



EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE  
GOVERNOR

April 30, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: Senate Bill No. 438

On April 29, 2009, Senate Bill No. 438, entitled "A Bill for an Act Relating to Board of Education Meetings" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to shorten the time requirement for posting Board of Education meeting notices, from six days to two days, if the agenda items are related to legislation pending before the Legislature.

Currently under the Sunshine Law, boards and commissions are able to file meeting notices less than six days prior to board meetings, as long as certain requirements are met pursuant to the emergency meetings provision of Section 92-8, Hawaii Revised Statutes. As stated by both the Office of Information Practices and the League of Women Voters of Hawaii, the Sunshine Law was enacted to facilitate public participation in government processes and should not be tinkered with for expediency's sake. As a result, I am concerned that making an exception to shorten the time requirement for filing meeting notices may not be the correct approach for resolving the issue of responding to legislation in a timely manner.

I am also concerned that this bill will allow for special treatment of the Board of Education under the Sunshine Law, as no other board or commission will be provided with the same exception provided under this bill. This bill will require the Office of Information Practices to make a distinction for the Board of Education and treat it differently from the numerous other boards and commissions that must also respond to tight legislative deadlines. Moreover, because the Sunshine Law, like the Uniform Information Practices Act, is supposed to be administered uniformly across all agencies and boards, creating a special exception for only the Board of Education sets an unnecessary precedent.

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I call upon the Legislature to address in a comprehensive manner the conflicts between the Sunshine Law and legislative notices that provide inadequate time for boards, commissions, and the public to respond. At a minimum, the Legislature should consider revising emergency meeting procedures for all boards and commissions that should be afforded the opportunity to comment on pending legislation.

For the foregoing reasons, I allowed Senate Bill No. 438 to become law as Act 24, effective April 29, 2009, without my signature.

Sincerely,



LINDA LINGLE