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LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Written Comments Only

COMMENTS ON SCR58 SD1 PROPOSED

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

Comments by the Legislative Reference Bureau
Ken H. Takayama, Acting Director

Presented to the Senate Committee on Judiciary and Labor

Wednesday, April 9, 2008, 10:00 a.m.
Conference Room 016

Chair Taniguchi and Members of the Committee:

Thank you for this opportunity to testify on S.C.R. No. 58, Proposed S.D. 1. The Bureau takes no position for or against the measure, but offers the following comments.

The Resolution establishes a task force to review the Sunshine Law and to consider and recommend possible amendments. The Bureau is requested to provide administrative and staff support to the task force, including drafting the report of the task force to the Legislature.

The functions requested of the Bureau in the Resolution appear to be manageable. We will endeavor to work with the task force to produce a report that is of use to the Legislature.

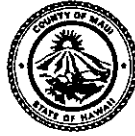
Thank you for this opportunity to submit our comments.

Council Chair
G. Riki Hokama

Vice-Chair
Danny A. Mateo

Council Members
Michelle Anderson
Gladys C. Baisa
Jo Anne Johnson
Bill Kauakea Medeiros
Michael J. Molina
Joseph Pontanilla
Michael P. Victorino

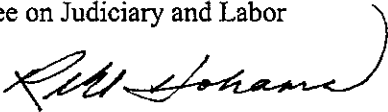
Director of Council Services
Ken Fukuoka



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COUNTY OF MAUI
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WAILUKU, MAUI, HAWAII 96793
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April 8, 2008

TO: Honorable Brian T. Taniguchi, Chair
Senate Committee on Judiciary and Labor

FROM: G. Riki Hokama
Council Chair 

SUBJECT: **HEARING OF APRIL 9, 2008; TESTIMONY IN SUPPORT OF SCR 58,
PROPOSED SD1, RELATING TO A SUNSHINE LAW TASK FORCE**

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to establish a task force to recommend limited, practical, and necessary exceptions that enable boards to efficiently conduct business while maintaining public trust and adherence to open government principles.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I respectfully request that this measure be amended so that the task force shall include at least one representative of county government. With that understanding, I support this measure for the following reasons:

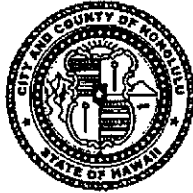
1. While this measure is an important step to facilitate board business within the acceptable parameters of the Sunshine Law, it would be fair and prudent for the task force's membership to include at least one council member, attorney, or other county official who is familiar with the work of county legislative bodies.
2. Council members need more flexibility to efficiently perform the people's business through such activities as investigation, coordination, information gathering, and dissemination of council-related information. That is why the Maui County Council included legislation designed to appropriately increase council members' flexibility in its 2008 Legislative Package (HB 2216, SB 2174)
3. Current interpretations of the Sunshine Law preclude council members from effectively fulfilling their duties to their constituents by unduly limiting the ability to interact without fear of Sunshine Law violations. The broad scope of the councils' responsibilities and the need for elected officials to interact with the community make Sunshine Law compliance much more difficult than it is for most administrative boards.

For the foregoing reasons, I support this measure.

DEPARTMENT OF THE CORPORATION COUNSEL
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MUFI HANNEMANN
MAYOR



CARRIE K.S. OKINAGA
CORPORATION COUNSEL

DONNA M. WOO
FIRST DEPUTY CORPORATION COUNSEL

April 7, 2008

The Honorable Brian T. Taniguchi, Chair
The Honorable Clayton Hee, Vice-Chair
Committee on Judiciary and Labor
The Senate
Twenty-Fourth Legislature
State of Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Taniguchi, Vice-Chair Hee and Committee Members:

Subject: Senate Concurrent Resolution 58, Proposed SD1: 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

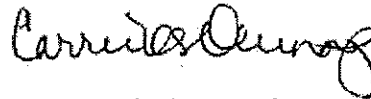
Thank you for the opportunity to present written testimony in support of the establishment of a task force to recommend practical exceptions to the Sunshine Law that unduly restrict the effective and efficient operation of our boards and commissions. While we support the establishment of a task force for this purpose, we express concern that the task force lacks representatives of boards and commissions who are best suited to identify for the task force the cumbersome obstacles presented by the Sunshine Law and to identify those most necessary for statutory relief.

We note that the prior efforts on this subject matter by the University of Hawaii's Public Policy Center pursuant to Senate Resolution No. 107 (2006), included major stakeholders in open government under the Sunshine Law; those identified in the Resolution included the four County Councils and neighborhood boards.

The Honorable Brian T. Taniguchi, Chair
The Honorable Clayton Hee, Vice-Chair
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We ask for the Committee's consideration to further amend the Senate Concurrent Resolution to include the county councils and other representatives of county boards and commissions.

Very truly yours,



CARRIE K. S. OKINAGA
Corporation Counsel

CKOS:ct

08-02048/18546



P.O. Box 3141
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April 9, 2008

Senate Judiciary Committee
State Capitol
Honolulu, HI 96813

Re: SCR 58, SD 1

Committee members:

We think it is time to take a good look at the state open meetings law rather than go through year after year of various boards trying to chip away at these protections for the public.

The law is in danger of becoming a Byzantine maze of words, nonsensical to anyone who cares that the public's business is done in public.

We are not comfortable with boards' contentions that changes to the law will make their jobs easier or allow them to get things done because they aren't able to plan as much as they should. Democracy is not convenient, and the public's business should not be done in haste because boards cannot adequately plan.

We ask you to keep the exceptions to the Sunshine Law to a minimum and as narrow as possible.

Sincerely,

Stirling Morita
Freedom of Information Committee Chairman
Hawaii Chapter SPJ