

\_\_\_\_.B. NO.\_\_\_\_

---

---

# 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 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 of the board;

1           (B) All resulting findings and recommendations are  
2 presented to the board at a meeting of the board; and

3           (C) Deliberation and decisionmaking on the matter  
4 investigated, if any, occurs only at a duly noticed meeting of  
5 the board held subsequent to the meeting at which the findings  
6 and recommendations of the investigation were presented to the  
7 board; or

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

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

18           (d) Board members present at a meeting that must be  
19 canceled for lack of quorum or terminated pursuant to section  
20 92-3.5(c) may nonetheless receive testimony and presentations on  
21 items on the agenda and question the testifiers or presenters;  
22 provided that:

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

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

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

11           (A) Provide copies of the testimony and presentations  
12 received at the canceled meeting to all members of the board;  
13 and

14           (B) Receive a report by the members who were present  
15 at the canceled or terminated meeting about the testimony and  
16 presentations received.

17           (e) Two or more members of a board, but less than the  
18 number of members which would constitute a quorum for the board,  
19 may attend an informational meeting or presentation on matters  
20 relating to official board business, including a meeting of  
21 another entity, legislative hearing, convention, seminar, or  
22 community meeting open to the public; provided that the meeting

\_\_\_\_.B. NO. \_\_\_\_\_

1 or presentation is not specifically and exclusively organized  
2 for or directed toward members of the board. The board members  
3 in attendance may participate in discussions, including  
4 discussions among themselves; provided that the discussions  
5 occur during and as part of the informational meeting or  
6 presentation; and provided further that no commitment relating  
7 to a vote on the matter is made or sought.

8 At the next duly noticed meeting of the board, the board  
9 members shall report their attendance and the matters presented  
10 and discussed that related to official board business at the  
11 informational meeting or presentation.

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

17 (g) Discussions between two or more members of a board and  
18 the head of a department to which the board is administratively  
19 assigned may be conducted in private without limitation;  
20 provided that the discussion is limited to matters specified in  
21 section 26-35.

\_\_\_\_.B. NO. \_\_\_\_\_

1 (h) Communications, interactions, discussions,  
2 investigations, and presentations described in this section are  
3 not meetings for purposes of this part.

4 (i) Notwithstanding section 92-3.1(b) of this chapter, for  
5 meetings described in subsection (e), the limitation on number  
6 of attendees shall not apply to members of a county council."

7 SECTION 2. Statutory material to be deleted is bracketed  
8 and in strikethrough. New statutory material is underscored.

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

10

11 INTRODUCED BY: \_\_\_\_\_

12

13 pia:misc:003(2)abill05:scb