
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 prevent business discussions between subgroups of
6 officials in private meetings.

7 The legislature recognizes that there are many public
8 gatherings and community events that officials of deliberating
9 bodies are invited to, or may wish to attend for educational
10 purposes and community participation.

11 The legislature also recognizes that there are professional
12 association conferences and professional development activities
13 that public officials are invited to based on their expertise or
14 participation in public policy deliberative bodies to help
15 develop insight and exchange ideas to enhance their knowledge,
16 skills, and abilities to better perform their jobs.



18 The purpose of this Act is to:

19 (1) Allow the participation by two or more members of a
20 board in a public gathering or community event not
21 tied to matters over which the board is exercising its
22 adjudicatory, advisory, or legislative function and
23 which has not been organized for the members of the
24 board; and

25 (2) Allow the participation by two or more members of a
26 public policy deliberative body in professional
27 association conferences and professional development
28 activities with a publicly accessible report of their
29 activities.

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

32 **"§92-2.5 Permitted interactions of members.** (a) Two
33 members of a board may discuss between themselves matters
34 relating to official board business to enable them to perform
35 their duties faithfully, as long as no commitment to vote is
36 made or sought and the two members do not constitute a quorum of
37 their board.



38 (b) Two or more members of a board, but less than the
39 number of members [~~which~~] that would constitute a quorum for the
40 board, may be assigned to:

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

43 (A) The scope of the investigation and the scope of
44 each member's authority are defined at a meeting
45 of the board;

46 (B) All resulting findings and recommendations are
47 presented to the board at a meeting of the board;
48 and

49 (C) Deliberation and decisionmaking on the matter
50 investigated, if any, occurs only at a duly
51 noticed meeting of the board held subsequent to
52 the meeting at which the findings and
53 recommendations of the investigation were
54 presented to the board; or

55 (2) Present, discuss, or negotiate any position [~~which~~]
56 that the board has adopted at a meeting of the board;
57 provided that the assignment is made and the scope of
58 each member's authority is defined at a meeting of the



59 board prior to the presentation, discussion, or
60 negotiation.

61 (c) Two or more members of a board, but fewer than the
62 number of members necessary to constitute a quorum for the
63 board, may attend a public gathering or community event;
64 provided that:

65 (1) The public gathering or community event does not
66 relate to official board business over which the board
67 is currently exercising its adjudicatory, advisory, or
68 legislative function; and

69 (2) The gathering or event is not specifically and
70 exclusively organized for or directed toward members
71 of the board.

72 (d) Two or more members of a board, but fewer than the
73 number of members necessary to constitute a quorum for the
74 board, may attend professional association conferences and
75 professional development activities; provided that the attending
76 members shall post a publicly accessible report of their
77 conference and training activities.

78 [~~e~~] (e) Discussions between two or more members of a
79 board, but less than the number of members [~~which~~] that would
80 constitute a quorum for the board, concerning the selection of



81 the board's officers may be conducted in private without
82 limitation or subsequent reporting.

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

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

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

96 SECTION 3. Statutory material to be repealed is bracketed
97 and stricken. New statutory material is underscored.

98 SECTION 4. This Act shall take effect on January 7, 2050.



Report Title:

Public Agencies; Sunshine Law

Description:

Allows the participation by two or more members of a public policy deliberative body: (1) In a public gathering or community event not tied to matters currently under official deliberation or pending action; and (2) In professional association conferences and professional development activities with a publicly accessible report of their activities. Effective January 7, 2050. (HB109 HD1)

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