

JAN 22 2007

A BILL FOR AN ACT

RELATING TO GOVERNMENT BOARDS.

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

1 SECTION 1. Section 92-2.5, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Discussions between two or more members of a board [
4 ~~but less than the number of members which would constitute a~~
5 ~~quorum for the board,~~] concerning the selection of the board's
6 officers or assignment of members to the board's committees may
7 be conducted in private without limitation or subsequent
8 reporting."

9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

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

12
13 INTRODUCED BY: _____

14 BY REQUEST
15

SB 1480

JUSTIFICATION SHEET

DEPARTMENT: OFFICE OF THE LIEUTENANT GOVERNOR,
OFFICE OF INFORMATION PRACTICES

TITLE: A BILL FOR AN ACT RELATING TO GOVERNMENT BOARDS.

PURPOSE: To allow any number of members of a board to discuss outside of a meeting the selection of the board's officers or assignment of members to the board's committees.

MEANS: Amend section 92-2.5(c), Hawaii Revised Statutes.

JUSTIFICATION: Part I of chapter 92, HRS (Sunshine Law), lists six "permitted interactions" that describe the conditions under which members of a board may discuss board business outside of a meeting and without complying with certain procedural requirements. One of the permitted interactions allows board members to discuss selection of the board's officers. The statute, however, currently limits the number of board members who may discuss the selection of officers to less than the number of members that constitute a quorum of the board. Several boards, particularly the county councils, have informed OIP that officer selection cannot be accomplished, as a practical matter, within the confines of this permitted interaction's "less-than-quorum requirement."

Given certain boards' position that the statute, as currently worded, makes it impossible to change leadership, OIP believes that the issue should be considered by the Legislature. Similarly, given that committee assignments are organizational in nature, OIP believes that the Legislature should consider whether to allow those types of discussions between board members outside of a meeting.

Impact on the public: The public may be excluded from discussions between board members relating to officer selection and committee assignments.

Impact on the department and other agencies: Any number of board members will be allowed to discuss the selection of board officers or committee assignments outside of a meeting. For certain boards, the amendment may result in more frequent changes of officers.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: All state and county government boards and commissions.

EFFECTIVE DATE: Upon approval.