

HOUSE OF REPRESENTATIVES  
THE EIGHTH LEGISLATURE  
STATE OF HAWAII

A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS

MEMO:

Introduced By Representative	ROEHRIG	And 30 Others
January 20, 1975:	INTRODUCED, PASSED FIRST READING AND REFERRED TO LEGISLATIVE MANAGEMENT	
January 21, 1975:	REFERRED TO JUD	
March 11, 1975:	PASSED SECOND READING (H.D. 1) (STAND. COM. 485)	
March 12, 1975:	PASSED THIRD READING	
March 12, 1975:	TRANSMITTED TO SENATE	
MARCH 13, 1975	RECEIVED FROM HOUSE (HOUSE COM. NO. 184)	
MARCH 13, 1975	PASSED FIRST READING; THEN REFERRED TO COMMITTEES ON GOVERNMENT OPERATIONS AND EFFICIENCY; THEN TO JUDICIARY	
MARCH 17, 1975	RE-REFERRED TO COMMITTEE ON JUDICIARY	
APRIL 3, 1975	PASSED SECOND READING (STAND. COM. REP. NO. 878) SD1	
APRIL 3, 1975	24-HOUR NOTICE	
APRIL 4, 1975	PASSED THIRD READING	
APRIL 4, 1975	RETURNED TO HOUSE	
APRIL 4, 1975	RECEIVED FROM SENATE	
APRIL 7, 1975	APPOINTED CONFEREES	
APRIL 10, 1975	24-HOUR NOTICE (C. D. 1)	(CONF. COM. 34)
APRIL 11, 1975	PASSED FINAL READING	
APRIL 16, 1975	TRANSMITTED TO GOVERNOR	

*George M. Jekene*  
Clerk, House of Representatives



ORIGINAL

(To be made one and ten copies)

HOUSE OF REPRESENTATIVES  
EIGHTH LEGISLATURE, 1975  
STATE OF HAWAII

H.B. NO. 126

# A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS.

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

1 SECTION 1. Chapter 92, part I, Hawaii Revised Statutes, is  
2 repealed and a new part is enacted to read as follows:

3 "PART I. MEETINGS

4 Sec. 92-1 Declaration of policy and intent. In a democracy,  
5 the people are vested with the ultimate decision-making power.  
6 Governmental agencies exist to aid the people in the formation  
7 and conduct of public policy. The dangers inherent in the forma-  
8 tion and conduct of public policy in secret have been amply  
9 demonstrated. Opening up the governmental processes to public  
10 scrutiny and participation is the only safe, viable, and  
11 reasonable method of protecting the public's interest in a  
12 democracy. Therefore, the legislature declares that it is the  
13 policy of this State that the formation and conduct of public  
14 policy--the discussions, deliberations, decisions, and action  
15 of governmental agencies--shall be conducted as openly as  
16 possible and not in secret. To implement this policy the legisla-  
17 ture declares that:



- 1 (1) It is the intent of this part to protect the people's  
2 right to know;
- 3 (2) The provisions requiring open meetings shall be liberally  
4 construed; and
- 5 (3) The provisions providing for exceptions to the open  
6 meeting requirements shall be strictly construed against  
7 closed meetings.

8 Sec. 92-2 Definitions. When used in this part:

- 9 (1) "Board" means any agency, board, commission, authority,  
10 or committee of the State or its political subdivisions,  
11 either legislative or executive, permanent or temporary,  
12 but not including bodies of the judicial branch, estab-  
13 lished by legal authority to serve a public purpose,  
14 whether the agency, board, commission, authority, or  
15 committee is within or without the formal structure  
16 of government.
- 17 (2) "Executive meeting" means any part of a meeting from  
18 which the public is excluded.
- 19 (3) "Meeting" means an act or process of members of a  
20 board coming together to study, discuss, deliberate,  
21 decide, or act upon any public policy or matter which  
22 will be or is before any board. The term includes  
23 emergency or executive meetings.  
24



1        Sec. 92-3 Public meetings; site, agenda, notification.

2 (a) Any law to the contrary notwithstanding, all board meetings  
3 shall be public meetings open to the public at all times, except  
4 as otherwise provided in the constitution or in this part.

5        (b) All meetings shall be held in buildings which are  
6 owned, leased, or rented by the government.

7        (c) Except as otherwise provided in this part, all meetings  
8 shall be preceded by the preparation of an agenda which lists  
9 all of the items to be considered at the forthcoming meeting.

10       The agenda shall be filed in the office of the lieutenant  
11 governor or the appropriate county clerk's office, for public  
12 inspection, at least seven days prior to the date of the meeting.

13 No board shall change the agenda, once filed, by adding items  
14 thereto or deleting items therefrom without a two-thirds recorded  
15 vote of all members to which the board is entitled.

16       (d) The secretary, clerk, or responsible person of each  
17 board shall maintain a list of names and addresses of persons  
18 who request notification of meetings. The secretary, clerk, or  
19 responsible person shall mail a copy of any agenda to such  
20 persons on his list, at their last recorded address, not later  
21 than the time the agenda is filed under subsection (b).

22       Sec. 92-4 Emergency meetings. If the members of a board  
23 find that an imminent peril to the public health, safety, or  
24



1 welfare requires a meeting in less time than is provided for in  
2 section 92-3(c), the board may hold a meeting if two-thirds of  
3 all members to which the board is entitled agree that the imminent  
4 peril exists.

5 Prior to any meeting under this section, the board shall:

- 6 (1) File a written finding of the imminent peril and an  
7 emergency agenda with the office of the lieutenant  
8 governor or the appropriate county clerk's office and  
9 post the finding and emergency agenda outside the  
10 meeting site.
- 11 (2) Make an effort to contact all persons on the list  
12 required under section 92-3(d) by telephone or in  
13 person. If the list contains more than persons,  
14 then the board shall contact not less than per  
15 cent of the persons by notifying every other person or  
16 every second person, etc., in such a manner as to give  
17 a cross section of the persons on the list notification.

18 Sec. 92-5 Executive meetings. Executive meetings may be  
19 held only after a meeting has been convened and only if two-thirds  
20 of all members to which the board is entitled agree, by recorded  
21 votes, that the executive meeting is for one of the following  
22 purposes:

- 23 (1) To consider the hiring of, dismissal of, disciplining  
24 of, or charges against an officer or employee and such



1 consideration will involve personal matters affecting  
2 the privacy of the individual concerned; provided, that  
3 if the individual concerned requests a public meeting,  
4 a public meeting shall be held;

5 (2) To deliberate concerning the authority of persons  
6 designated by the board to conduct labor negotiations  
7 or to negotiate the acquisition of real property, or  
8 during the conduct of such negotiations; or

9 (3) To consult with the board's attorney.

10 No ordinance, ruling, rule, contract, appointment, or decision  
11 shall be finally acted upon at any executive meeting.

12 Sec. 92-6 Legislative branch; applicability. It is the  
13 intent of this part that it apply to the legislative body and  
14 its various committees. The legislature recognizes, however,  
15 that due to the shortness of the legislative session, certain  
16 requirements can not be applied to the activities of the senate,  
17 the house of representatives, or their various committees. There-  
18 fore, in applying this part, the provisions relating to the notice  
19 required for meetings, the transcripts required of such meetings,  
20 and such other requirements as may be necessary, shall be applied  
21 as provided by the rules and procedures of the senate and the  
22 house of representatives, which shall take precedence over this  
23 part in case of any conflict between them.

24



1        Sec. 92-7 Minutes. Each board shall provide for the taking  
2 of written minutes of all of its meetings. Unless otherwise re-  
3 quired by law, neither a full transcript nor a recording of the  
4 meeting is required, but the written minutes shall give a true  
5 reflection of the matters discussed at the meeting and the views  
6 of the participants. All minutes shall include at least the  
7 following information:

- 8        (1) The members present;
- 9        (2) All motions, proposals, resolutions, orders, ordinances,  
10        and measures proposed and their disposition;
- 11        (3) The results of all votes, and the vote of each member;  
12        and
- 13        (4) The substance of the discussion of any matter.

14 All minutes or drafts thereof shall be available for  
15 public inspection within thirty days after the meeting, or prior  
16 to the next meeting, whichever is sooner; provided, that minutes  
17 of executive meetings may be withheld so long as their publica-  
18 tion would defeat the lawful purpose of the executive meeting,  
19 but no longer.

20        Sec. 92-8 Validity of acts. No resolution, rule, regulation,  
21 ordinance, or formal action of a board shall be valid unless taken  
22 or made at a meeting which meets the requirements of this part.

23        Sec. 92-9 Enforcement. The circuit courts of the State  
24 shall have jurisdiction to issue injunctions to enforce the



1 purposes of this part upon application by any person. The court  
2 may also order the board or the State or the political subdivision  
3 involved to pay reasonable attorney's fees to a successful  
4 plaintiff.

5       Sec. 92-10 Penalties. Any member of a board who participates  
6 knowingly in a meeting not held in accordance with this part is  
7 guilty of a misdemeanor and upon conviction thereof shall be auto-  
8 matically removed from such board."

9       SECTION 2. Chapter 92, Hawaii Revised Statutes, is amended  
10 by adding a new part to be appropriately designated and to read  
11 as follows:

12                       "PART . PUBLIC RECORDS

13       Sec. 92-     Definition. As used in this part "public record"  
14 means any written or printed report, book or paper, map, or plan of  
15 the State or of a county and their respective subdivisions and  
16 boards, which is the property thereof, and in or on which an entry  
17 has been made or is required to be made by law, or which any  
18 public officer or employee has received or is required to receive  
19 for filing, but shall not include records which invade the right  
20 of privacy of an individual.

21       Sec. 92-     Public records; available for inspection; cost  
22 of copies. All public records shall be available for inspection  
23 by any person during established office hours unless public inspec-  
24 tion of such records is in violation of any other state or federal



1 law, provided that, except where such records are open under  
2 any rule of court, the attorney general and the responsible  
3 attorneys of the various counties may determine which records  
4 in their offices may be withheld from public inspection when such  
5 records pertain to the preparation of the prosecution or defense of  
6 any action or proceeding, prior to its commencement, to which  
7 the State or county is or may be a party, or when such records  
8 do not relate to a matter in violation of law and are deemed  
9 necessary for the protection of the character or reputation of  
10 any person.

11 Certified copies of extracts from public records shall be  
12 given by the officer having the same in custody to any person  
13 demanding the same and paying or tendering 20 cents a folio of  
14 one hundred words for such copies or extracts.

15 Sec. 92- Denial of inspection; application to circuit  
16 court. Any person aggrieved by the denial by the officer having  
17 the custody of any public record of the right to inspect the  
18 records or to obtain copies of extracts thereof may apply to the  
19 circuit court of the circuit wherein the public record is found  
20 for an order directing the officer to permit the inspection of  
21 or to furnish copies of extracts of the public records. The  
22 court shall grant the order after hearing upon a finding that the  
23 denial was not for just and proper cause."







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Charles G. Lippin  
~~Robert L. Lippin~~  
Takam  
Harris R. Yamada  
March  
Akira Sakuma  
Milton T. Haden  
Fred Gay

JAN 20 1975



Honolulu, Hawaii

March 11, 1975RE: H.B. No. 126,  
H.D. 1

The Honorable James Wakatsuki  
Speaker, House of Representatives  
Eighth Legislature  
Regular Session, 1975  
State of Hawaii

Sir:

Your Committee on Judiciary to which was referred H.B. No. 126 entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS", begs leave to report as follows:

The purpose of House Bill No. 126 is to declare and provide for implementation of the policy that discussions, deliberations, decisions, and actions of governmental agencies should be conducted as openly as possible and not in secret.

