
SENATE CONCURRENT RESOLUTION

ESTABLISHING A TASK FORCE TO REVIEW THE SUNSHINE LAW AND
RECOMMEND LIMITED, PRACTICAL, AND NECESSARY EXCEPTIONS THAT
ENABLE BOARDS TO EFFICIENTLY CONDUCT BUSINESS WHILE
MAINTAINING PUBLIC TRUST AND ADHERENCE TO OPEN GOVERNMENT
PRINCIPLES.

1 WHEREAS, Hawaii's open meetings law, part I of chapter 92,
2 Hawaii Revised Statutes, commonly referred to as the Sunshine
3 Law, governs the manner in which state and county boards conduct
4 business; and

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6 WHEREAS, the intent of the Sunshine Law is to provide as
7 much transparency as practical to allow public scrutiny and
8 participation by providing requirements imposed on boards in the
9 conduct of board business; and

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11 WHEREAS, Hawaii is among a minority of strict sunshine law
12 states that do not require a board quorum to trigger application
13 of open meeting laws, for example, Hawaii's Sunshine Law applies
14 to board members when at least two members discuss board
15 business; and

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17 WHEREAS, while Hawaii's Sunshine Law provides a maximum of
18 openness for public scrutiny and participation in public boards,
19 a number of boards have encountered barriers to efficient
20 operations that appear to them as unreasonable and unnecessary
21 to ensure public accountability, for example, three board
22 members are currently prohibited from attending informational
23 meetings sponsored by other organizations, including legislative
24 hearings where board business may be discussed; and

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26 WHEREAS, a comprehensive review of the Sunshine Law is
27 necessary in order to consider reasonable exceptions to the law
28 that may be necessary to facilitate board business without
29 undermining public trust and the principles of open government;
30 and



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2 WHEREAS, pursuant to Senate Resolution No. 107 (2006
3 Regular Session), the University of Hawaii's Public Policy
4 Center conducted several meetings with board members and open
5 government advocates in 2006 to discuss complaints on what was
6 believed to be overly stringent provisions of the law, and
7 recommended to the Legislature several amendments to the
8 Sunshine Law, these proposed changes are receiving favorable
9 consideration in the 2008 Regular Session; and

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11 WHEREAS, the crafting of legislation to provide for
12 additional exceptions to the Sunshine Law requires further
13 research and rigorous discussion to carefully craft exceptions
14 that provide practical solutions to barriers that thwart
15 efficient board operations while maintaining public trust and
16 government openness; now, therefore,

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18 BE IT RESOLVED by the Senate of the Twenty-fourth
19 Legislature of the State of Hawaii, Regular Session of 2008, the
20 House of Representatives concurring, that a task force be
21 convened to review the Sunshine Law, part I of chapter 92,
22 Hawaii Revised Statutes, for the purpose of considering the
23 necessity of possible exceptions to remove unnecessarily
24 cumbersome obstacles to efficient board operations while
25 maintaining public trust and open government principles; and

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27 BE IT FURTHER RESOLVED that the task force be composed of
28 fifteen members:

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30 (1) Three members appointed by the President of the
31 Senate;
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33 (2) Three members appointed by the Speaker of the House of
34 Representatives;
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36 (3) The Director of the Office of Information Practices or
37 the Director's designee;
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39 (4) A representative from the League of Women Voters of
40 Hawaii;
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42 (5) A representative from the Society of Professional
43 Journalists, Hawaii Chapter;
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1 (6) A representative from the Honolulu Media Council;

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3 (7) A representative from each county council; and

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5 (8) A representative from Common Cause Hawaii; and

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7 BE IT FURTHER RESOLVED that the Director of the Office of
8 Information Practices or the Director's designee is requested to
9 convene the first meeting of the task force, and the task force
10 shall elect its chair; and

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12 BE IT FURTHER RESOLVED that the Office of Information
13 Practices is requested to provide administrative and staff
14 support for the task force, including drafting a report to the
15 Legislature; and

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17 BE IT FURTHER RESOLVED that the Legislative Reference
18 Bureau is requested to provide legislative drafting services for
19 the drafting of recommended legislation by the task force; and

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21 BE IT FURTHER RESOLVED that the task force is requested to
22 review the Sunshine Law and submit recommendations in a report
23 to the Legislature no later than twenty days prior to the start
24 of the Regular Session of 2009, including recommendations for
25 exceptions to the Sunshine Law that are necessary to address
26 cumbersome obstacles to efficient board operations; provided
27 that the recommended exceptions should be limited to and
28 narrowly address specific circumstances that the task force
29 believes should be addressed; and

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31 BE IT FURTHER RESOLVED that certified copies of this
32 Concurrent Resolution be transmitted to the Director of the
33 Office of Information Practices, the Acting Director of the
34 Legislative Reference Bureau, the League of Women Voters of
35 Hawaii, the Society of Professional Journalists, Hawaii Chapter,
36 the Honolulu Community Media Council, Common Cause Hawaii, the
37 Mayor of each county, and the Governor.

