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Bring Sunshine Law into 2017 with online notices, postings

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HB 165 would require boards to provide notices by email and to post meeting agendas on a website for easy public access. Those agendas, however, provide minimal notice about what a government board will consider.

Hundreds of government boards and commissions across the state decide issues every day that impact the people of Hawaii. As the Legislature recognized in 1975 when it enacted Hawaii's open meetings law, the Sunshine Law: "Opening the

governmental processes to public scrutiny and participation is the only viable and reasonable method of protecting the public's interest."

That principle is as true as ever. But times have changed, and this 40-year-old law needs updating.

As Internet access and email have become an inescapable reality of modern society, the Sunshine Law's reliance solely on hard-copy meeting notices and postal mail discourages operating efficiently and has become an obstacle to public participation. The Legislature must pass [House Bill 165](#) to resolve recurring complaints that the Sunshine Law no longer serves the public interest because it ignores how virtually everyone communicates in modern society.

According to the Department of Health, 83 percent of adults in Hawaii are Internet users. But some government boards refuse to provide timely notice of open meetings by email. Instead, the boards insist on sending the notices by postal mail, giving the public less time to consider and prepare testimony about issues that the board plans to discuss.

HB 165 would require boards to provide notices by email and to post meeting agendas on a website for easy public access.

Those agendas, however, provide minimal notice about what a government board will consider. A board typically prepares more detailed "board packets" for its members. Many boards do not make those board packets available to the public before a meeting, delaying public access until after a final board vote.

Interested citizens must guess what the board will discuss and then present, at times, misdirected or confusing testimony. HB 165 would permit us to participate in board and commission meetings in a meaningful way. It would require that, when board members receive the board packets, everyone else also has reasonably prompt access to the public records in the packet. We wouldn't be left in the dark when preparing testimony.

HB 165 will also make it easier for the public to find out what happened at prior board meetings. People frequently complain that board minutes are not readily accessible, even a month or more after a meeting. The bill would require that boards post meeting minutes on the Internet within 40 days after a meeting.

These common-sense updates for modern life encourage civic engagement. From the county councils to the state Land Use Commission and county ethics boards, these boards grapple with difficult issues that benefit from public access and testimony. But the public cannot meaningfully participate when boards chronically impede people from simply learning when a board is meeting and what it plans to discuss or has discussed.

Citizens have a right to know what's happening; better informed citizens can provide more direct and helpful testimony, which is key to fostering greater public dialog between policy makers and the public on pressing issues that affect Hawaii.

For three years — longer for some ideas — the Legislature has studied these issues and refined them to address concerns of government boards. If passed, HB 165 will be the first open-meetings legislation to meaningfully benefit the public in more than 30 years. The time has come to take a giant step forward.

We are on the precipice of a great generational shift in open government. Let's do the public's business the same way we live — using electronic communications. Now is the time to bring the Sunshine Law into the 21st century.

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