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# A BILL FOR AN ACT

RELATING TO OPEN GOVERNMENT.

**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 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;



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.

21 (d) Board members present at a meeting that must be  
22 canceled for lack of quorum or terminated pursuant to section



1 92-3.5(c) may nonetheless receive testimony and presentations on  
2 items on the agenda and question the testifiers or presenters;  
3 provided that:

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

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

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

14 (A) Provide copies of the testimony and presentations  
15 received at the canceled meeting to all members  
16 of the board; and

17 (B) Receive a report by the members that were present  
18 at the canceled meeting about the testimony and  
19 presentations received.

20 (e) Two or more members of a board, but fewer than the  
21 number of members necessary to constitute a quorum for the  
22 board, may attend an informational meeting or presentation on



1 matters relating to official board business, including a meeting  
2 of another entity, legislative hearing, convention, seminar, or  
3 community meeting; provided that the meeting or presentation is  
4 not specifically and exclusively organized for or directed  
5 toward members of the board. The board members in attendance  
6 may participate in discussions, including discussions among  
7 themselves; provided that the discussions occur during and as  
8 part of the informational meeting or presentation; and provided  
9 further that there is no commitment made relating to a vote on  
10 the matter. The board members, at the next duly noticed meeting  
11 of the board, shall report their attendance and the matters  
12 presented and discussed that related to official board business  
13 at the informational meeting or presentation.

14 (f) From July 1, 2012, to June 30, 2016 only, two or more  
15 members of a board, but fewer than the number of members  
16 necessary to constitute a quorum for the board, may participate  
17 in a discussion on a social media website about matters relating  
18 to official board business; provided that the board has  
19 previously adopted a policy on the use of social media and no  
20 commitment to vote is made or sought and the discussion on the  
21 social media website:



1        (1) Is accessible at any time to any member of the public  
2                    with an internet connection;

3        (2) Allows participation by interested members of the  
4                    public; and

5        (3) Remains available for public viewing for a reasonable  
6                    period of time on the social media website.

7        Upon request by any person, the board shall provide a list of  
8        all board members using social media and those members' social  
9        media addresses or identifications used for discussions subject  
10       to this subsection. For the purpose of this subsection, "social  
11       media website" means a website that facilitates social  
12       interaction among unlimited numbers of persons for the purposes  
13       of friendship, meeting other persons, or information exchanges,  
14       and allows persons using the website to communicate with other  
15       users.

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

21        [~~e~~] (h) Discussions between two or more members of a  
22        board and the head of a department to which the board is



1 administratively assigned may be conducted in private without  
2 limitation; provided that the discussion is limited to matters  
3 specified in section 26-35.

4 [~~f~~] (i) Communications, interactions, discussions,  
5 investigations, and presentations described in this section are  
6 not meetings for purposes of this part."

7 SECTION 2. Section 92-7, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9 "(a) The board shall give written public notice of any  
10 regular, special, emergency, or rescheduled meeting, or any  
11 executive meeting when anticipated in advance. The notice shall  
12 include an agenda which lists all of the items to be considered  
13 at the forthcoming meeting, the date, time, and place of the  
14 meeting, and in the case of an executive meeting the purpose  
15 shall be stated. The means specified by this section shall be  
16 the only means required for giving notice under this part  
17 notwithstanding any law to the contrary."

18 SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on July 1, 2012.



**Report Title:**

Sunshine Law; Permitted Interactions; Testimony; Quorum;  
Informational Meetings; Conferences; Social Media; Permitted  
Interaction; Notice

**Description:**

Allows board members to hear testimony for a meeting canceled  
for lack of quorum, to attend informational meetings, and for a  
four-year period to discuss board business via social media.  
(SD1)

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

