

JAN 23 2009

---

# A BILL FOR AN ACT

RELATING TO CHAPTER 92, HAWAII REVISED STATUTES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that meaningful  
2 participation in a democracy requires that government processes  
3 be open to public scrutiny. The formation and conduct of public  
4 policy--the discussions, deliberations, decisions, and action of  
5 government agencies--must be conducted as openly as possible.  
6 To protect the people's right to know, the legislature adopted  
7 chapter 92, Hawaii Revised Statutes, popularly known as the  
8 "sunshine law" governing public agency meetings, and directed  
9 that the provisions requiring open meetings be liberally  
10 construed and the provisions providing for exceptions to the  
11 open meeting requirements be strictly construed against closed  
12 meetings.

13           The legislature further finds that, as one of three  
14 branches of government, the people have the right to know how  
15 the judiciary forms, conducts, and applies public policy. While  
16 the adjudicatory functions of the judiciary are properly  
17 excluded from the "sunshine law," as are the adjudicatory



1 functions of numerous executive branch agencies, the  
2 nonadjudicatory functions of the judiciary should be subject to  
3 the same public scrutiny as the nonadjudicatory functions of the  
4 executive branch.

5 The purpose of this Act is to make the nonadjudicatory  
6 functions of the judiciary subject to the requirements of the  
7 "sunshine law."

8 SECTION 2. Section 92-6, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) This part shall not apply:

11 (1) To adjudicatory functions exercised by the judicial  
12 branch.

13 (2) To adjudicatory functions exercised by a board and  
14 governed by sections 91-8 and 91-9, or authorized by  
15 other sections of the Hawaii Revised Statutes. In the  
16 application of this subsection, boards exercising  
17 adjudicatory functions include, but are not limited  
18 to, the following:

19 (A) Hawaii labor relations board, chapters 89 and  
20 377;

21 (B) Labor and industrial relations appeals board,  
22 chapter 371;



# S.B. NO. 677

- 1 (C) Hawaii paroling authority, chapter 353;
- 2 (D) Civil service commission, chapter 26;
- 3 (E) Board of trustees, employees' retirement system
- 4 of the State of Hawaii, chapter 88;
- 5 (F) Crime victim compensation commission, chapter
- 6 351; and
- 7 (G) State ethics commission, chapter 84."

8 SECTION 3. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10

INTRODUCED BY: \_\_\_\_\_



**Report Title:**

Sunshine Law; Judiciary

**Description:**

Makes the "sunshine law" law applicable to nonjudicatory functions of the judiciary.