Your committee heard extensive testimonies on this measure. We feel there is justification for concern for greater citizen involvement in government, and for better public access to information regarding its operation and the reasons upon which governmental actions are based.

House Bill No. 126 requires that all meetings of governmental bodies be open to public scrutiny, with attendant requirements for prior notification, minimum standards for contents and availability of minutes, invalidation of actions taken at meetings failing to meet these requirements, and their enforcement by penalty, including removal from office.

To preserve the sanctity of certain matters--such as personnel matters, labor negotiations and consultation with attorneys--that must of necessity require private deliberation, this bill excludes "executive meetings" from the open meeting requirement. However, it also makes it explicit that final actions on such other governmental activities as rulings, decisions, etc., are not to be accomplished at executive meetings.

This measure also provides for less stringent notification requirements for emergency situations where meeting the ordinary seven-day notice requirement is impossible.

This bill extends the open meetings concept to the State legislature, except that the details of the rules to apply to its proceedings, their enforcement and sanctions are to be reserved to the respective prerogatives of each house as required by article III, section 13 or the constitution or the State of Hawaii.



Your committee amended the original version of House Bill No. 126 in the following respects:

(1) Your committee is in disagreement with the definition of "meeting". Your committee observes that as it appears on the original version of the bill, such definition would make it a crime for members of a governmental body to informally discuss almost anything of official concern among themselves. As such, the presumption would govern that any informal conversation between such members are necessarily sinister.

Your committee is of a contrary view. We think that free and honest discussion is the essence of intelligent and effective government. We think that diligence requires a participant in the governmental process to make thorough inquiries into every aspect of any public policy or matter that comes before him. We expect that he will search out others in exchange of ideas and to learn from the expertise and different viewpoints of others. In our private lives this is accomplished by exercise of our cherished right of private conversation. We cannot deny this right to an individual merely because he participates in the process of government.

Accordingly, your committee has amended the original version of House Bill No. 126 to except "informal conversation" from the definition of "meeting". Similarly, your committee has also excepted "informal meetings" which are not called by the chairman or the majority of the board from the same definition.

Your committee is aware of the dangers of "secret" government. We feel, however, that sufficient safeguards are provided in the requirement of prior notice of meetings, public attendance at meetings, and public access to minutes. Your committee feels that manipulations to stifle open debate or disclosure will become sufficiently evident through these safeguards. Accordingly, your committee amended the definition of "meeting" at subsection 92-2(3) to exclude informal conversations among members in preparation for, or in the course of, open discussion.

(2) The requirement for the vote of "two-thirds of all members" governing various aspects of the bill was amended to read "two-thirds of the members present." Your committee felt that this was more realistic.

(3) The requirement that all meeting be held in government buildings was deleted from the reason that very often governmental process in outlying districts occur where there are no governmental facilities.



(4) The requirement that an agenda be filed with the lieutenant governor or the county clerk seven days prior to a meeting was amended to require the same "where possible," and by adding the proviso that except "emergencies" and situations already governed by other law.

(5) The notice requirement has been amended to require only reasonable effort to notify interested persons and the news media. It was felt that what is to constitute "reasonableness" must be handled on a case by case basis.

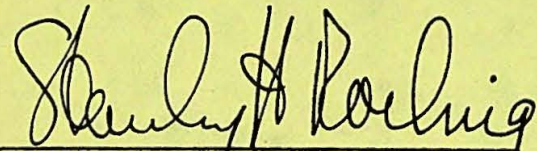
(6) The reference to "imminent peril" was substituted by the words "emergency and unforeseen circumstances." A body of decisional law has already evolved with respect to the word "emergency" in administrative law. Also in this regard, the requirement for filing written findings or justification was deleted. Nonetheless, reasonable effort to notify interested persons and the news media is required even in emergency situations. Again, "reasonableness" is to be determined by the attendant circumstances of a given case.

(7) The requirement with reference to "minutes" was amended to permit 60 days for their availability to the public, rather than the 30 days required by the original form of the bill.

(8) The provision requiring automatic removal from office for violations of the requirement of this bill was changed to enable the judiciary to be able to exercise discretion on the application of this remedy. Your committee felt that the necessity for removal from office should depend on the severity of the violation. For instance, whether a violation occurred out of wilfulness or because of mistake may well be determinative of the measure of penalty that should be inflicted.

Your Committee on Judiciary is in accord with the intent and purpose of H.B. No. 126, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 126, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted,

  
STANLEY H. ROHRIG, Chairman



Excused  
JOHN S. CARROLL, Member

Hiram L. Fong, Jr.  
HIRAM L. FONG, JR., Member

John J. Medeiros  
JOHN J. MEDEIROS, Member

Excused  
HOWARD K. ODA, Member

Excused  
RICHARD IKE SUTTON, Member

Mitsuo Uechi  
MITSUO UECHI, Vice Chairman

Benjamin J. Cayetano  
BEN J. CAYETANO, Member

Steve Cobb  
STEVE COBB, Member

Ronald Y. Kondo  
RONALD Y. KONDO, Member

Kenneth Lee  
KENNETH LEE, Member

Lisa Naito  
LISA NAITO, Member

Kathleen Stanley  
KATHLEEN STANLEY, Member

Yoshito Takamine  
YOSHITO TAKAMINE, Member

Dennis R. Yamada  
DENNIS R. YAMADA, Member

Ted Yap  
TED YAP, Member



(To be made one and ten copies)

HOUSE OF REPRESENTATIVES  
EIGHTH LEGISLATURE, 1975  
STATE OF HAWAII

ORIGINAL

H.B. NO. 126  
H.D. 1

# A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS.

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

SECTION 1. Chapter 92, part I, Hawaii Revised Statutes, is repealed and a new part is enacted to read as follows:

## "PART I. MEETINGS

Sec. 92-1 Declaration of policy and intent. In a democracy, the people are vested with the ultimate decision-making power. Governmental agencies exist to aid the people in the formation and conduct of public policy. The dangers inherent in the formation and conduct of public policy in secret have been amply demonstrated. Opening up the governmental processes to public scrutiny and participation is the only safe, viable, and reasonable method of protecting the public's interest in a democracy. Therefore, the legislature declares that it is the policy of this State that the formation and conduct of public policy--the discussions, deliberations, decisions, and action of governmental agencies--shall be conducted as openly as possible and not in secret. To implement this policy the legislature declares that:



- 1 (1) It is the intent of this part to protect the people's  
2 right to know;
- 3 (2) The provisions requiring open meetings shall be liberally  
4 construed; and
- 5 (3) The provisions providing for exceptions to the open  
6 meeting requirements shall be strictly construed against  
7 closed meetings.

8 Sec. 92-2 Definitions. When used in this part:

- 9 (1) "Board" means any agency, board, commission, authority,  
10 or committee of the State or, its political subdivisions, e  
11 either legislative, except as provided in section 92-6, or  
12 executive, permanent or temporary, but not including  
13 bodies of the judicial branch, established by legal  
14 authority to serve a public purpose.
- 15 (2) "Executive meeting" means any part of a meeting from  
16 which the public is excluded.
- 17 (3) "Meeting" means an act or process of members of a  
18 board coming together to study, discuss, deliberate,  
19 decide, or act upon any public policy or matter which  
20 will be or is before any board. The term includes  
21 emergency or executive meetings. The term shall not  
22 include informal conversations and informal meetings.  
23 Informal meetings are meetings not called by the  
24  
25



1 chairman or the majority of the board in which  
2 meeting less than a majority discusses any matter.

3 Sec. 92-3 Public meetings; site, agenda, notification.

4 (a) Any law to the contrary notwithstanding, all board meetings  
5 shall be public meetings open to the public at all times, except  
6 as otherwise provided in the constitution or in this part.

7 (b) Except as otherwise provided in this part, all meetings  
8 shall be preceded by the preparation of an agenda which lists  
9 all of the items to be considered at the forthcoming meeting.

10 Where possible, the agenda shall be filed in the office of  
11 the lieutenant governor or the appropriate county clerk's office,  
12 for public inspection, at least seven days prior to the date of  
13 the meeting, except in emergencies or as otherwise provided by  
14 law. No board shall change the agenda, once filed, by adding  
15 items thereto or deleting items therefrom without a two-thirds  
16 recorded vote of the members present.

17 (c) The secretary, clerk, or responsible person of each  
18 board shall make reasonable effort to notify interested persons  
19 and the news media of the meeting.

20 Sec. 92-4 Emergency meetings. If the members of a board  
21 find that an emergency or unforeseen circumstance require a  
22 meeting in less time than is provided for in section 92-3(c),  
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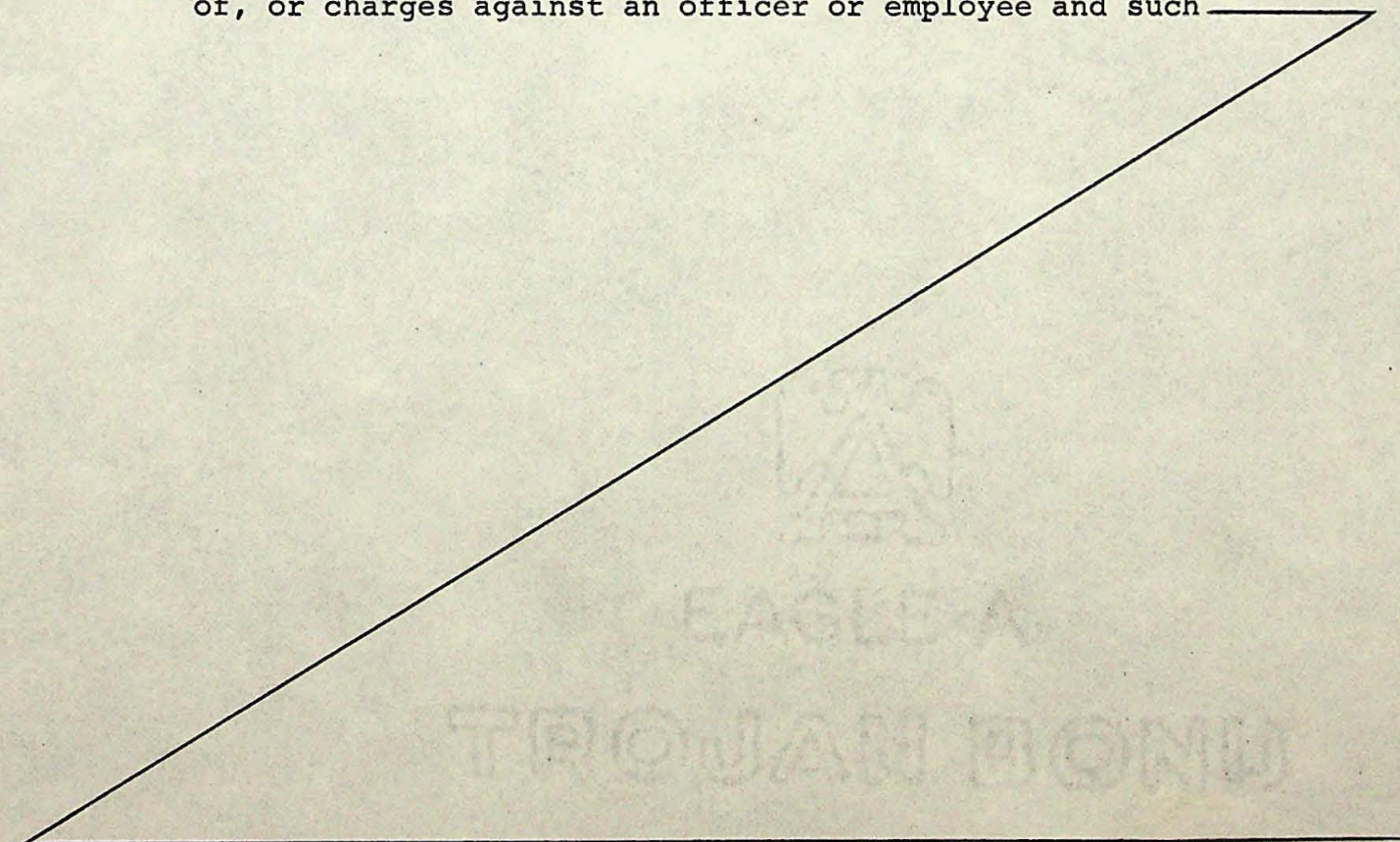


1 the board may hold a meeting if two-thirds of the members present  
2 agree.

