

JAN 21 2010

S.B. NO. 2219

A BILL FOR AN ACT

RELATING TO PUBLIC MEETINGS.

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

1 SECTION 1. The legislature finds that providing a breadth
2 of opportunities for board members to learn is fundamental to
3 the board members' effective decisionmaking. The legislature
4 further finds that conferences, seminars, and other training
5 programs provide opportunities for board members to learn,
6 receive information, clarify situations or misinformation, and
7 be exposed to a range of ideas, facts, and information, which
8 are essential to their duties and responsibilities as board
9 members.

10 The purpose of this Act is to enable members of a board to
11 participate in discussions at functions organized and conducted
12 by entities other than the board, provided that: (1) No
13 commitment to vote and no position is made or sought by any of
14 the attending board members on any matter related to official
15 board business; and (2) At the next meeting of the board, board
16 members report their attendance at the function and the matters
17 presented and discussed at the function that relate to official
18 board business.



1 SECTION 2. 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 would constitute a quorum for the board,
11 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;

17 (B) All resulting findings and recommendations are
18 presented to the board at a meeting of the board;
19 and

20 (C) Deliberation and decisionmaking on the matter
21 investigated, if any, occurs only at a duly
22 noticed meeting of the board held subsequent to



1 the meeting at which the findings and
2 recommendations of the investigation were
3 presented to the board; or

4 (2) Present, discuss, or negotiate any position which the
5 board has adopted at a meeting of the board; provided
6 that the assignment is made and the scope of each
7 member's authority is defined at a meeting of the
8 board prior to the presentation, discussion, or
9 negotiation.

10 (c) Discussions between two or more members of a board,
11 but less than the number of members which would constitute a
12 quorum for the board, concerning the selection of the board's
13 officers may be conducted in private without limitation or
14 subsequent reporting.

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

20 (e) Discussions between two or more members of a board and
21 the head of a department to which the board is administratively
22 assigned may be conducted in private without limitation;



1 provided that the discussion is limited to matters specified in
2 section 26-35.

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

6 (g) Members of a board may participate in discussions at a
7 function that all board members are invited to attend; provided
8 that with respect to a board member's participation in
9 discussions at the function:

10 (1) No commitment to vote and no position shall be made or
11 sought by any of the attending board members on any
12 matter related to official board business; and

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

17 For purposes of this subsection, "function" means any program,
18 seminar, workshop, conference, session, summit, or event
19 organized and conducted by an organization other than the
20 board."

21 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY: Norman Sabato



Report Title:

Public Meetings

Description:

Allows members of a board to participate in functions that all board members are invited to attend, subject to certain conditions. Defines "function" as any program, seminar, workshop, conference, session, summit, or event organized and conducted by an organization other than the board.

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