

STAND. COM. REP. NO. 1912 -22

Honolulu, Hawaii

APR 08 , 2022

RE: S.B. No. 3172
S.D. 1
H.D. 2

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 3172, S.D. 1, H.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, in addition to written minutes, any electronic audio or video recording of a board meeting be kept as a public record, but only one version of any recording must be kept; and
- (2) Remove the requirement that a written summary accompany any minutes that are posted in a digital or analog recording format.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services, Civil Beat Law Center for the Public Interest, Common Cause Hawaii, League of Women Voters of Hawaii, The Outdoor Circle, and seven 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

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the Department of Commerce and Consumer Affairs and Office of Information Practices.

Your Committee finds that Act 64, Session Laws of Hawaii 2017, authorized recordings accompanied by written summaries as an alternative to written minutes of board meetings. However, there have been instances where the recording provides little information to the public in understanding the context of discussions, such as disorganized, garbled conversations or poor audio. This measure promotes public transparency by removing the authorization to use recordings as substitutes for written minutes.

Your Committee has amended this measure by:

- (1) Deleting language that would have required any electronic audio or video recording of a board meeting to be kept as a public record; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that record retention can be expensive for the State and counties. Your Committee believes that the Legislature should determine which board records should be kept in perpetuity or destroyed.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3172, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3172, S.D. 1, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,


MARK M. NAKASHIMA, Chair