3 Prior to any meeting under this section, the board shall  
4 make reasonable effort to contact all interested persons and  
5 the news media.

6 Sec. 92-5 Executive meetings. Executive meetings may be  
7 held only after a meeting has been convened and only if two-thirds  
8 of the members present agree, by recorded votes, that the executive  
9 meeting is for one of the following purposes:

10 (1) To consider the hiring of, dismissal of, disciplining  
11 of, or charges against an officer or employee and such





1 consideration will involve personal matters affecting  
2 the privacy of the individual concerned; provided, that  
3 if the individual concerned requests a public meeting,  
4 a public meeting shall be held;

- 5 (2) To deliberate concerning the authority of persons  
6 designated by the board to conduct labor negotiations  
7 or to negotiate the acquisition of real property, or  
8 during the conduct of such negotiations; or

- 9 (3) To consult with the board's attorney.

10 No ordinance, ruling, rule, contract, appointment, or decision  
11 shall be finally acted upon at any executive meeting.

12 Sec. 92-6 Legislative branch; applicability. It is the intent of  
13 this part that it apply to the legislative body and its various committees.

14 Notwithstanding any provisions contained in this chapter to the  
15 contrary, enforcement, penalties, and sanctions relating to this chapter  
16 against any member of the State legislature shall be such as prescribed by  
17 the respective rules and procedures of the Senate and the House of Represent-  
18 atives. In applying this part, the provisions relating to the notice  
19 required for meetings, the transcripts required of such meetings, and such  
20 other requirements as may be necessary, shall be applied as provided by  
21 the rules and procedures of the Senate and the House of representatives,  
22 which shall take precedence over this part in case of any conflict  
23 between them.



1        Sec. 92-7 Minutes. Each board shall provide for the taking  
2 of written minutes of all of its meetings. Unless otherwise re-  
3 quired by law, neither a full transcript nor a recording of the  
4 meeting is required, but the written minutes shall give a true  
5 reflection of the matters discussed at the meeting and the views  
6 of the participants. All minutes shall include at least the  
7 following information:

- 8        (1) The members present;
- 9        (2) All motions, proposals, resolutions, orders, ordinances,  
10        and measures proposed and their disposition;
- 11        (3) The results of all votes, and the vote of each member;  
12        and
- 13        (4) The substance of the discussion of any matter.

14 All minutes or drafts thereof shall be available for  
15 public inspection within sixty days after the meeting; provided,  
16 that minutes of executive meetings may be withheld so long as  
17 their publication would defeat the lawful purpose of the executive  
18 meeting.

19        Sec. 92-8 Validity of acts. No resolution, rule, regulation,  
20 ordinance, or formal action of a board shall be valid unless taken  
21 or made at a meeting which meets the requirements of this part.

22        Sec. 92-9 Enforcement. The circuit courts of the State  
23 shall have jurisdiction to issue injunctions in their discretion to  
24 enforce the purposes of this part upon application by any person.

25



1 The court may also order the board or the State or the political  
2 subdivision involved to pay reasonable attorney's fees to a  
3 successful plaintiff.

4       Sec. 92-10 Penalties. Any member of a board who participates  
5 in a meeting who knows that it is not held in accordance with this  
6 part is guilty of a misdemeanor and upon conviction thereof may be  
7 removed from such board."

8       SECTION 2. Chapter 92, Hawaii Revised Statutes, is amended  
9 by adding a new part to be appropriately designated and to read  
10 as follows:

11                               "PART       .   PUBLIC RECORDS

12       Sec. 92-   Definition. As used in this part "public record"  
13 means any written or printed report, book or paper, map, or plan of  
14 the State or of a county and their respective subdivisions and  
15 boards, which is the property thereof, and in or on which an entry  
16 has been made or is required to be made by law, or which any  
17 public officer or employee has received or is required to receive  
18 for filing, but shall not include records which invade the right  
19 of privacy of an individual.

20       Sec. 92-   Public records; available for inspection; cost  
21 of copies. All public records shall be available for inspection  
22 by any person during established office hours unless public inspec-  
23 tion of such records is in violation of any other state or federal  
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1 law, provided that, except where such records are open under  
2 any rule of court, the attorney general and the responsible  
3 attorneys of the various counties may determine which records  
4 in their offices may be withheld from public inspection when such  
5 records pertain to the preparation of the prosecution or defense of  
6 any action or proceeding, prior to its commencement, to which  
7 the State or county is or may be a party, or when such records  
8 do not relate to a matter in violation of law and are deemed  
9 necessary for the protection of the character or reputation of  
10 any person.

11 Certified copies of extracts from public records shall be  
12 given by the officer having the same in custody to any person  
13 demanding the same and paying or tendering 20 cents a folio of  
14 one hundred words for such copies or extracts.

15 Sec. 92- Denial of inspection; application to circuit  
16 court. Any person aggrieved by the denial by the officer having  
17 the custody of any public record of the right to inspect the  
18 records or to obtain copies of extracts thereof may apply to the  
19 circuit court of the circuit wherein the public record is found  
20 for an order directing the officer to permit the inspection of  
21 or to furnish copies of extracts of the public records. The  
22 court shall grant the order after hearing upon a finding that the  
23 denial was not for just and proper cause."  
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1 SECTION 3. If any provision of this Act, or the application  
2 thereof to any person or circumstance is held invalid, the  
3 validity of the remainder of the Act and the application of the  
4 provision to other persons or circumstances shall not be affected  
5 thereby.

6 SECTION 4. All acts passed during the regular session of  
7 1975, whether enacted before or after the passage of this Act,  
8 shall be amended to conform to this Act, unless such act or  
9 acts specifically provide that this Act is being amended. This  
10 section does not apply to any amendment of the definition of  
11 the term "public records."

12 SECTION 5. This Act shall take effect upon its approval.  
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STATE OF HAWAII  
HOUSE OF REPRESENTATIVES  
THE EIGHTH LEGISLATURE

RECORD OF VOTES

On

HB 126, HD1  
3R

MEMO	REPRESENTATIVES	AYES	NOES	EXCUSED
	ABERCROMBIE, Neil			
	AJIFU, Ralph K.			
	AKIZAKI, Clarence Y.			
	AMARAL, Alvin T.			
	BLAIR, Russell			
	CARROLL, John S.			
	CAYETANO, Ben			
	CLARKE, George W.			
	COBB, Steve			
	EVANS, Faith			
	FONG, Hiram L. Jr.			
	GARCIA, Richard			
	HAKODA, Dan			✓
	HO, Richard C. S.			
	IKEDA, Donna			✓
	INABA, Minoru			
	KAMALII, Kinau Boyd			
	KAWAKAMI, Richard			
	KIHANO, Daniel J.			
	KIMURA, Robert			
	KIYABU, Ken			
	KONDO, Ronald Y.			
	KUNIMURA, Tony T.			
	LARSEN, Jack			
	LEE, Kenneth K. L.			
	LUNASCO, Oliver			
	MACHIDA, Gerald K.			
	MEDEIROS, John J.			
	MIZUGUCHI, Norman			
	MORIOKA, Ted T.			
	NAITO, Lisa			
	ODA, Howard K.			
	PETERS, Henry H.			
	POEPOE, Andrew K.			
	ROEHRIG, Stanley H.			
	SAKIMA, Akira			
	SANTOS, Velma M.			
	SEGAWA, Herbert A.			✓
	SHITO, Mitsuo			
	SOARES, W. Buddy			
	STANLEY, Kathleen			
	SUTTON, Richard Ike			
	SUWA, Jack K.			
	TAKAMINE, Yoshito			
	TAKAMURA, Carl T.			
	UECHI, Mitsuo			
	USHIJIMA, Charles T.			
	YAMADA, Dennis			
	YAP, Ted			
	YUEN, Jann L.			
	MR. SPEAKER			
	TOTAL	48		3

DATE

March 12, 1975

CHIEF CLERK

George P. Jellene



Speaker  
JAMES H. WAKATSUKI  
Vice Speaker  
RICHARD GARCIA  
Assistant Vice Speaker  
TED YAP  
Majority Leader  
CHARLES T. USHIJIMA  
Majority Floor Leader  
ROBERT KIMURA  
Assistant Majority Leaders  
STEVE COBB  
DANIEL J. KIHANO  
OLIVER LUNASCO  
NORMAN MIZUGUCHI

First District  
JACK K. SUWA  
Second District  
STANLEY H. ROEHRIG  
HERBERT A. SEGAWA

Third District  
YOSHITO TAKAMINE

Fourth District  
MINORU INABA

Fifth District  
ALVIN T. AMARAL  
GERALD K. MACHIDA

Sixth District  
RONALD Y. KONDO  
VELMA M. SANTOS

Seventh District  
DONNA R. IKEDA  
W. BUDDY SOARES

Eighth District  
STEVE COBB  
JACK LARSEN

Ninth District  
DAN S. HAKODA  
TED T. MORIOKA

Tenth District  
KEN KIYABU  
LISA NAITO

Eleventh District  
JOHN S. CARROLL  
KINAU BOYD KAMALII

Twelfth District  
CLARENCE Y. AKIZAKI  
CARL T. TAKAMURA

Thirteenth District  
NEIL ABERCROMBIE  
HIRAM L. FONG, JR.  
CHARLES T. USHIJIMA

Fourteenth District  
RUSSELL BLAIR  
KATHLEEN STANLEY

Fifteenth District  
ROBERT KIMURA  
RICHARD IKE SUTTON

Sixteenth District  
AKIRA SAKIMA  
TED YAP

Seventeenth District  
RICHARD GARCIA  
KENNETH LEE

Eighteenth District  
MITSUO UECHI  
JAMES H. WAKATSUKI

Nineteenth District  
BENJAMIN J. CAYETANO  
NORMAN MIZUGUCHI

Twentieth District  
DANIEL J. KIHANO  
MITSUO SHITO

Twenty-First District  
RICHARD C. S. HO  
HENRY HAALILIO PETERS

Twenty-Second District  
OLIVER LUNASCO  
HOWARD K. ODA

Twenty-Third District  
GEORGE W. CLARKE

Twenty-Fourth District  
RALPH K. AJIFU  
FAITH P. EVANS

Twenty-Fifth District  
JOHN J. MEDEIROS  
ANDREW K. POEPOE

Twenty-Sixth District  
JANN L. YUEN

Twenty-Seventh District  
RICHARD A. KAWAKAMI  
TONY T. KUNIMURA  
DENNIS R. YAMADA

## HOUSE OF REPRESENTATIVES THE EIGHTH LEGISLATURE

STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

March 12, 1975



To the Honorable President and  
Members of the Senate of the  
State of Hawaii

Sirs:

I have the honor to transmit herewith  
House Bill No. 126, H. D. 1, which  
this day passed Third Reading in the House of  
Representatives of the Eighth Legislature of  
the State of Hawaii, Regular Session of 1975.

