

JAN 19 2007

A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS.

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

1 SECTION 1. The legislature finds that the intended purpose
2 of chapter 92, Hawaii Revised Statutes, is to open up the
3 governmental process to public scrutiny and participation in
4 order to protect the public's interest. The legislature further
5 finds that an issue has arisen in cases where a meeting has been
6 duly noticed to the public, but the board subsequently fails to
7 attain a quorum, as to whether the remaining members of the
8 board may still receive testimony or presentations in spite of
9 the fact that it cannot do business.

10 The purpose of this Act is to clarify that in cases where a
11 meeting has been duly noticed to the public and the board fails
12 to attain a quorum, the remaining members may receive testimony
13 and presentations as long as no discussion is made or action is
14 taken, and provided that a summary of the testimony or
15 presentations received by the remaining members of the board is
16 subsequently presented to the board at a duly noticed meeting.



1 SECTION 2. 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;

17 (B) All resulting findings and recommendations are
18 presented to the board at a meeting of the board;
19 and

20 (C) Deliberation and decisionmaking on the matter
21 investigated, if any, occurs only at a duly
22 noticed meeting of the board held subsequent to



1 the meeting at which the findings and
2 recommendations of the investigation were
3 presented to the board; or

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

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

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

20 (e) Discussions between two or more members of a board and
21 the head of a department to which the board is administratively
22 assigned may be conducted in private without limitation;



1 provided that the discussion is limited to matters specified in
2 section 26-35.

3 (f) Communications, interactions, discussions,
4 investigations, and presentations described in this section are
5 not meetings for purposes of this part.

6 (g) Where a meeting has been duly noticed under section
7 92-7, but a quorum cannot be reached as required under the
8 definition of "meeting" in section 92-2(3), the remaining
9 members of the board may receive testimony and presentations as
10 long as no discussion is made or action taken, and provided that
11 a summary of the testimony or presentations received is
12 subsequently presented to the board at a duly noticed meeting."

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

15

INTRODUCED BY: Erzanne Chun Auckland
Norman Sakom
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Report Title:

Public Agency Meetings

Description:

Clarifies that in cases where a meeting has been duly noticed but a board fails to attain a quorum, the remaining members of the board may still receive testimony and presentations.

