

MAR 15 2006

S.R. NO. 107

SENATE 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
35 suggested that certain types of board business be exempt from
36 the Sunshine Law provisions; and



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2 WHEREAS, a number of critics of the Sunshine Law have
3 called for a review of the Sunshine Law to determine if
4 additional exemptions are needed to allow members to discuss
5 board business outside of a meeting; and
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7 WHEREAS, some Sunshine Law critics have interpreted Chapter
8 92, Hawaii Revised Statutes as creating barriers to innovative
9 forms of democracy that will bring citizens to the cutting edge
10 of governance; now, therefore,
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12 BE IT RESOLVED by the Senate of the Twenty-third
13 Legislature of the State of Hawaii, Regular Session of 2006,
14 that the University of Hawaii College of Social Sciences Public
15 Policy Center is requested to hold a series of public policy
16 dialogs on the Sunshine Law; and
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18 BE IT FURTHER RESOLVED that the series of public policy
19 dialogs be designed to include representatives of the major
20 stakeholders interested in this issue, including the Office of
21 Information Practices; the Open Government Coalition of Hawaii;
22 the League of Women Voters of Hawaii; the Society of
23 Professional Journalists, Hawaii and University of Hawaii
24 Chapters; the Right To Know Committee; the Honolulu Community
25 Media Council; the Big Island Press Club; Citizen Voice; the
26 Hawaii Pro-Democracy Initiative; Kauaians for Open Government;
27 the four County Councils; neighborhood boards; charter school
28 boards; school community councils; the Board of Education; and
29 the Board of Regents; and
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31 BE IT FURTHER RESOLVED that the series of public policy
32 dialogs are also to include other legal entities, including the
33 Attorney General, the County Corporation Counsel Offices, and
34 the Legal Affairs and University General Counsel Office, and the
35 various boards such as, the Board of Land and Natural Resources,
36 the Board of Agriculture, and the Natural Energy Laboratory of
37 Hawaii Authority; and
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39 BE IT FURTHER RESOLVED that the Public Policy Center is
40 requested to report findings and recommendations that outline
41 the areas of consensus, the remaining areas that need further
42 dialog, any suggestions for improvements or amendments to the
43 Sunshine Law, and other strategies and options relating to open



1 government initiatives to the Legislature no later than twenty
2 days before the convening of the Regular Session of 2007; and

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

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OFFERED BY: *[Signature]*