Very respectfully,

George M. Takane  
Clerk, House of Representatives



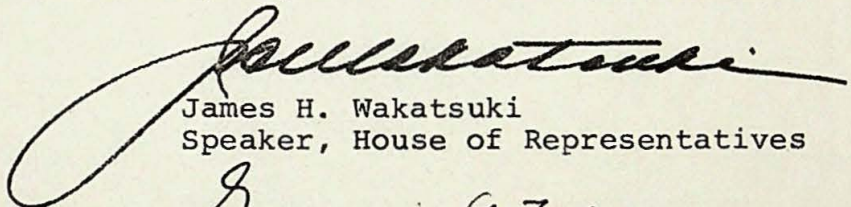
H. B. No. 126

H.D. 1

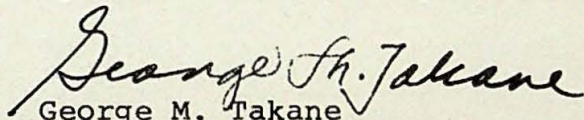
THE HOUSE OF REPRESENTATIVES OF THE  
STATE OF HAWAII

Date: March 12, 1975  
Honolulu, Hawaii

We hereby certify that the foregoing Bill this day passed  
Third Reading in the House of Representatives of the Eighth  
Legislature of the State of Hawaii, Regular Session of 1975.



James H. Wakatsuki  
Speaker, House of Representatives



George M. Takane  
Clerk, House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date:  
Honolulu, Hawaii

We hereby certify that the foregoing Bill this day passed  
Third Reading in the Senate of the Eighth Legislature of the  
State of Hawaii, Regular Session of 1975.

John T. Ushijima  
President of the Senate

Seichi Hirai  
Clerk of the Senate



ORIGINAL

STAND. COM. REP. NO.

878

Honolulu, Hawaii

April 3, 1975

The Honorable John T. Ushijima  
President of the Senate  
Eighth State Legislature  
Regular Session of 1975  
State of Hawaii

Sir:

RE: H.B. No. 126, H.D. 1

Your Committee on Judiciary to which was referred  
H.B. No. 126, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to declare and provide for implementation of a statewide policy that the formation and conduct of public policy - the discussions, deliberations, decisions, and actions of governmental agencies be conducted as openly as possible.

The bill provides that meetings of public bodies are to be open to the public with prior public notification therefor, except in exceptional circumstances. The bill also provides standards for the contents of and availability of minutes, provides for voidability of actions taken at meetings failing to meet the requirements of the bill, and for enforcement and penalties.

Upon consideration of the bill, your Committee has amended the bill by deleting several provisions and making other changes. The bill, as amended, provides as follows:

- (1) The definition of "board" was amended.
- (2) The definition of "chance meeting" was inserted to differentiate informal meetings from meetings covered by the bill.



(3) The definition of "meeting" was amended to conform with the recommendations of the National Legislative Conference Committee on Legislative Ethics and Campaign Financing, 1973-74, contained in "Guidelines for State Legislation on Government Ethics and Campaign Financing", that a meeting be defined as the convening of a body for which a quorum is required to make a decision or deliberate toward a decision.

(4) Persons wilfully disrupting meetings are subject to removal.

(5) The provision relating to executive meetings was amended to allow an executive meeting to be held regarding acquisition of public property, investigation of criminal misconduct, and consideration of sensitive matters related to public safety or security, in addition to the exceptions listed.

The bill provides, however, that chance meetings or electronic communications are not to be used to circumvent the spirit or requirements of the bill.

(6) The judicial branch is specifically excluded from the operation of the bill in deference to the doctrine of "separation of powers."

(7) Quasi-judicial boards in exercise of adjudicatory functions are also specifically exempted because closed deliberation is traditional in quasi-judicial proceedings. Your Committee sees no objection to maintaining this practice, as availability of procedural safeguards, transcripts, written decisions, and the appellate process, all work to permit adequate public scrutiny as well as insure fairness and the required observance of constitutional rights.

Your Committee has provided a non-exclusive list of State quasi-judicial agencies. The list was made non-exclusive so as not to exclude other appropriate agencies.

The Attorney General is requested to conduct a review of each board exercising quasi-judicial functions and report to this Committee with specific recommendations as to whether any other agencies should be included on the list.

(8) The notice requirements were amended to provide for 72 hour notice and to provide for mailing notice to persons requesting notification.

(9) Emergency meetings are permitted if a board finds imminent peril to public health, safety or welfare exists.



Written findings are required, and two-thirds of all board members must agree that the findings are correct. In addition, filing and notification requirements are set out.

(10) The provisions relating to minutes of meetings were amended by providing that minutes are to be available within 30 days after a meeting. Recording of meetings is authorized except when closed.

(11) As applicable to the legislature, enforcement, penalties and sanctions and conduct of its proceedings are reserved by constitutional mandate to the respective houses.

In this connection, Article III, Section 13 of the Constitution of the State of Hawaii, states in pertinent parts:

"Section 13. Each house. . .shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member. . .Each house shall. . .determine the rules of its proceedings. . . ."


The rules of the respective houses currently provide for public meetings and for public notice. Executive sessions are provided for in exceptional circumstances.

(12) The concept of voidability was adopted with respect to actions attended by violations of the provisions of this bill. A 90-day statute of limitations was adopted. Violations cannot be made to render administrative action invalid without durational limitations. Otherwise, administrative actions would be robbed of all sense of finality.

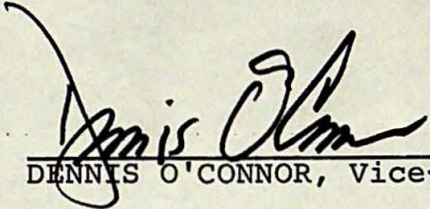
(13) The penalty provision was amended to provide punishment for any wilful violation. In addition, summary removal from the board is provided for.


Your Committee on Judiciary is in accord with the intent and purpose of H.B. No. 126, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 126, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted,

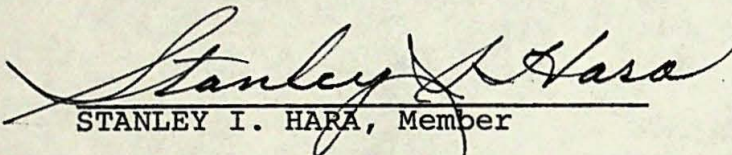
  
DONALD S. NISHIMURA, Chairman



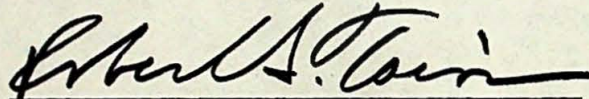
  
DENNIS O'CONNOR, Vice-Chairman


  
DONALD D. H. CHING, Member

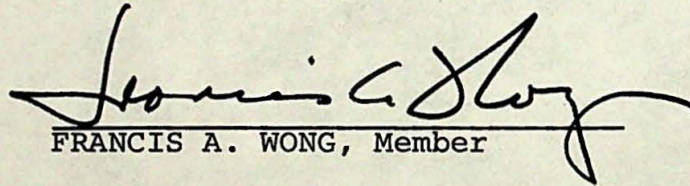
  
ANSON CHONG, Member

  
STANLEY I. HARA, Member

.....  
DUKE T. KAWASAKI, Member

  
ROBERT S. TAIRA, Member

  
HENRY T. TAKITANI, Member

  
FRANCIS A. WONG, Member

  
MARY GEORGE, Member

  
JOHN LEOPOLD, Member

  
PATRICIA SAIKI, Member



# THE SENATE

14:11

THE EIGHTH LEGISLATURE  
OF THE STATE OF HAWAII

## RECORD OF VOTES

On H. B. No. 126, HDI, SDI

*Third Reading*

Memo	SENATORS	Aye	No	Excused
	ANDERSON, D. G.	/		
	CHING, Donald D. H.	/		
	CHONG, Anson	/		
	GEORGE, Mary	/		
	HARA, Stanley I.	/		
	HENDERSON, Richard	/		
	HULTEN, John J.	/		
	KAWASAKI, Duke T.	/		
	KING, Jean S.	/		
	KURODA, Joseph T.	/		
	LEOPOLD, John	/		
	NISHIMURA, Donald S.	/		
	O'CONNOR, Dennis	/		
	ROHLFING, Frederick W.	/		
	SAIKI, Patricia	/		
	TAIRA, Robert S.	/		
	TAKITANI, Henry	/		
	TOYOFUKU, George H.	/		
	WONG, Francis A.	/		
	WONG, Richard S. H.	/		
	YAMASAKI, Mamoru	/		
	YEE, Wadsworth	/		
	YIM, T. C.	/		
	YOUNG, Patsy K.	/		
	MR. PRESIDENT	/		
	TOTAL	25		

*S. Herai*

Clerk of the Senate

DATE: \_\_\_\_\_

4/4

197

5



(To be made one and ten copies)

HOUSE OF REPRESENTATIVES

EIGHTH LEGISLATURE, 1975

STATE OF HAWAII

H.B. NO.

126  
H.D. 1  
S.D. 1

# A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS.

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

1 SECTION 1. Chapter 92, Part I, Hawaii Revised Statutes, is  
2 repealed and a new part I is enacted to read as follows:

## "PART I. MEETINGS

3  
4 Sec. 92-1 Declaration of policy and intent. In a democracy,  
5 the people are vested with the ultimate decision-making power.  
6 Governmental agencies exist to aid the people in the formation  
7 and conduct of public policy. Opening up the governmental processes  
8 to public scrutiny and participation is the only viable and reasonable  
9 method of protecting the public's interest. Therefore, the legis-  
10 lature declares that it is the policy of this State that the forma-  
11 tion and conduct of public policy -- the discussions, deliberations,  
12 decisions, and action of governmental agencies -- shall be  
13 conducted as openly as possible. To implement this policy the  
14 legislature declares that:

15 (1) It is the intent of this part to protect the people's  
16 right to know;

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



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

Sec. 92-2 Definitions. As used in this part:

(1) "Board" means any agency, board, commission, authority, or committee of the State or its political subdivisions, either legislative or executive, permanent or temporary.

(2) "Chance meeting" means a social or informal assemblage of two or more members at which matters relating to official business are not discussed.

(3) "Meeting" means the convening of a board for which a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power.

Sec. 92-3 Open meetings. Every meeting of all boards shall be open to the public and all persons shall be permitted to attend any meeting unless otherwise provided in the constitution or as closed pursuant to sections 92-4 and 92-5, provided further, that



1 the removal of any person or persons who wilfully disrupts a meeting  
2 to prevent and compromise the conduct of the meeting shall not be  
3 prohibited.

4 Sec. 92-4 Executive meetings. A board may hold an executive  
5 meeting closed to the public upon an affirmative vote, taken at an  
6 open meeting, of two-thirds of the members present. A meeting  
7 closed to the public shall be limited to matters exempted by section  
8 92-5. The vote of each member on the question of holding a meeting  
9 closed to the public and the reason for holding such a meeting shall  
10 be recorded and entered into the minutes of the meeting.

