

JAN 19 2018

A BILL FOR AN ACT

RELATING TO COMMUNITY 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~~] decision making
5 on the matter investigated, if any, occurs only
6 at a duly noticed meeting of the board held
7 subsequent to the meeting at which the findings
8 and 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.



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~~] decision making on
7 any item, for which testimony or presentations are
8 received, occurs only at a duly noticed meeting of the
9 board held subsequent to the meeting at which the
10 testimony and 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~~] decision
16 making at a 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~~] that would constitute a quorum for the
6 board, may attend an informational meeting or presentation on
7 matters relating to official board business, including a meeting
8 of another entity, legislative hearing, convention, seminar, or
9 community meeting[+] open to the public; provided that the
10 meeting or presentation is not specifically and exclusively
11 organized for or directed toward members of the board. The
12 board members in attendance may participate in discussions,
13 including discussions among themselves; provided that the
14 discussions occur during and as part of the informational
15 meeting or presentation; and provided further that no commitment
16 relating to a vote on the matter is 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) Notwithstanding section 92-3.1(b), for meetings
15 described in subsection (e), the limitation on number of
16 attendees shall not apply to members of a county council."

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 Statutory material to be repealed is bracketed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



S.B. NO. 2161

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

2

INTRODUCED BY:


By Request



S.B. NO. 2161

Report Title:

Hawaii State Association of Counties Package; Sunshine Law;
Permitted Interactions

Description:

Amends the Sunshine Law, part I, chapter 92, HRS, to clarify the ability of board members to attend and speak at community, educational, or informational meetings that are open to the public; and to provide that the limitation on the number of attendees shall not apply to members of a county council.

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

