

STAND. COM. REP. NO. 1453-22

Honolulu, Hawaii

MAR 24, 2022

RE: S.B. No. 3172  
S.D. 1  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Government Reform, to which was referred  
S.B. No. 3172, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require that any electronic audio or video recording of a board meeting be kept as a public record, but clarify that only one version of any recording must be kept; and
- (2) Remove the requirement that a written summary must accompany any minutes that are posted in a digital or analog recording format.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, Civil Beat Law Center for the Public Interest, Common Cause Hawaii, Society of Professional Journalists Hawaii Chapter, and seventeen individuals. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources and one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and Office of Information Practices.

2022-2610 SB3172 HD1 HSCR HMSO



Your Committee finds that public scrutiny and participation in the governmental process is important to protect the public's interests. Your Committee further finds that members of the public who are interested in public meetings but do not have the ability to attend in person or the time or technology to listen to recordings of the meetings are unnecessarily prevented from exercising their right to participate. Requiring electronic audio or video recordings of public meetings to be kept as a public record will encourage transparency and help ensure the public has access to and information regarding these meetings.

Your Committee notes that given the existence of cloud platform technology and other similar technologies that can be used to archive recordings of livestreamed meetings, the capacity and processing of recordings should not be an issue in archiving the recorded meetings.

Your Committee has amended this measure by:

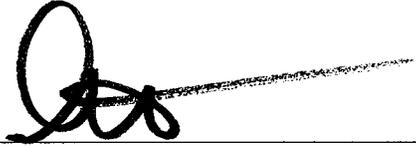
- (1) Changing the effective date to July 1, 2112, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Should your Committee on Judiciary & Hawaiian Affairs deliberate this measure further, your Committee respectfully requests that it consider inserting language requiring that written minutes include a time stamp for discussions of each agenda item and motions and votes when a recording is made, as this could ensure recordings can remain useful to the public without requiring individuals to watch hours of video for a single agenda item.

As affirmed by the record of votes of the members of your Committee on Government Reform that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3172, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3172, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on  
behalf of the members of the  
Committee on Government Reform,



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ANGUS L.K. MCKELVEY, Chair