11 Sec. 92-5 Exceptions. (a) A board may hold a meeting closed  
12 to the public pursuant to section 92-4 for one or more of the  
13 following purposes:

14 (1) To consider the hire, evaluation, dismissal, or discipline  
15 of an officer or employee or of charges brought against  
16 him, where consideration of matters affecting privacy  
17 will be involved; provided, that if the individual  
18 concerned requests an open meeting, an open meeting shall  
19 be held;

20 (2) To deliberate concerning the authority of persons  
21 designated by the board to conduct labor negotiations  
22 or to negotiate the acquisition of public property, or  
23 during the conduct of such negotiations;

24 (3) To consult with the board's attorney;

25 (4) To investigate proceedings regarding criminal misconduct;



1 and

2 (5) To consider sensitive matters related to public safety  
3 or security.

4 (b) This part shall not apply to any chance meeting at which  
5 matters relating to official business are not discussed. No chance  
6 meeting or electronic communication shall be used to circumvent  
7 the spirit or requirements of this part to make a decision or to  
8 deliberate toward a decision upon a matter over which the board has  
9 supervision, control, jurisdiction, or advisory power.

10 Sec. 92-6 Judicial branch, quasi-judicial boards and inves-  
11 tigatory functions; applicability. (a) This part shall not apply:

12 (1) to the judicial branch.

13 (2) to adjudicatory functions exercised by a board and  
14 governed by sections 91-8 and 91-9, or authorized by  
15 other sections of the Hawaii Revised Statutes.

16 In the application of this section, boards exercising adjudica-  
17 tory functions include, but are not limited to, the following:

18 (i) Hawaii Employment Relations Board, Chapter 377;

19 (ii) Hawaii Public Employment Relations Board, Chapter 89;

20 (iii) Labor and Industrial Relations Appeals Board, Chapter  
21 371;

22 (iv) Board of Pardons and Paroles, Chapter 353;

23 (v) Civil Service Commission, Chapter 26;

24 (vi) Board of Trustees, Employees' Retirement System  
25 of the State of Hawaii, Chapter 88;



(vii) Criminal Injuries Compensation Commission, Chapter 351; and

(viii) State Ethics Commission, Chapter 84.

Sec. 92-7 Notice. (a) The board shall give written public notice of any regular, special or rescheduled meeting. The notice shall include an agenda which lists all of the items to be considered at the forthcoming meeting, the date, time and place of the meeting.

(b) The board shall file the notice in the office of the lieutenant governor or the appropriate county clerk's office, and in the board's office for public inspection, at least seventy-two hours before the meeting. The notice shall also be posted at the site of the meeting whenever feasible. No board shall change the agenda, once filed, by adding items thereto or deleting items therefrom without a two-thirds recorded vote of all members to which the board is entitled.

(c) The board shall maintain a list of names and addresses or persons who request notification of meetings and shall mail a copy of the notice to such persons at their last recorded address no later than the time the agenda is filed under subsection (b).

Sec. 92-8 Emergency meetings. If a board finds that an imminent peril to the public health, safety, or welfare requires a meeting in less time than is provided for in section 92-7, the board may hold an emergency meeting provided: (a) the board states in writing the reasons for its findings; (b) two-thirds of all members to which the board is entitled agree that the findings



1 are correct and an emergency exists; (c) an emergency agenda and  
2 the findings are filed with the office of the lieutenant governor  
3 or the appropriate county clerk's office, and in the board's office,  
4 and (d) persons requesting notification are contacted by mail  
5 or telephone as soon as practicable.

6 Sec. 92-9 Minutes. (a) The board shall keep written minutes  
7 of all meetings. Unless otherwise required by law, neither a full  
8 transcript nor a recording of the meeting is required, but the  
9 written minutes shall give a true reflection of the matters discussed  
10 at the meeting and the views of the participants. The minutes shall  
11 include, but need not be limited to:

12 (1) The date, time and place of the meeting;

13 (2) The members of the board recorded as either present or  
14 absent;

15 (3) The substance of all matters proposed, discussed, or  
16 decided; and a record, by individual member, of any  
17 votes taken; and

18 (4) Any other information that any member of the board  
19 requests be included or reflected in the minutes.

20 (b) The minutes shall be public records and shall be available  
21 within thirty days after the meeting except where such disclosure  
22 would be inconsistent with section 92-5; provided, that minutes of  
23 executive meetings may be withheld so long as their publication  
24 would defeat the lawful purpose of the executive meeting, but no  
25 longer.



STATE OF HAWAII  
HOUSE OF REPRESENTATIVES  
THE EIGHTH LEGISLATURE

RECORD OF VOTES

On H.B. 126 HDI SDI, CDI  
Final Reading

MEMO	REPRESENTATIVES	AYES	NOES	EXCUSED
	ABERCROMBIE, Neil			
	AJIFU, Ralph K.			
	AKIZAKI, Clarence Y.			
	AMARAL, Alvin T.			
	BLAIR, Russell			
	CARROLL, John S.			
	CAYETANO, Ben			
	CLARKE, George W.			
	COBB, Steve			
	EVANS, Faith			
	FONG, Hiram L. Jr.			
	GARCIA, Richard			
	HAKODA, Dan			
	HO, Richard C. S.			
	IKEDA, Donna			
	INABA, Minoru			
	KAMALII, Kinau Boyd			
	KAWAKAMI, Richard			
	KIHANO, Daniel J.			
	KIMURA, Robert			
	KIYABU, Ken			
	KONDO, Ronald Y.			
	KUNIMURA, Tony T.			
	LARSEN, Jack			
	LEE, Kenneth K. L.			
	LUNASCO, Oliver			
	MACHIDA, Gerald K.			
	MEDEIROS, John J.			
	MIZUGUCHI, Norman			
	MORIOKA, Ted T.			
	NAITO, Lisa			
	ODA, Howard K.			
	PETERS, Henry H.			
	POEPOE, Andrew K.			
	ROEHRIG, Stanley H.			
	SAKIMA, Akira			
	SANTOS, Velma M.			
	SEGAWA, Herbert A.			
	SHITO, Mitsuo			
	SOARES, W. Buddy			
	STANLEY, Kathleen			
	SUTTON, Richard Ike			
	SUWA, Jack K.			
	TAKAMINE, Yoshito			
	TAKAMURA, Carl T.			
	UECHI, Mitsuo			
	USHIJIMA, Charles T.			
	YAMADA, Dennis			
	YAP, Ted			
	YUEN, Jann L.			
	MR. SPEAKER			
	TOTAL	51		

DATE April 11, 1975  
George H. J. Kane  
CHIEF CLERK



1 (c) All or any part of a meeting of a board may be recorded  
2 by any person in attendance by means of a tape recorder or any  
3 other means of sonic reproduction, except when a meeting is closed  
4 pursuant to section 92-4; provided, the recording does not actively  
5 interfere with the conduct of the meeting.

6 Sec. 92-10 Legislative branch; applicability. Notwithstanding  
7 any provisions contained in this chapter to the contrary, enforce-  
8 ment, penalties, and sanctions relating to this chapter against  
9 any member of the State Legislature shall be such as prescribed by  
10 the respective rules and procedures of the Senate and the House of  
11 Representatives. The provisions relating to the notice and minutes  
12 of meetings, and such other requirements as may be necessary, shall  
13 also be governed by the respective rules and procedures of the  
14 Senate and the House of Representatives which shall take precedence  
15 over this part.

16 Sec. 92-11 Voidability. Any final action taken in violation  
17 of sections 92-3 and 92-7 shall be voidable upon proof of wilful  
18 violation. A suit to void any final action shall be commenced  
19 within ninety days of the action.

20 Sec. 92-12 Enforcement. (a) The attorney general and the  
21 prosecuting attorney shall enforce this part.

22 (b) The circuit courts of the State shall have jurisdiction  
23 to enforce the provisions of this part by injunction or other  
24 appropriate remedy.

25 Sec. 92-13 Penalties. Any person who wilfully violates any



1 provisions of this part shall be guilty of a misdemeanor, and upon  
2 conviction, shall be summarily removed from the board unless  
3 otherwise provided by law.

4 SECTION 2. Chapter 92, Hawaii Revised Statutes, is amended  
5 by adding a new part to read as follows:

6 "PART IV. PUBLIC RECORDS

7 Sec. 92-50 Definition. As used in this part, "public record"  
8 means any written or printed report, book or paper, map or plan of  
9 the State or of a county and their respective subdivisions and boards,  
10 which is the property thereof, and in or on which an entry has been  
11 made or is required to be made by law, or which any public officer  
12 or employee has received or is required to receive for filing, but  
13 shall not include records which invade the right of privacy of  
14 an individual.

15 Sec. 92-51 Public records; available for inspection; cost  
16 of copies. All public records shall be available for inspection by  
17 any person during established office hours unless public inspection  
18 of such records is in violation of any other state or federal law,  
19 provided that, except where such records are open under any rule  
20 of court, the attorney general and the responsible attorneys of the  
21 various counties may determine which records in their offices may  
22 be withheld from public inspection when such records pertain to the  
23 preparation of the prosecution or defense of any action or proceeding,  
24 prior to its commencement, to which the State or county is or may be  
25 a party, or when such records do not relate to a matter in violation



1 of law and are deemed necessary for the protection of a character  
2 or reputation of any person.

3 Certified copies of extracts from public records shall be given  
4 by the officer having the same in custody to any person demanding the  
5 same and paying or tendering twenty cents per folio of one hundred  
6 words for such copies or extracts.

7 Sec. 92-52 Denial of inspection; application to circuit courts.

8 Any person aggrieved by the denial by the officer having the custody  
9 of any public record of the right to inspect the record or to obtain  
10 copies of extracts thereof may apply to the circuit court of the  
11 circuit wherein the public record is found for an order directing  
12 the officer to permit the inspection of or to furnish copies of  
13 extracts of the public records. The court shall grant the order  
14 after hearing upon a finding that the denial was not for just and  
15 proper cause."

16 SECTION 3. If any provision of this Act, or the application  
17 of this Act to any particular meeting or type of meeting is held  
18 invalid or unconstitutional, such decision shall not affect the  
19 validity of the remaining provisions or the other applications of  
20 this Act.

21 SECTION 4. All acts passed during the regular session of 1975,  
22 whether enacted before or after the passage of this Act, shall be  
23 amended to conform to this Act, unless such act or acts specifically  
24 provides that this Act is being amended. This section does not apply  
25 to any amendments of the definition of the term "public records."



