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# SENATE CONCURRENT RESOLUTION

REQUESTING THE PUBLIC POLICY CENTER OF THE COLLEGE OF SOCIAL  
SCIENCES AT 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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1 WHEREAS, several board members have complained about some  
2 of the Sunshine Law requirements being too stringent, and have  
3 suggested that certain types of board business be exempt from  
4 the Sunshine Law provisions; and

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

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

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

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

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

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43 BE IT FURTHER RESOLVED that the Public Policy Center is  
44 requested to report findings and recommendations that outline



1 the areas of consensus, the remaining areas that need further  
 2 dialog, any suggestions for improvements or amendments to the  
 3 Sunshine Law, and other strategies and options relating to open  
 4 government initiatives to the Legislature no later than twenty  
 5 days before the convening of the Regular Session of 2007; and

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 7 BE IT FURTHER RESOLVED that certified copies of this  
 8 Concurrent Resolution be transmitted to the President of the  
 9 University of Hawaii; Public Policy Center of the College of  
 10 Social Sciences, the Director of the Office of Information  
 11 Practices; the Attorney General; the Chairperson of the Board of  
 12 Agriculture; the Chairperson of the Natural Energy Laboratory of  
 13 Hawaii Authority; the Chairperson of the Board of Education; the  
 14 Chairperson of the Board of Land and Natural Resources; the  
 15 Chairperson of the Board of Regents; the Chairperson of the  
 16 Honolulu City Council; the Chairperson of the Hawaii County  
 17 Council; the Chairperson of the Kauai County Council; the  
 18 Chairperson of the Maui County Council; the Corporation Counsel  
 19 for the City and County of Honolulu; the Corporation Counsel for  
 20 Hawaii County; the Office of the Kauai County Attorney; the  
 21 Corporation Counsel for Maui Counsel; the Chairperson of the  
 22 City and County of Honolulu Neighborhood Commission Office; the  
 23 President of the Open Government Coalition of Hawaii, the  
 24 President of the League of Women Voters of Hawaii; the President  
 25 of the Society of Professional Journalists, Hawaii Chapter; the  
 26 President of the Society of Professional Journalists, University  
 27 of Hawaii Chapter; the Chairperson of the Right To Know  
 28 Committee; the Chairperson of the Honolulu Community Media  
 29 Council; the President of the Big Island Press Club; the  
 30 President of Citizen Voice; the President of the Hawaii  
 31 Pro-Democracy Initiative; and the President of Kauaians for Open  
 33 Government.

