
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;



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

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

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

8 "§92-3 **Open meetings[-] and participation.** Every meeting
9 of all boards shall be open to the public, and all persons shall
10 be permitted to attend any meeting and provide public input
11 unless otherwise provided in the constitution or as closed
12 pursuant to sections 92-4 and 92-5; provided that the removal of
13 any person or persons who wilfully [~~disrupts~~] disrupt a meeting
14 to prevent and compromise the conduct of the meeting shall not
15 be prohibited. The boards shall afford all interested persons
16 an opportunity to view, either electronically or in hard copy,
17 documents, reports, or proposals under consideration at the
18 meeting at the time the agenda is made available to the public.
19 The boards shall also afford all interested persons an
20 opportunity to submit data, views, or arguments, in writing, on
21 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;



H.B. NO. 369



- 1 (3) Enhance governmental accountability through a general
- 2 policy of access to government records;
- 3 (4) Make government accountable to individuals in the
- 4 collection, use, and dissemination of information
- 5 relating to them; and
- 6 (5) Balance the individual privacy interest and the public
- 7 access interest, allowing access unless it would
- 8 constitute a clearly unwarranted invasion of personal
- 9 privacy."

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 Statutory material to be repealed is bracketed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

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

13

INTRODUCED BY: 

<u>Brid Kolyachi</u>	<u>Tou Poun</u>
	<u>Melashina</u>
<u>Jan A. Osh</u>	<u>Tom F. Tom</u>
<u>Cindy Evans</u>	<u>Debra A. Smith</u>
<u>Buck</u>	<u>Robb DeLo</u>
<u>OK</u>	<u>Nicole E. Tom</u>
	



H.B. NO. 369

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.