1 SECTION 5. This Act shall take effect thirty days after its  
2 approval.  
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JOHN T. USHIJIMA  
PRESIDENT

DUKE T. KAWASAKI  
VICE PRESIDENT

DONALD D. H. CHING  
MAJORITY LEADER

ANSON CHONG  
STANLEY I. HARA  
GEORGE H. TOYOFUKU  
ASSISTANT MAJORITY LEADERS

ROBERT S. TAIRA  
MAJORITY FLOOR LEADER

JOHN J. HULTEN  
DENNIS O'CONNOR  
MAMORU YAMASAKI  
ASST. MAJORITY FLOOR LEADERS

FRANCIS A. WONG  
MAJORITY POLICY LEADER

FIRST DISTRICT  
STANLEY I. HARA  
RICHARD HENDERSON  
JOHN T. USHIJIMA

SECOND DISTRICT  
HENRY TAKITANI  
MAMORU YAMASAKI

THIRD DISTRICT  
D. G. ANDERSON  
MARY GEORGE  
JOHN J. HULTEN

FOURTH DISTRICT  
DONALD D. H. CHING  
JOSEPH T. KURODA  
FRANCIS A. WONG  
PATSY K. YOUNG

FIFTH DISTRICT  
DUKE T. KAWASAKI  
ROBERT S. TAIRA  
RICHARD S. H. WONG  
T. C. YIM

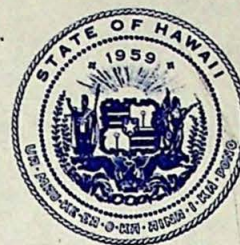
SIXTH DISTRICT  
ANSON CHONG  
JEAN S. KING  
JOHN LEOPOLD  
WADSWORTH YEE

SEVENTH DISTRICT  
DONALD S. NISHIMURA  
DENNIS O'CONNOR  
FREDERICK W. ROHLFING  
PATRICIA SAIKI

EIGHTH DISTRICT  
GEORGE H. TOYOFUKU

SEICHI HIRAI  
CLERK

The Senate  
The Eighth Legislature  
of the  
State of Hawaii  
HONOLULU, HAWAII



April 4, 1975

To the Honorable Speaker and  
Members of the House of Representatives  
of the State of Hawaii

S i r s :

I have the honor to return herewith  
House Bill No. 126, H. D. 1, which this  
day passed Third Reading in the Senate of the  
Eighth Legislature of the State of Hawaii,  
Regular Session of 1975, in the amended form  
hereto attached. (S. D. 1)

Respectfully,

Seichi Hirai  
Clerk of the Senate



H. B. No. 126

H. D. 1

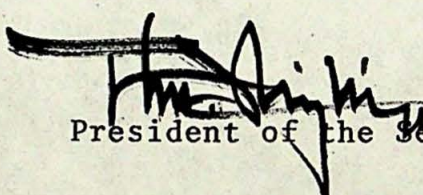
S. D. 1

THE SENATE OF THE STATE OF HAWAII

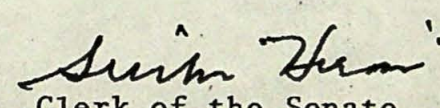
April 4, 1975

Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed  
Third Reading in the Senate of the Eighth Legislature of the  
State of Hawaii, Regular Session of 1975.



President of the Senate



Clerk of the Senate



April 7, 1975

To the Honorable President and  
Members of the Senate of the  
State of Hawaii

Sirs:

I have been directed to inform your Honorable  
Body that the House has disagreed to the amendments  
proposed by the Senate to House Bill No. 126, H. D. 1  
and has requested a conference on the subject  
matter thereof, in consequence of which the Speaker  
has this day appointed Representatives Roehrig,  
Chairman, Yamada and Carroll as Managers on the part  
of the House for the consideration of said amendments.  
(S. D. 1)

Very respectfully,

George M. Takane  
Clerk, House of Representatives



Speaker  
JAMES H. WAKATSUKI  
Vice Speaker  
RICHARD GARCIA  
Assistant Vice Speaker  
TED YAP  
Majority Leader  
CHARLES T. USHIJIMA  
Majority Floor Leader  
ROBERT KIMURA  
Assistant Majority Leaders  
STEVE COBB  
DANIEL J. KIHANO  
OLIVER LUNASCO  
NORMAN MIZUGUCHI  
First District  
JACK K. SUWA  
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Seventh District  
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W. BUDDY SOARES  
Eighth District  
STEVE COBB  
JACK LARSEN  
Ninth District  
DAN S. HAKODA  
TED T. MORIOKA  
Tenth District  
KEN KIYABU  
LISA NAITO  
Eleventh District  
JOHN S. CARROLL  
KINAU BOYD KAMALII  
Twelfth District  
CLARENCE Y. AKIZAKI  
CARL T. TAKAMURA  
Thirteenth District  
NEIL ABERCROMBIE  
HIRAM L. FONG, JR.  
CHARLES T. USHIJIMA  
Fourteenth District  
RUSSELL BLAIR  
KATHLEEN STANLEY  
Fifteenth District  
ROBERT KIMURA  
RICHARD IKE SUTTON  
Sixteenth District  
AKIRA SAKIMA  
TED YAP  
Seventeenth District  
RICHARD GARCIA  
KENNETH LEE  
Eighteenth District  
MITSUO UECHI  
JAMES H. WAKATSUKI  
Nineteenth District  
BENJAMIN J. CAYETANO  
NORMAN MIZUGUCHI  
Twentieth District  
DANIEL J. KIHANO  
MITSUO SHITO  
Twenty-First District  
RICHARD C. S. HO  
HENRY HAALILIO PETERS  
Twenty-Second District  
OLIVER LUNASCO  
HOWARD K. ODA  
Twenty-Third District  
GEORGE W. CLARKE  
Twenty-Fourth District  
RALPH K. AJIFU  
FAITH P. EVANS  
Twenty-Fifth District  
JOHN J. MEDEIROS  
ANDREW K. POEPOE  
Twenty-Sixth District  
JANN L. YUEN  
Twenty-Seventh District  
RICHARD A. KAWAKAMI  
TONY T. KUNIMURA  
DENNIS R. YAMADA

HOUSE OF REPRESENTATIVES  
THE EIGHTH LEGISLATURE

STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

April 7, 1975



407  
~~478~~

To the Honorable President and  
Members of the Senate of the  
State of Hawaii

Sirs:

I have been directed to inform your Honorable  
Body that the House has disagreed to the amendments  
proposed by the Senate to House Bill No. 126, H. D. 1  
and has requested a conference on the subject  
matter thereof, in consequence of which the Speaker  
has this day appointed Representatives Roehrig,  
Chairman, Yamada and Carroll as Managers on the part  
of the House for the consideration of said amendments.  
(S. D. 1)

Very respectfully,

*George M. Takane*  
George M. Takane  
Clerk, House of Representatives

417  
trial



April 7, 1975

To the Honorable Speaker and  
Members of the House of Representatives  
of the State of Hawaii

S i r s :

This is to inform your Honorable Body  
that, pursuant to the disagreement of the  
House of Representatives to the amendments  
proposed by the Senate to House Bill No. 126,  
H. D. 2, and your request for a conference on  
the subject matter of said amendments, the  
President has this day appointed Senators Nishimura,  
Chairman; Chong and Leopold as Managers on the  
part of the Senate at such conference. (S. D. 1)

Respectfully,

Seichi Hirai  
Clerk of the Senate



Honolulu, Hawaii  
April 10, 1975

RE: H.B. No. 126  
H.D. 1  
S.D. 1  
C.D. 1

The Honorable James Wakatsuki  
Speaker, House of Representatives  
Eighth Legislature  
Regular Session, 1975  
State of Hawaii

Sir:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 126, H.D. 1, S.D. 1 entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS", having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to declare and provide for implementation of a statewide policy that the formation and conduct of public policy - the discussions, deliberations, decisions, and actions of governmental agencies - be conducted as openly as possible.

The bill provides that meetings of public bodies are to be open to the public with prior public notification therefor, except in exceptional circumstances. The bill also provides standards for the contents of and availability of minutes, provides for voidability of actions taken at meetings failing to meet the requirements of the bill, and for enforcement and penalties.

Your Committee upon further consideration has made the following amendments to H.B. No. 126, H.D. 1, S.D. 1:

1. The applicability of the provisions of this law to the state legislature was clarified by amending the language of section 92-10. The purpose of this was to make explicit the intended deference to the constitutional mandate preserving the rulemaking prerogative to the respective houses of the state legislature.



2. Attention of your Committee on Conference was brought to H.B. No. 1870, H.D. 1, S.D. 3 which is under contemplation by the legislature and purports to provide reform to Hawaii's Land Use Law. It is the intent of H.B. No. 126, H.D. 1, S.D. 1, C.D. 1 that the proceedings of the Land Use Commission be governed by its open meeting requirements, notwithstanding section 92-6 which provides for the exclusion of adjudicatory functions from open meeting requirements. Technical amendments required were made.

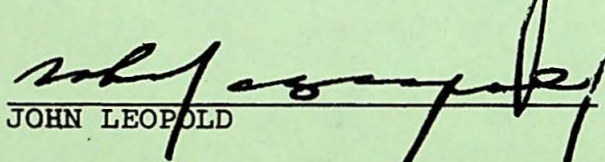
Your Committee on Conference is in accord with the intent and purpose of H.B. No. 126, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 126, H.D. 1, S.D. 1, C.D. 1.

Respectfully submitted,

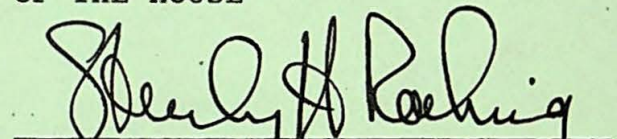
MANAGERS ON THE PART  
OF THE SENATE

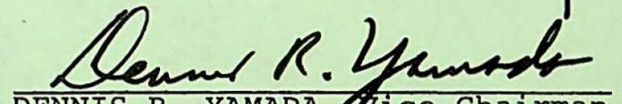
  
DONALD S. NISHIMURA, Chairman

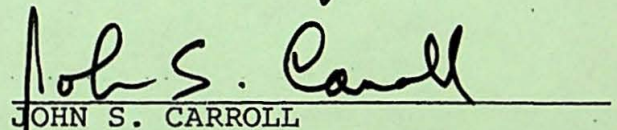
  
ANSON CHONG

  
JOHN LEOPOLD

MANAGERS ON THE PART  
OF THE HOUSE

  
STANLEY H. ROHRIG, Chairman

  
DENNIS R. YAMADA, Vice Chairman

  
JOHN S. CARROLL



ORIGINAL

(To be made one and ten copies)

HOUSE OF REPRESENTATIVES  
EIGHTH LEGISLATURE, 1975  
STATE OF HAWAII

H.B. NO.

126  
H.D. 1  
S.D. 1  
C.D. 1

# A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS.

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

1 SECTION 1. Chapter 92, Part I, Hawaii Revised Statutes, is  
2 repealed and a new part I is enacted to read as follows:

3 "PART I. MEETINGS

4 Sec. 92-1 Declaration of policy and intent. In a democracy,  
5 the people are vested with the ultimate decision-making power.  
6 Governmental agencies exist to aid the people in the formation  
7 and conduct of public policy. Opening up the governmental processes  
8 to public scrutiny and participation is the only viable and reasonable  
9 method of protecting the public's interest. Therefore, the legis-  
10 lature declares that it is the policy of this State that the forma-  
11 tion and conduct of public policy -- the discussions, deliberations,  
12 decisions, and action of governmental agencies -- shall be  
13 conducted as openly as possible. To implement this policy the  
14 legislature declares that:

- 15 (1) It is the intent of this part to protect the people's  
16 right to know;  
17 (2) The provisions requiring open meetings shall be  
18 liberally construed; and



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

4 Sec. 92-2 Definitions. As used in this part:

5 (1) "Board" means any agency, board, commission, authority,  
6 or committee of the State or its political subdivisions,  
7 either legislative or executive, permanent or temporary.

8 (2) "Chance meeting" means a social or informal assemblage  
9 of two or more members at which matters relating to  
10 official business are not discussed.

11 (3) "Meeting" means the convening of a board for which a  
12 quorum is required in order to make a decision or to  
13 deliberate toward a decision upon a matter over which  
14 the board has supervision, control, jurisdiction, or  
15 advisory power.

