

STAND. COM. REP. NO.

823

Honolulu, Hawaii

MAR 02 , 2023

RE: H.B. No. 712
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 712 entitled:

"A BILL FOR AN ACT RELATING TO RECORDINGS OF PUBLIC MEETINGS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Encourage boards to maintain any recording of a board meeting as a public record on the board's website regardless of whether the written minutes of the meeting have been posted;
- (2) Require boards to provide the state archives with a copy of any recording of a board meeting before removing the recording from the board's website; and
- (3) Require the written minutes of board meetings to include a link to the electronic audio or video recording of the meeting, if available.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services, Department of Land and Natural Resources, Department of Public Safety, Pono Hawaii Initiative, and six individuals. Your Committee received

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comments on this measure from the Department of Commerce and Consumer Affairs, Office of Information Practices, and Commission to Improve Standards of Conduct.

Your Committee finds that this measure implements one of the recommendations made by the Commission to Improve Standards of Conduct established pursuant to House Resolution No. 9, Regular Session of 2022. This measure would promote public interests in transparency and participation by encouraging boards to make the recordings of their meetings readily accessible to the public and ensuring that those recordings are preserved as state records.

Your Committee notes the recommendations submitted by the Department of Accounting and General Services in its written testimony to your Committee. First, the Department strongly recommends that a copy of existing audio, video, minutes, and agenda created for or during board meetings and intended to be kept as a public record should be transferred to the State Archives for preservation as soon as practicable but no later than prior to the removal from the board's website. Second, the Department prefers that such files be transmitted to the State Archives within one month of their creation to prevent any issue. Lastly, the State Archives will create an online transfer mechanism to ease the burden on the boards while allowing the State Archives to capture the necessary metadata to establish the authenticity of the transferred records.

Your Committee has amended this measure by:

- (1) Exempting licensing boards under the Department of Commerce and Consumer Affairs from the requirement that boards record meetings open to the public and make the recording electronically available;
- (2) Specifying that written minutes need only include a link to a recording if the recording is available online; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 H.B. No. 712, as amended herein, and recommends that it pass



Second Reading in the form attached hereto as H.B. No. 712, H.D. 1, and be placed on the calendar for Third Reading.

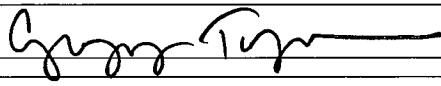
Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 712	Committee Referral: JHA	Date: 2/22/2023		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	/			
2. TAKAYAMA, Gregg (VC)	/			
3. GANADEN, Sonny	/			
4. HOLT, Daniel				/
5. HASHIMOTO, Troy N.	/			
6. ICHIYAMA, Linda	/			
7. ILAGAN, Greggor	/			
8. KONG, Sam Satoru				/
9. MIZUNO, John M.	/			
10. SOUZA, Kanani	/			
TOTAL (10)	8	-	-	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				