
A BILL FOR AN ACT

RELATING TO THE SUNSHINE LAW.

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

1 SECTION 1. The legislature finds that the sunshine law,
2 part I of chapter 92, Hawaii Revised Statutes, was intended to
3 create transparency in government operations by public
4 officials, both elected and appointed, and to establish
5 procedures to ensure that the public's business is conducted in
6 view of and with the participation of the members of the public.

7 The legislature recognizes that there are many public
8 gatherings and community events to which officials of
9 deliberative bodies are invited. Officials may wish to attend
10 these gatherings and events for educational purposes, to
11 facilitate community participation, and to promote constituent
12 services.

13 The legislature also recognizes that there are
14 professional-association conferences and other professional-
15 development seminars to which public officials are invited,
16 based on the officials' expertise or participation in public-
17 policy formulation. Attendance at such conferences and seminars
18 can help public officials attain a deeper understanding of



1 issues, develop mutually beneficial relationships with peers in
2 other jurisdictions, and foster and enhance technical expertise.

3 Accordingly, the purpose of this Act is to:

4 (1) Allow the participation by members of a board in a
5 public gathering or community event not focused on
6 matters currently under official deliberation or
7 pending action; provided that the members do not
8 engage in ex parte communications at the public
9 gathering or community event;

10 (2) Allow the participation by members of a board in
11 professional-association conferences and professional-
12 development seminars and require the members to
13 produce a publicly accessible report of their
14 activities; and

15 (3) Allow notice of board meetings to be sent to persons
16 who request notification of board meetings by e-mail.

17 SECTION 2. Section 92-2.5, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§92-2.5 Permitted interactions of members.** (a) Two
20 members of a board may discuss between themselves matters
21 relating to official board business to enable them to perform
22 their duties faithfully, as long as no commitment to vote is



1 made or sought and the two members do not constitute a quorum of
2 their board.

3 (b) Two or more members of a board, but less than the
4 number of members which would constitute a quorum for the board,
5 may be assigned to:

6 (1) Investigate a matter relating to the official business
7 of their board; provided that:

8 (A) The scope of the investigation and the scope of
9 each member's authority are defined at a meeting
10 of the board;

11 (B) All resulting findings and recommendations are
12 presented to the board at a meeting of the board;
13 and

14 (C) Deliberation and decisionmaking on the matter
15 investigated, if any, occurs only at a duly
16 noticed meeting of the board held subsequent to
17 the meeting at which the findings and
18 recommendations of the investigation were
19 presented to the board; or

20 (2) Present, discuss, or negotiate any position which the
21 board has adopted at a meeting of the board; provided
22 that the assignment is made and the scope of each



1 member's authority is defined at a meeting of the
2 board prior to the presentation, discussion, or
3 negotiation.

4 (c) One or more members of a board may attend a public
5 gathering or a community event individually or in concert;
6 provided that the public gathering or community event does not
7 directly relate to any specific matter over which the board is
8 currently exercising its adjudicatory, advisory, or legislative
9 function and the members do not participate in ex parte
10 communications at the public gathering or community event.

11 (d) Members of a board may individually or jointly attend
12 professional-association conferences and professional-
13 development seminars; provided that any attending members shall
14 provide to the board's presiding officer a report summarizing
15 each conference and seminar within a reasonable period of time.

16 ~~[(e)]~~ (e) Discussions between two or more members of a
17 board, but less than the number of members which 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.

21 ~~[(f)]~~ (f) Discussions between the governor and one or more
22 members of a board may be conducted in private without



1 limitation or subsequent reporting; provided that the discussion
2 does not relate to a matter over which ~~[a]~~ the board is
3 exercising its adjudicatory function.

4 ~~[(e)]~~ (g) Discussions between two or more members of a
5 board and the head of a department to which the board is
6 administratively assigned may be conducted in private without
7 limitation; provided that the discussion is limited to matters
8 specified in section 26-35.

9 ~~[(f)]~~ (h) Communications, interactions, discussions,
10 investigations, and presentations described in this section are
11 not meetings for purposes of this part."

12 SECTION 3. Section 92-7, Hawaii Revised Statutes, is
13 amended by amending subsection (e) as follows:

14 "(e) The board shall maintain a list of names and
15 addresses, including e-mail addresses, of persons who request
16 notification of meetings and shall mail or send by e-mail a copy
17 of the notice to such persons at their last recorded address ~~[no~~
18 ~~later than the time]~~ or e-mail address on the same day the
19 agenda is filed under subsection (b)."

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22 SECTION 5. This Act shall take effect upon its approval.



Report Title:

The Sunshine Law; Public Notices of Board Meetings

Description:

Allows board members to attend: (1) Public gatherings and community events that are not related to any matter over which the board is currently exercising its adjudicatory, advisory, or legislative function; provided that no ex parte communications may occur; and (2) Professional-association conferences and professional-development seminars if the member produces a public report. Allows notice of board meetings to be sent to persons requesting notice by e-mail. (HB1611 HD1)

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