16 Sec. 92-3 Open meetings. Every meeting of all boards shall  
17 be open to the public and all persons shall be permitted to attend  
18 any meeting unless otherwise provided in the constitution or as  
19 closed pursuant to sections 92-4 and 92-5, provided further, that  
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H.B. NO.

126  
H.D. 1  
S.D. 1  
C.D. 1

the removal of any person or persons who wilfully disrupts a meeting to prevent and compromise the conduct of the meeting shall not be prohibited.

Sec. 92-4 Executive meetings. A board may hold an executive meeting closed to the public upon an affirmative vote, taken at an open meeting, of two-thirds of the members present. A meeting closed to the public shall be limited to matters exempted by section 92-5. The vote of each member on the question of holding a meeting closed to the public and the reason for holding such a meeting shall be recorded and entered into the minutes of the meeting.

Sec. 92-5 Exceptions. (a) A board may hold a meeting closed to the public pursuant to section 92-4 for one or more of the following purposes:

- (1) To consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against him, where consideration of matters affecting privacy will be involved; provided, that if the individual concerned requests an open meeting, an open meeting shall be held;
- (2) To deliberate concerning the authority of persons designated by the board to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations;
- (3) To consult with the board's attorney;
- (4) To investigate proceedings regarding criminal misconduct;



1 and

2 (5) To consider sensitive matters related to public safety  
3 or security.

4 (b) This part shall not apply to any chance meeting at which  
5 matters relating to official business are not discussed. No chance  
6 meeting or electronic communication shall be used to circumvent  
7 the spirit or requirements of this part to make a decision or to  
8 deliberate toward a decision upon a matter over which the board has  
9 supervision, control, jurisdiction, or advisory power.

10 Sec. 92-6 Judicial branch, quasi-judicial boards and inves-  
11 tigatory functions; applicability. (a) This part shall not apply:

12 (1) to the judicial branch.

13 (2) to adjudicatory functions exercised by a board and  
14 governed by sections 91-8 and 91-9, or authorized by  
15 other sections of the Hawaii Revised Statutes.

16 In the application of this section, boards exercising adjudica-  
17 tory functions include, but are not limited to, the following:

18 (i) Hawaii Employment Relations Board, Chapter 377;

19 (ii) Hawaii Public Employment Relations Board, Chapter 89;

20 (iii) Labor and Industrial Relations Appeals Board, Chapter  
21 371;

22 (iv) Board of Paroles and Pardons, Chapter 353;

23 (v) Civil Service Commission, Chapter 26;

24 (vi) Board of Trustees, Employees' Retirement System  
25 of the State of Hawaii, Chapter 88;



(vii) Criminal Injuries Compensation Commission, Chapter 351; and

(viii) State Ethics Commission, Chapter 84.

(b) Notwithstanding provisions in this section to the contrary, this part shall apply to require open deliberation of the adjudicatory functions of the Land Use Commission.

Sec. 92-7 Notice. (a) The board shall give written public notice of any regular, special or rescheduled meeting. The notice shall include an agenda which lists all of the items to be considered at the forthcoming meeting, the date, time and place of the meeting.

(b) The board shall file the notice in the office of the lieutenant governor or the appropriate county clerk's office, and in the board's office for public inspection, at least seventy-two hours before the meeting. The notice shall also be posted at the site of the meeting whenever feasible. No board shall change the agenda, once filed, by adding items therefrom without a two-thirds recorded vote of all members to which the board is entitled.

(c) The board shall maintain a list of names and addresses or persons who request notification of meetings and shall mail a copy of the notice to such persons at their last recorded address no later than the time the agenda is filed under subsection (b).

Sec. 92-8 Emergency meetings. If a board finds that an imminent peril to the public health, safety, or welfare requires a

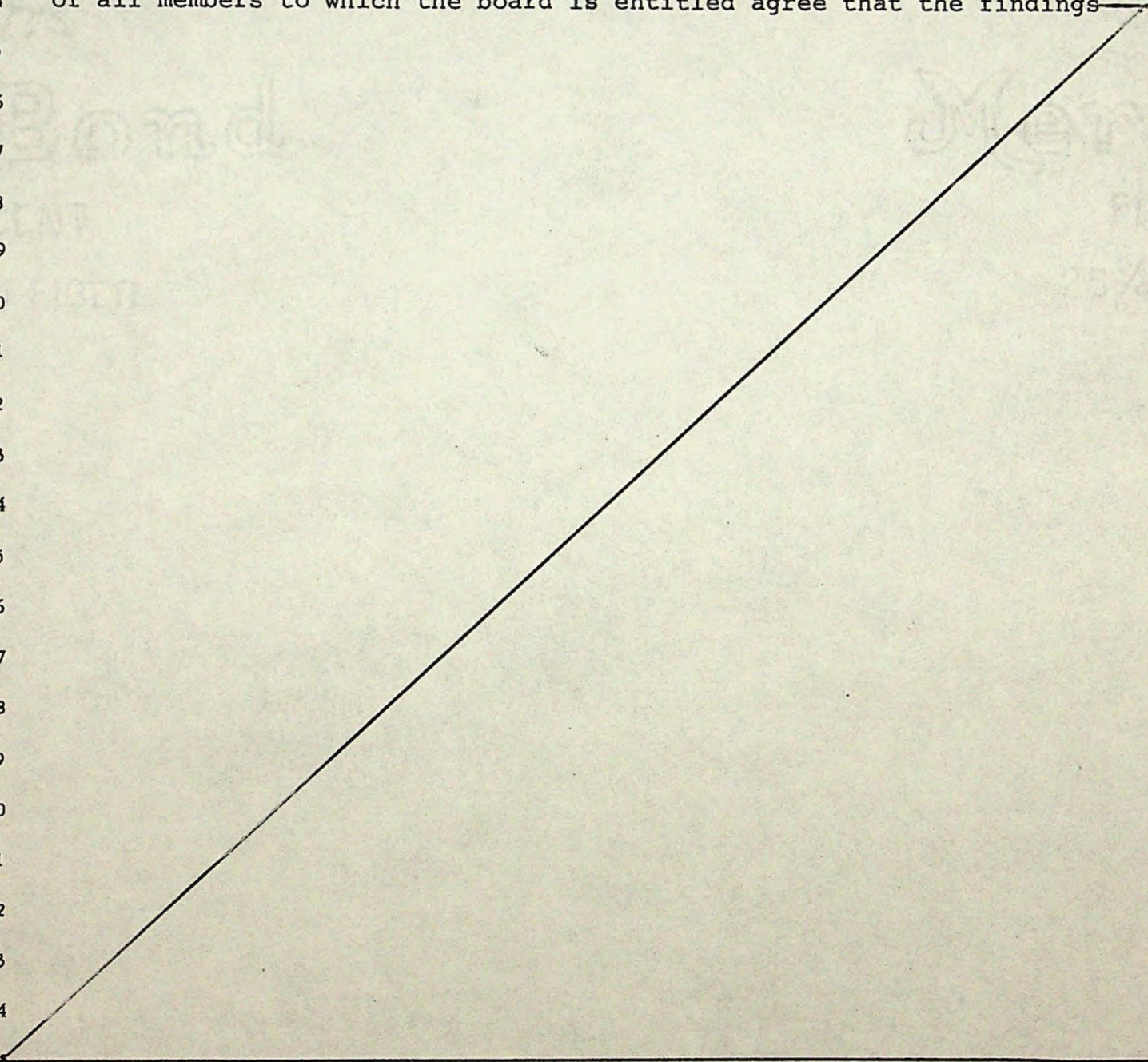


H.B. NO.

126  
H.D. 1  
S.D. 1  
C.D. 1

Page 5a

1 meeting in less time than is provided for in section 92-7, the  
2 board may hold an emergency meeting provided: (a) the board  
3 states in writing the reasons for its findings; (b) two-thirds  
4 of all members to which the board is entitled agree that the findings



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1 are correct and an emergency exists; (c) an emergency agenda and  
2 the findings are filed with the office of the lieutenant governor  
3 or the appropriate county clerk's office, and in the board's office,  
4 and (d) persons requesting notification are contacted by mail  
5 or telephone as soon as practicable.

6 Sec. 92-9 Minutes. (a) The board shall keep written minutes  
7 of all meetings. Unless otherwise required by law, neither a full  
8 transcript nor a recording of the meeting is required, but the  
9 written minutes shall give a true reflection of the matters discussed  
10 at the meeting and the views of the participants. The minutes shall  
11 include, but need not be limited to:

- 12 (1) The date, time and place of the meeting;
- 13 (2) The members of the board recorded as either present or  
14 absent;
- 15 (3) The substance of all matters proposed, discussed, or  
16 decided; and a record, by individual member, of any  
17 votes taken; and
- 18 (4) Any other information that any member of the board  
19 requests be included or reflected in the minutes.

20 (b) The minutes shall be public records and shall be available  
21 within thirty days after the meeting except where such disclosure  
22 would be inconsistent with section 92-5; provided, that minutes of  
23 executive meetings may be withheld so long as their publication  
24 would defeat the lawful purpose of the executive meeting, but no  
25 longer.



1 (c) All or any part of a meeting of a board may be recorded  
2 by any person in attendance by means of a tape recorder or any  
3 other means of sonic reproduction, except when a meeting is closed  
4 pursuant to section 92-4; provided, the recording does not actively  
5 interfere with the conduct of the meeting.

6 Sec. 92-10 Legislative branch; applicability. Notwithstanding  
7 any provisions contained in this chapter to the contrary, open meeting  
8 requirements, and provisions regarding enforcement, penalties and sanc-  
9 tions, as they are to relate to the State Legislature or to any of its  
10 members shall be such as shall be from time to time prescribed by the  
11 respective rules and procedures of the Senate and the House of Repre-  
12 sentatives, which rules and procedures shall take precedence over this  
13 part. Similarly, provisions relating to notice, agenda and minutes of  
14 meetings, and such other requirements as may be necessary, shall also  
15 be governed by the respective rules and procedures of the Senate and  
16 the House of Representatives.

17 Sec. 92-11 Voidability. Any final action taken in violation of  
18 sections 92-3 and 92-7 shall be voidable upon proof of wilful violation.  
19 A suit to void any final action shall be commenced within ninety days  
20 of the action.

21 Sec. 92-12 Enforcement. (a) The attorney general and the  
22 prosecuting attorney shall enforce this part.

23 (b) The circuit courts of the State shall have jurisdiction  
24 to enforce the provisions of this part by injunction or other  
25 appropriate remedy.

Sec. 92-13 Penalties. Any person who wilfully violates any



provisions of this part shall be guilty of a misdemeanor, and upon conviction, may be summarily removed from the board unless otherwise provided by law.

SECTION 2. Chapter 92, Hawaii Revised Statutes, is amended by adding a new part to read as follows:

"PART IV. PUBLIC RECORDS

Sec. 92-50 Definition. As used in this part, "public record" means any written or printed report, book or paper, map or plan of the State or of a county and their respective subdivisions and boards, which is the property thereof, and in or on which an entry has been made or is required to be made by law, or which any public officer or employee has received or is required to receive for filing, but shall not include records which invade the right of privacy of an individual.

Sec. 92-51 Public records; available for inspection; cost of copies. All public records shall be available for inspection by any person during established office hours unless public inspection of such records is in violation of any other state or federal law, provided that, except where such records are open under any rule of court, the attorney general and the responsible attorneys of the various counties may determine which records in their offices may be withheld from public inspection when such records pertain to the preparation of the prosecution or defense of any action or proceeding, prior to its commencement, to which the State or county is or may be a party, or when such records do not relate to a matter in violation



1 of law and are deemed necessary for the protection of a character  
2 or reputation of any person.

