
A BILL FOR AN ACT

RELATING TO BOARD MEMBERS.

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

1 SECTION 1. Chapter 92, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§92- Meetings conducted during certain states of
5 emergency; in-person requirement waived. Notwithstanding
6 section 92-3.5 or any other law to the contrary, when the
7 governor declares a state of emergency is in effect for a
8 contagious illness, a board may hold a meeting by interactive
9 conference technology, as provided in section 92-3.5, and shall
10 not be required to allow members of the public to join board
11 members at the meeting locations where board members are
12 physically present; provided that the notice required by section
13 92-7 shall:

14 (1) List at least one meeting location that is open to the
15 public; and

16 (2) Inform members of the public on how to:



- 1 (A) Remotely view the meeting through internet
- 2 streaming or other means; and
- 3 (B) Provide oral testimony through an internet link,
- 4 telephone conference, or other means."

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

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

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

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

18 (A) The scope of the investigation and the scope of
19 each member's authority are defined at a meeting
20 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 would constitute a
18 quorum for the board, concerning the selection of the board's
19 officers may be conducted in private without limitation or
20 subsequent reporting.



1 (d) Board members present at a meeting that must be
2 canceled for lack of quorum or terminated pursuant to section
3 92-3.5(c) may nonetheless receive testimony and presentations on
4 items on the agenda and question the testifiers or presenters;
5 provided that:

6 (1) Deliberation or decisionmaking on any item, for which
7 testimony or presentations are received, occurs only
8 at a duly noticed meeting of the board held subsequent
9 to the meeting at which the testimony and
10 presentations were received;

11 (2) The members present shall create a record of the oral
12 testimony or presentations in the same manner as would
13 be required by section 92-9 for testimony or
14 presentations heard during a meeting of the board; and

15 (3) Before its deliberation or decisionmaking at a
16 subsequent meeting, the board shall:

17 (A) Provide copies of the testimony and presentations
18 received at the canceled meeting to all members
19 of the board; and



1 (B) Receive a report by the members who were present
2 at the canceled or terminated meeting about the
3 testimony and presentations received.

4 (e) Two or more members of a board, but less than the
5 number of members which would constitute a quorum for the board,
6 may attend an informational meeting or presentation on matters
7 relating to official board business, including a meeting of
8 another entity, legislative hearing, convention, seminar, or
9 community meeting; provided that the meeting or presentation is
10 not specifically and exclusively organized for or directed
11 toward members of the board. The board members in attendance
12 may participate in discussions, including discussions among
13 themselves; provided that the discussions occur during and as
14 part of the informational meeting or presentation; and provided
15 further that no commitment relating to a vote on the matter is
16 made or sought.

17 At the next duly noticed meeting of the board, the board
18 members shall report their attendance and the matters presented
19 and discussed that related to official board business at the
20 informational meeting or presentation.



1 (f) 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 not relate to a matter over which a board is exercising its
5 adjudicatory function.

6 (g) 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 limited to matters specified in
10 section 26-35.

11 (h) Communications, interactions, discussions,
12 investigations, and presentations described in this section are
13 not meetings for purposes of this part.

14 (i) Two or more members of a board may attend a state of
15 the city, state of the county, state of the State, or state of
16 the judiciary address; provided that no discussion of board
17 business by board members shall occur except during and as part
18 of the event; provided further that no commitment to vote shall
19 be made or sought."

20 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval;
2 provided that section 1 shall be repealed on June 30, 2021.



Report Title:

Sunshine Law; Permitted Interactions; Board Members; Addresses;
Interactive Conference Technology; State of Emergency

Description:

Permits 2 or more members of a board to attend state of the city, state of the county, state of the State, or state of the judiciary addresses; provided that the board members do not discuss board business and no commitment to vote is made or sought. Authorizes boards to exclude the public from the meeting locations where board members are physically present if the board meetings are held by interactive conference technology during a state of emergency due to a contagious illness.
(SB2038 HD1 PROPOSED)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

