
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 discuss
15 board 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 which 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 principles of open government; and

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31 WHEREAS, pursuant to S.R. No. 107 (2006 Session), the
32 University of Hawaii's Public Policy Center conducted several



1 meetings with board members and open government advocates in
2 2006 to discuss complaints on what was believed to be overly
3 stringent provisions of the law, and recommended to the
4 legislature several amendments to the Sunshine Law, these
5 proposed changes are receiving favorable consideration in the
6 2008 Regular Session; and

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

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

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24 BE IT FURTHER RESOLVED that the task force be composed of
25 eleven members:

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

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2 BE IT FURTHER RESOLVED that the director of the Office of
3 Information Practices or the director's designee is requested to
4 convene the first meeting of the task force, which shall elect
5 its chair; and

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7 BE IT FURTHER RESOLVED that the Legislative Reference
8 Bureau is requested to provide administrative and staff support
9 for the task force, including drafting of a report to the
10 legislature; and

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12 BE IT FURTHER RESOLVED that the task force is requested to
13 review the Sunshine Law and submit recommendations in a report
14 no later than twenty days prior to the start of the Regular
15 Session of 2009, including recommendations for exceptions to the
16 Sunshine Law that are necessary to address cumbersome obstacles
17 to efficient board operations; provided that the recommended
18 exceptions should be limited to and narrowly address specific
19 circumstances that the task force believes should be addressed;
20 and

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22 BE IT FURTHER RESOLVED that certified copies of this
23 Concurrent Resolution be transmitted to the director of the
24 Office of Information Practices, the director of the Legislative
25 Reference Bureau, the League of Women Voters of Hawaii, Society
26 of Professional Journalists, Hawaii Chapter, Honolulu Community
27 Media Council, Common Cause Hawaii, and the Governor.