
A BILL FOR AN ACT

RELATING TO THE BOARD OF LAND AND NATURAL RESOURCES.

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 board business to enable them to perform their
6 duties faithfully, as long as no commitment to vote is made or
7 sought and the two members do not constitute a quorum of their
8 board.

9 (b) 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 be assigned to:

12 (1) Investigate a matter relating to board business;
13 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 that 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 before 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 that 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 that would constitute a quorum for the board,
6 may attend an informational meeting or presentation on matters
7 relating to board business, including a meeting of another
8 entity, legislative hearing, convention, seminar, or community
9 meeting; provided that the meeting or presentation is not
10 specifically and exclusively organized for or directed toward
11 members of the board. The board members in attendance may
12 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) Where notice of the deadline to submit testimony to the
12 legislature is less than the notice requirements in this
13 section, a board may circulate for approval a statement
14 regarding a position previously adopted by the board; provided
15 that the position previously adopted by the board, the statement
16 to be submitted as testimony, and communications among board
17 members about the statement, including drafts, shall be in
18 writing and accessible to the public, within forty-eight hours
19 of the statement's circulation to the board, on the board's
20 website, or, if the board does not have a website, on an
21 appropriate state or county website.



1 (i) No more than two members of the board of land and
2 natural resources may have a discussion in private to select
3 items to be placed on a meeting agenda; provided that the
4 discussion is limited to the selection of items to be placed on
5 the agenda and no commitment relating to a vote on any matter is
6 made or sought.

7 [~~i~~] (j) Communications, interactions, discussions,
8 investigations, and presentations described in this section are
9 not meetings for purposes of this part."

10 SECTION 2. Section 171-5, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§171-5 Meetings, regular, special; quorum.** Regular
13 meetings of the board of land and natural resources shall be
14 held not less than once a month and the board shall provide in
15 its rules and regulations the number and dates for the regular
16 meetings. Special meetings may be called by the chairperson at
17 any time by giving notice thereof to each member present in the
18 State at least five days prior to the date of the special
19 meeting; provided that notice shall not be required if all
20 members present in the State agree and sign a written waiver of
21 the notice.



1 ~~[However, no]~~ No final action involving disposition of
2 public lands may be had at ~~[such]~~ a special meeting.

3 Any action taken by the board shall be by at least a simple
4 majority of the members of the board; provided that a simple
5 majority of the members present at a meeting and qualified to
6 vote shall be required to allow any decision pursuant to section
7 183C-6(b). Four members of the board shall constitute a quorum
8 to do business. The board shall keep accurate records and
9 minutes of all meetings, special and regular, and they shall be
10 public records. Copies of portions of the agenda relating to
11 dispositions of land shall be made available to the public in
12 the land office of each district at least three days before the
13 meeting at which the matter will be discussed or voted upon.

14 In addition to the chairperson, the board shall allow no
15 more than two of its members to determine items that shall be
16 placed on a meeting agenda and to submit those items to the
17 chairperson for placement on an agenda. A discussion between
18 the two members for the purposes of this paragraph shall be
19 considered a permitted interaction pursuant to section 92-
20 2.5(i); provided that the discussion is limited to the selection



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1 of items to be placed on the agenda and no commitment relating
2 to a vote on any matter is made or sought."

3 SECTION 3. Section 279D-9, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) Participation by members of any other board in a
6 meeting of a policy board shall be a permitted interaction as
7 provided in section [~~92-2.5(i).~~] 92-2.5(j)."

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

10 SECTION 5. This Act shall take effect upon its approval.

11

INTRODUCED BY:



JAN 25 2023



H.B. NO. 1386

Report Title:

BLNR; Agenda Items; Sunshine Law; Permitted Interaction

Description:

In addition to the chairperson, allows no more than two members of the board of land and natural resources to determine items that shall be placed on a meeting agenda and to submit those items to the chairperson for placement on an agenda. Makes a discussion between the two members for purposes of determining items to be scheduled on a meeting agenda a permitted interaction under the Sunshine Law; provided that the discussion is limited to selecting agenda items and no commitment relating to a vote on any matter is made or sought.

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

