

## Community Voice

# Hawaii Is Finally Letting The Sun Shine In

For the first time in 30 years, Hawaii's Sunshine Law will be expanded to benefit public participation and access.

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By Brian Black  / June 29, 2017

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Tuesday morning started like many others.

I was chatting with someone who contacted the [Civil Beat Law Center's](#) hotline to discuss Hawaii's open meetings law. She planned to attend a meeting of a government board in the afternoon and voiced her frustration that it was so difficult to find agendas, minutes and other information on the Internet about what the board planned to discuss.

Unlike other occasions, on Tuesday, I was able to tell the caller: "It will get better." My optimism came from Gov. David Ige's [published list of bills](#) that he was considering for possible veto. The Sunshine Law reform bill, [House Bill 165](#), was not on the list.

That means, effective July 1, 2018, government boards must timely post agendas and minutes on the Internet. Members of the public may ask that agendas be e-mailed directly to them when posted. And no one will be harassed for videotaping a public meeting.

In short, our Sunshine Law will embrace modern life.



Judiciary and Labor Committee Vice Chairman Karl Rhoads, left, and Chairman Gil Keith-Agaran helped secure passage of House Bill 165.

The most remarkable feature of HB 165 concerns public access to board packets.

Board packets are the collection of materials provided in advance to members of a government board so that they can prepare for a meeting. Some boards — the [Board of Land and Natural Resources](#) is a good example — publish copies of their board packet on the internet before a meeting.

Under current law, however, most boards require a public records request for the packet, and that request frequently is not answered until after the meeting and thus after the board has already made a decision. HB 165 gives the public a new right to obtain access to the board packet at the board's office once the board members have been provided a copy.

**AGENDA  
FOR THE MEETING OF THE  
BOARD OF LAND AND NATURAL RESOURCES**

**DATE:** FRIDAY, JUNE 23, 2017  
**TIME:** 9:00 A.M.  
**PLACE:** KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

In some of the matters before the board, a person may wish to request a contested case hearing. If such a request is made before the board's decision, then the board will consider the request first – before considering the merits of the item before it. A person who wants a contested case may also wait until the board decides the issue, then request the contested case after the decision. It is up to you. Any request must be made orally by the end of the meeting and followed up in writing within ten days. If no request for contested case is made, the Board will make a decision. The Department will treat the decision as final and proceed accordingly.

**A. MINUTES**

No Minutes to approve.

**B. CONSERVATION AND RESOURCE ENFORCEMENT**

1. Administrative Enforcement Action for Violation of Hawaii Administrative Rules, Sections: 13-221-35; 13-221-46; 13-256-3; 13-256-4, Against Mr. Samuel Perez Hults for Engaging in Illegal Commercial Activity on State Lands and in State Waters Adjacent to Kailua Beach Park, Requested Cumulative Fines in the Amount of \$11,000 pursuant to HAR § 13-221-3 and HRS § 200-14.5.

**D. LAND DIVISION**

1. Set-Aside and Grant of Perpetual, Non-exclusive Easement to the Water Board of the County of Hawaii for the Waikoloa Reservoir #1 and Appurtenant Waterlines; Issuance of Construction and Management Right-of-Entry to the Water Board of the County of Hawaii, Waimea, South Kohala, Hawaii; Tax Map Keys: (3) 6-5-001: 020 portion and 047.

The June 23 agenda for the state Board of Land and Natural Resources.

This is the first time in 30 years that the Sunshine Law has been expanded to benefit public participation and access. And it did not happen without significant effort. The ideas in HB 165 had been around for years. Concerted action by the [League of Women Voters](#), [Common Cause](#) and others helped move it past opposition from various government agencies.

Support and attention from state Sens. Gil Keith-Agaran, Donna Mercado Kim and Karl Rhoads and state Rep. Scott Nishimoto ensured that House Bill 165 and similar bills in prior sessions did not get lost in the shuffle. And the

Office of Information Practices brokered final language to alleviate lingering agency concerns.

This is a tremendous victory for good government advocates. In the end, however, we all benefit from more open government.

Whether you have a passion for Native Hawaiian rights, preventing domestic violence, public transit or feral cats, greater public access gives you a more level playing field in discussions with government agencies and boards. Even the casually curious who depend on the news media to attend meetings or cover issues will be better informed — and will be able to more readily and independently verify that information — when government is open.

So, if you ever have the chance to speak up for more government transparency, do it.

As I prepared to leave the office on Tuesday, I received notice that the governor will be signing House Bill 165 on Thursday. Tuesday was a good day.

*Editor's note: The Civil Beat Law Center for the Public Interest is an independent nonprofit organization created with funding from Pierre Omidyar, who is also CEO and publisher of Civil Beat.*

**Community Voices aims to encourage broad discussion on many topics of community interest. It's kind of a cross between Letters to the Editor and op-eds. This is your space to talk about important issues or interesting people who are making a difference in our world. Columns generally run about 800 words (yes, they can be shorter or longer) and we need a photo of the author and a bio. We welcome video commentary and other multimedia formats. Send to [news@civilbeat.com](mailto:news@civilbeat.com).**

## About the Author



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Brian Black is the executive director of The Civil Beat Law Center for the Public Interest.

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