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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 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.

17           The purpose of this Act is to:



- 1           (1) Allow the participation by two or more members of a  
2           public policy deliberative body in a public gathering  
3           or community event not tied to matters currently under  
4           official deliberation or pending action; and
- 5           (2) Allow the participation by two or more members of a  
6           public policy deliberative body in professional  
7           association conferences and professional development  
8           activities with a publicly accessible report of their  
9           activities.

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

12           "§92-2.5 Permitted interactions of members. (a) Two  
13 members of a board may discuss between themselves matters  
14 relating to official board business to enable them to perform  
15 their duties faithfully, as long as no commitment to vote is  
16 made or sought and the two members do not constitute a quorum of  
17 their board.

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

- 21           (1) Investigate a matter relating to the official business  
22           of their board; provided that:

- 1 (A) The scope of the investigation and the scope of  
2 each member's authority are defined at a meeting  
3 of the board;
- 4 (B) All resulting findings and recommendations are  
5 presented to the board at a meeting of the board;  
6 and
- 7 (C) Deliberation and decisionmaking on the matter  
8 investigated, if any, occurs only at a duly  
9 noticed meeting of the board held subsequent to  
10 the meeting at which the findings and  
11 recommendations of the investigation were  
12 presented to the board; or
- 13 (2) Present, discuss, or negotiate any position [~~which~~  
14 that the board has adopted at a meeting of the board;  
15 provided that the assignment is made and the scope of  
16 each member's authority is defined at a meeting of the  
17 board prior to the presentation, discussion, or  
18 negotiation.
- 19 (c) Two or more members of a board, but less than the  
20 number of members that would constitute a quorum for the board,  
21 may attend a public gathering or community event; provided that:



1        (1) The public gathering or community event does not  
2        relate to any matter over which the board is currently  
3        exercising its adjudicatory function; and

4        (2) That the attendance of the board members as invitees  
5        or interested members of the community is presented to  
6        the board at a meeting of the board prior to their  
7        attendance.

8        (d) Two or more members of a board, but less than the  
9        number of members that would constitute a quorum for the board,  
10       may attend professional association conferences and professional  
11       development activities; provided that the attending members  
12       shall post a publicly accessible report of their conference and  
13       training activities.

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

19       ~~[-(d)]~~ (f) Discussions between the governor and one or more  
20       members of a board may be conducted in private without  
21       limitation or subsequent reporting; provided that the discussion

1 does not relate to a matter over which a board is exercising its  
2 adjudicatory function.

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

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

11 SECTION 3. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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JAN 20 2011



**Report Title:**

Public Agencies; Sunshine Law

**Description:**

Allows the participation by 2 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.

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