

STAND. COM. REP. NO.

673

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 1277
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 1277, S.D. 1, 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:

- (1) Allow the minutes of a board to be written or recorded by analog or digital means; and
- (2) If the minutes are recorded by analog or digital means, require a written summary of the recording to accompany the recording.

Your Committee received testimony in opposition to this measure from the Office of Information Practices, Disability and Communication Access Board, League of Women Voters of Hawaii, The Civil Beat Law Center for the Public Interest, and one individual.

Your Committee finds that existing law requires boards and commissions to keep written minutes of all meetings. By allowing boards and commissions the flexibility to make their minutes available through analog or digital means, this measure may reduce some expense for boards and commissions to comply with the law for public agency meetings.



Your Committee notes the concerns raised in written testimony submitted by the Office of Information Practices and League of Women Voters of Hawaii that the written summary of the recording required to accompany the recording lacks specific criteria. Furthermore, concerns were raised in written testimony submitted by The Civil Beat Law Center for the Public Interest regarding the availability of the minutes recorded by analog or digital means.

Accordingly, your Committee has amended this measure by:

- (1) Requiring that the written summary of the recording includes any significant actions taken by the board, including any motions and votes made by the board;
- (2) Amending section 92-9(b), Hawaii Revised Statutes, to:
 - (A) Require that the recorded minutes be made available within ten days after the board meeting, with certain exceptions; and
 - (B) Require the board to maintain reasonable care of any original or duplicate recordings of minutes that are recorded by analog or digital means; and
- (3) 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 and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1277, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1277, S.D. 2.

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


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 1277 SD1	Committee Referral: GVO, JDL	Date: 2/23/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes