

STAND. COM. REP. NO. 2968

Honolulu, Hawaii

MAR 04 2022

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 3172 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require any electronic audio or visual recording of a board meeting to be maintained as public record and to clarify that complete minutes of the meetings are still required.

Your Committee received testimony in support of this measure from Common Cause Hawaii, Civil Beat Law Center for the Public Interest, League of Women Voters of Hawaii, Hawaii Chapter of the Society of Professional Journalists, and seven individuals. Your Committee received comments on this measure from the Office of Planning and Sustainable Development and Office of Information Practices.

Your Committee finds that opening the governmental process to public scrutiny and participation is important to protect the public's interests. Discussions, deliberations, decisions, and actions of governmental agencies in the formation and conduct of public policy should be conducted as openly as possible. Your Committee further finds that audio or visual recordings are not a substitute for complete written minutes. Many members of the public are interested but do not have the ability to attend



meetings, nor the time or technology to listen to recordings, and those persons are therefore unnecessarily prevented from participating in the process. This measure will provide the public with as much access and information as possible of the ongoings of board meetings.

Your Committee has amended this measure by:

- (1) Clarifying that any electronic audio or video recording of any board meeting be made by or on behalf of the board;
- (2) Specifying that only one version of any electronic audio or video recording of any board meeting shall be kept as a public record;
- (3) Removing language requiring that a written summary accompany any board minutes; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



