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# 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 report of their activities; and

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

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

18 "§92-2.5 Permitted interactions of members. (a) Two  
19 members of a board may discuss between themselves matters  
20 relating to official board business to enable them to perform  
21 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 community event; provided that the public gathering  
6 or community event does not directly relate to any specific  
7 matter over which the board is currently exercising its  
8 adjudicatory, advisory, or legislative function and the  
9 requirements for permitted interactions between board members as  
10 set forth in subsection (a) are met.

11 (d) One or more members of a board may attend the same  
12 professional-association conference or professional-development  
13 seminar; provided that the requirements for permitted  
14 interactions between board members as set forth in subsection  
15 (a) are met and attending members provide to the board's  
16 presiding officer a report summarizing each conference and  
17 seminar within a reasonable period of time.

18 [~~e~~] (e) Discussions between two or more members of a  
19 board, but less than the number of members which would  
20 constitute a quorum for the board, concerning the selection of  
21 the board's officers may be conducted in private without  
22 limitation or subsequent reporting.



1        [~~(d)~~] (f) Discussions between the governor and one or more  
2 members of a board may be conducted in private without  
3 limitation or subsequent reporting; provided that the discussion  
4 does not relate to a matter over which [a] the board is  
5 exercising its adjudicatory function.

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

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

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

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



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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



**Report Title:**

The Sunshine Law; Permitted Interactions; Public Notices

**Description:**

Allows multiple board members to attend the same public gatherings and community events that are not related to any matter over which the board is currently exercising its authority and meets requirements for permitted interactions. Allows multiple members to attend the same conferences and seminars if the member produces a public report and meets requirements for permitted interactions. Allows notice of board meetings to be sent to persons requesting notice by e-mail.  
(HB1611 HD2)

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

