

JAN 22 2015

---

# A BILL FOR AN ACT

RELATING TO OPEN GOVERNMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. Section 92-1, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3       "**§92-1 Declaration of policy and intent.** In a democracy,  
4 the people are vested with the ultimate decision-making power.  
5 Governmental agencies exist to aid the people in the formation  
6 and conduct of public policy. Opening up the governmental  
7 processes to public scrutiny and participation is the only  
8 viable and reasonable method of protecting the public's  
9 interest. Therefore, the legislature declares that it is the  
10 policy of this State that the formation and conduct of public  
11 policy - the discussions, deliberations, decisions, and action  
12 of governmental agencies - shall be conducted as openly as  
13 possible[-] and facilitate public participation and input. To  
14 implement this policy the legislature declares that:

- 15       (1) It is the intent of this part to protect the people's  
16       right to know[+] and participate;



(2) The provisions requiring open meetings shall be  
liberally construed; and

(3) The provisions providing for exceptions to the open  
meeting requirements shall be strictly construed  
against closed meetings."

SECTION 2. Section 92-3, Hawaii Revised Statutes, is  
amended to read as follows:

"§92-3 Open meetings~~[-]~~ and participation. Every meeting  
of all boards shall be open to the public, and all persons shall  
be permitted to attend any meeting and provide public input  
unless otherwise provided in the constitution or as closed  
pursuant to sections 92-4 and 92-5; provided that the removal of  
any person or persons who wilfully ~~[disrupts]~~ disrupt a meeting  
to prevent and compromise the conduct of the meeting shall not  
be prohibited. The boards shall afford all interested persons  
an opportunity to view, either electronically or in hard copy,  
documents, reports, or proposals under consideration at the  
meeting at the time the agenda is made available to the public.  
The boards shall also afford all interested persons an  
opportunity to submit data, views, or arguments, in writing, on  
any agenda item~~[-]~~ or other item within the jurisdiction of the



1 board. The boards shall also afford all interested persons an  
2 opportunity to present oral testimony on any agenda item[-]  
3 following discussion of each item, but before a decision is made  
4 or a vote is taken. The boards may provide for reasonable  
5 administration of oral testimony by rule[-] when the number of  
6 people wishing to testify may have a significant impact on the  
7 time for board deliberations; provided that such rules shall not  
8 be so restrictive as to limit pertinent and useful public  
9 input."

10 SECTION 3. Section 92-9, Hawaii Revised Statutes, is  
11 amended by amending subsection (b) to read as follows:

12 "(b) The minutes, including video or sound recordings made  
13 by the board, shall be public records and shall be available  
14 within thirty days after the meeting, regardless of whether the  
15 board has formally reviewed or approved the minutes, except  
16 where such disclosure would be inconsistent with section 92-5;  
17 provided that minutes of executive meetings may be withheld so  
18 long as their publication would defeat the lawful purpose of the  
19 executive meeting, but no longer."

20 SECTION 4. Section 92F-2, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "[+]§92F-2[+] Purposes; rules of construction. In a  
2   democracy, the people are vested with the ultimate decision-  
3   making power. Government agencies exist to aid the people in  
4   the formation and conduct of public policy. Opening up the  
5   government processes to public scrutiny and participation is the  
6   only viable and reasonable method of protecting the public's  
7   interest. Therefore the legislature declares that it is the  
8   policy of this State that the formation and conduct of public  
9   policy--the discussions, deliberations, decisions, documents  
10   under discussion, and action of government agencies--shall be  
11   conducted as openly as possible.

12           The policy of conducting government business as openly as  
13   possible must be tempered by a recognition of the right of the  
14   people to privacy, as embodied in section 6 and section 7 of  
15   article I of the constitution of the state of Hawaii.

16           This chapter shall be applied and construed to promote its  
17   underlying purposes and policies, which are to:

- 18           (1) Promote the public interest in disclosure;  
19           (2) Provide for accurate, relevant, timely, and complete  
20           government records;



# S.B. NO. 149

(3) Enhance governmental accountability through a general policy of access to government records;

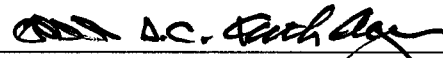
(4) Make government accountable to individuals in the collection, use, and dissemination of information relating to them; and

(5) Balance the individual privacy interest and the public access interest, allowing access unless it would constitute a clearly unwarranted invasion of personal privacy."

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

  
BY REQUEST OF  
ANOTHER PARTY



# S.B. NO. 149

**Report Title:**

Open Meetings; Public Participation

**Description:**

Broadens the policies regarding open government to include greater public participation, input, and access to documents, reports, and proposals under consideration at meetings, with certain limitations.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

