED BY:

Michael G. Foster
For the House

~~_____~~

Will Egan

By Request

David Y. Lee

Julia
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Report Title:

Public Agency Meetings

Description:

Makes clarifying amendments related to permissible interactions of board members and notice requirements of continued board meetings.

