
HOUSE CONCURRENT RESOLUTION

REQUESTING THE UNIVERSITY OF HAWAII TO SPONSOR A SERIES OF
PUBLIC POLICY DIALOGS ON OPEN GOVERNMENT.

1 WHEREAS, most citizens believe that open government is
2 important for the maintenance and success of a strong democracy
3 and a civil society; and
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5 WHEREAS, the Legislature expressly declared in section
6 92-1, Hawaii Revised Statutes, that "it is the policy of this
7 State that the formation and conduct of public policy - the
8 discussions, deliberations, decisions, and action of government
9 agencies - shall be conducted as openly as possible"; and
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11 WHEREAS, Hawaii's open meetings law under chapter 92, part
12 I, Hawaii Revised Statutes, more commonly known as the Sunshine
13 Law, governs the manner in which state and county boards must
14 conduct their business; and
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16 WHEREAS, the intent of the Sunshine Law statute is to open
17 up the government process as much as possible for public
18 scrutiny and participation; and
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20 WHEREAS, in implementing this policy, the Legislature
21 directed under the provisions of the Sunshine Law that boards
22 must conduct their business in a public meeting, including all
23 board discussions, deliberations, decisions, and actions,
24 provided that the business of the board does not meet any of
25 exceptions under the Sunshine Law; and
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27 WHEREAS, absent a specific statutory exception, board
28 business cannot be discussed in secret, without public access to
29 the board's discussions, deliberations, and decisions, without
30 keeping minutes of the meetings, and without an opportunity for
31 the public to submit testimony; and
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33 WHEREAS, several board members have complained about some
34 of the Sunshine Law requirements being too stringent, and have



1 suggested that certain types of board business be exempt from
2 the Sunshine Law provisions; and

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4 WHEREAS, a number of critics of the Sunshine Law have
5 called for a review of the Sunshine Law to determine if
6 additional exemptions are needed to allow members to discuss
7 board business outside of a meeting; and

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9 WHEREAS, some Sunshine Law critics have interpreted Chapter
10 92, Hawaii Revised Statutes as creating barriers to innovative
11 forms of democracy that will bring citizens to the cutting edge
12 of governance; now, therefore,

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14 BE IT RESOLVED by the House of Representatives of the
15 Twenty-third Legislature of the State of Hawaii, Regular Session
16 of 2006, the Senate concurring, that the University of Hawaii
17 College of Social Sciences Public Policy Center is requested to
18 hold a series of public policy dialogs on the Sunshine Law; and

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20 BE IT FURTHER RESOLVED that the series of public policy
21 dialogs be designed to include representatives of the major
22 stakeholders interested in this issue, including the Office of
23 Information Practices; the Open Government Coalition of Hawaii;
24 the League of Women Voters of Hawaii; the Society of
25 Professional Journalists, Hawaii and University of Hawaii
26 Chapters; the Right To Know Committee; the Honolulu Community
27 Media Council; the Big Island Press Club; Citizen Voice; the
28 Hawaii Pro-Democracy Initiative; Kauaians for Open Government;
29 the four County Councils; neighborhood boards; charter school
30 boards; school community councils; the Board of Education; and
31 the Board of Regents; and

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33 BE IT FURTHER RESOLVED that the series of public policy
34 dialogs are also to include other legal entities, including the
35 Attorney General, the County Corporation Counsel Offices, and
36 the Legal Affairs and University General Counsel Office, and the
37 various boards such as, the Board of Land and Natural Resources,
38 the Board of Agriculture, and the Natural Energy Laboratory of
39 Hawaii Authority; and

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41 BE IT FURTHER RESOLVED that the Public Policy Center is
42 requested to report findings and recommendations that outline
43 the areas of consensus, the remaining areas that need further
44 dialog, any suggestions for improvements or amendments to the