3 Certified copies of extracts from public records shall be given  
4 by the officer having the same in custody to any person demanding the  
5 same and paying or tendering twenty cents per folio of one hundred  
6 words for such copies or extracts.

7 Sec. 92-52 Denial of inspection; application to circuit courts.

8 Any person aggrieved by the denial by the officer having the custody  
9 of any public record of the right to inspect the record or to obtain  
10 copies of extracts thereof may apply to the circuit court of the  
11 circuit wherein the public record is found for an order directing  
12 the officer to permit the inspection of or to furnish copies of  
13 extracts of the public records. The court shall grant the order  
14 after hearing upon a finding that the denial was not for just and  
15 proper cause."

16 SECTION 3. If any provision of this Act, or the application  
17 of this Act to any particular meeting or type of meeting is held  
18 invalid or unconstitutional, such decision shall not affect the  
19 validity of the remaining provisions or the other applications of  
20 this Act.

21 SECTION 4. All acts passed during the regular session of 1975,  
22 whether enacted before or after the passage of this Act, shall be  
23 amended to conform to this Act, unless such act or acts specifically  
24 provides that this Act is being amended. This section does not apply  
25 to any amendments of the definition of the term "public records."



H.B. NO.

126  
H.D. 1  
S.D. 1  
C.D. 1

1 SECTION 5. This Act shall take effect thirty days after its  
2 approval.  
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Speaker  
JAMES H. WAKATSUKI  
Vice Speaker  
RICHARD GARCIA  
Assistant Vice Speaker  
TED YAP  
Majority Leader  
CHARLES T. USHIJIMA  
Majority Floor Leader  
ROBERT KIMURA  
First District  
JACK K. SUWA  
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RICHARD A. KAWAKAMI  
\*\*TONY T. KUNIMURA  
DENNIS R. YAMADA

\*Assistant Majority Leader  
\*\*Assistant Majority Floor Leader  
‡Minority Leader  
‡‡Minority Floor Leader  
‡‡Assistant Minority Floor Leader

# HOUSE OF REPRESENTATIVES THE EIGHTH LEGISLATURE

STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813



April 11, 1975

To the Honorable President and  
Members of the Senate of the  
State of Hawaii

Sirs:

I have the honor to inform your Honorable  
Body that the report of the Committee on Conference  
on the disagreeing vote of the House to the amendments  
proposed by the Senate to House Bill No. 126, H. D. 1  
was this day adopted by the House; and House Bill  
No. 126, H. D. 1, S. D. 1, C. D. 1 this day passed  
Final Reading in the House of Representatives of the  
Eighth Legislature of the State of Hawaii, Regular  
Session of 1975.

Very respectfully,

*George M. Takane*

George M. Takane  
Clerk, House of Representatives



Speaker  
 JAMES H. WAKATSUKI  
 Vice Speaker  
 RICHARD GARCIA  
 Assistant Vice Speaker  
 TED YAP  
 Majority Leader  
 CHARLES T. USHIJIMA  
 Majority Floor Leader  
 ROBERT KIMURA  
 First District  
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 Second District  
 STANLEY H. ROEHRIG  
 HERBERT A. SEGAWA  
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 \*\*YOSHITO TAKAMINE  
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 MINORU INABA  
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 DENNIS R. YAMADA

\*Assistant Majority Leader  
 \*\*Assistant Majority Floor Leader  
 †Minority Leader  
 ††Minority Floor Leader  
 ‡Assistant Minority Floor Leader

# HOUSE OF REPRESENTATIVES THE EIGHTH LEGISLATURE

STATE OF HAWAII  
 STATE CAPITOL  
 HONOLULU, HAWAII 96813

April 11, 1975



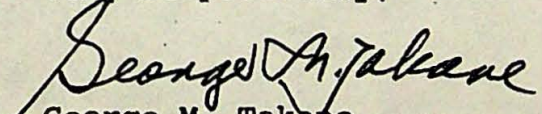
HOUSE COMMUNICATION No. 532

To the Honorable President and  
 Members of the Senate of the  
 State of Hawaii

Sirs:

I have the honor to inform your Honorable  
 Body that the report of the Committee on Conference  
 on the disagreeing vote of the House to the amendments  
 proposed by the Senate to House Bill No. 126, H. D. 1  
 was this day adopted by the House; and House Bill  
 No. 126, H. D. 1, S. D. 1, C. D. 1 this day passed  
 Final Reading in the House of Representatives of the  
 Eighth Legislature of the State of Hawaii, Regular  
 Session of 1975.

Very respectfully,

  
 George M. Takane  
 Clerk, House of Representatives



ORIGINAL

CONF. COM. REP. NO. 34

Honolulu, Hawaii  
April 10, 1975

The Honorable John T. Ushijima  
President of the Senate  
Eighth State Legislature  
Regular Session of 1975  
State of Hawaii

Sir:

RE: H.B. No. 126, H.D. 1, S.D. 1

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 126, H.D. 1, S.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to declare and provide for implementation of a statewide policy that the formation and conduct of public policy - the discussions, deliberations, decisions, and actions of governmental agencies - be conducted as openly as possible.

The bill provides that meetings of public bodies are to be open to the public with prior public notification therefor, except in exceptional circumstances. The bill also provides standards for the contents of and availability of minutes, provides for voidability of actions taken at meetings failing to meet the requirements of the bill, and for enforcement and penalties.

Your Committee upon further consideration has made the following amendments to H.B. No. 126, H.D. 1, S.D. 1:

1. The applicability of the provisions of this law to the state legislature was clarified by amending the language of section 92-10. The purpose of this was to make explicit the intended deference to the constitutional mandate preserving the rulemaking prerogative to the respective houses of the state legislature.

HJUD 542 758

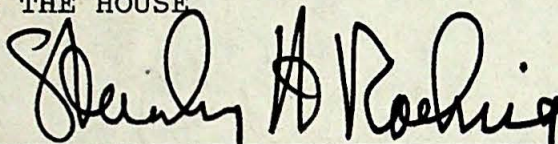


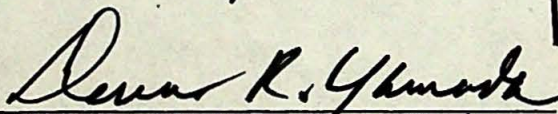
2. Attention of your Committee on Conference was brought to H.B. No. 1870, H.D. 1, S.D. 3 which is under contemplation by the legislature and purports to provide reform to Hawaii's Land Use Law. It is the intent of H.B. No. 126, H.D. 1, S.D. 1, C.D. 1 that the proceedings of the Land Use Commission be governed by its open meeting requirements, notwithstanding section 92-6 which provides for the exclusion of adjudicatory functions from open meeting requirements. Technical amendments required were made.

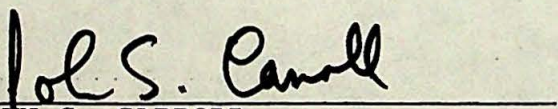
Your Committee on Conference is in accord with the intent and purpose of H.B. No. 126, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 126, H.D. 1, S.D. 1, C.D. 1.

Respectfully submitted,


MANAGERS ON THE PART  
OF THE HOUSE


  
STANLEY H. ROEHIRIG, Chairman

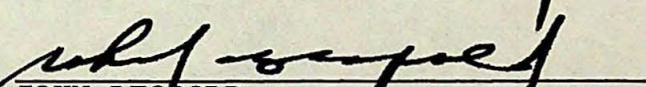
  
DENNIS R. YAMADA, Vice Chairman

  
JOHN S. CARROLL

MANAGERS ON THE PART  
OF THE SENATE

  
DONALD S. NISHIMURA, Chairman

  
ANSON CHONG

  
JOHN LEOPOLD



8:40

## THE SENATE

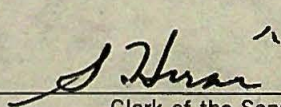
THE EIGHTH LEGISLATURE  
OF THE STATE OF HAWAII

## RECORD OF VOTES

On H.B. 126, HD1, SD1, CD1

Final Reading

Memo	SENATORS	Aye	No	Excused
	ANDERSON, D. G.	/		
	CHING, Donald D. H.	/		
	CHONG, Anson	/		
	GEORGE, Mary	/		
	HARA, Stanley I.	/		
	HENDERSON, Richard	/		
	HULTEN, John J.	/		
	KAWASAKI, Duke T.	/		
	KING, Jean	/		
	KURODA, Joseph T.	/		
	LEOPOLD, John	/		
	NISHIMURA, Donald S.	/		
	O'CONNOR, Dennis	/		
	ROHLFING, Frederick W.	/		
	SAIKI, Patricia	/		
	TAIRA, Robert S.	/		
	TAKITANI, Henry	/		
	TOYOFUKU, George H.	/		
	WONG, Francis A.	/		
	WONG, Richard S. H.	/		
	YAMASAKI, Mamoru	/		
	YEE, Wadsworth	/		
	YIM, T. C.	/		
	YOUNG, Patsy K.	/		
	MR. PRESIDENT	/		
	TOTAL	✓		

  
Clerk of the Senate

DATE: \_\_\_\_\_

4/11 1975



April 11, 1975

To the Honorable Speaker and  
Members of the House of Representatives  
of the State of Hawaii

S i r s :

This is to inform your Honorable Body  
that the report of the Committee on Conference  
on the disagreeing vote of the House to the  
amendments proposed by the Senate to House  
Bill No. 126, H. D. 1, was this day adopted by  
the Senate; and House Bill No. 126, H. D. 1,  
S. D. 1, C. D. 1 this day passed Final Reading  
in the Senate of the Eighth Legislature of the  
State of Hawaii, Regular Session of 1975, in  
accordance therewith.

Respectfully,

Seichi Hirai  
Clerk of the Senate



THE HOUSE OF REPRESENTATIVES OF THE  
STATE OF HAWAII

April 16, 1975  
Honolulu, Hawaii

We hereby certify that the foregoing Bill passed Final Reading in the House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975 on April 11, 1975.

James H. Wakatsuki  
Speaker, House of Representatives

George M. Takane  
Clerk, House of Representatives

THE SENATE OF THE STATE OF HAWAII

April 16, 1975  
Honolulu, Hawaii

We hereby certify that the foregoing Bill passed Final Reading in the Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1975 on April 11, 1975.

John T. Ushijima  
President of the Senate

Seichi Hirai  
Clerk of the Senate



Speaker  
 JAMES H. WAKATSUKI  
 Vice Speaker  
 RICHARD GARCIA  
 Assistant Vice Speaker  
 TED YAP  
 Majority Leader  
 CHARLES T. USHIJIMA  
 Majority Floor Leader  
 ROBERT KIMURA  
 First District  
 JACK K. SUWA  
 Second District  
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 DENNIS R. YAMADA

# HOUSE OF REPRESENTATIVES THE EIGHTH LEGISLATURE

STATE OF HAWAII  
 STATE CAPITOL  
 HONOLULU, HAWAII 96813



April 16, 1975

The Honorable George R. Ariyoshi  
 Governor  
 State of Hawaii  
 State Capitol  
 Honolulu, Hawaii 96813

Sir:

I have the honor to transmit herewith  
 House Bill No. 126 which passed Final  
 Readings in the House of Representatives and  
 in the Senate of the Eighth Legislature of  
 the State of Hawaii, Regular Session of 1975  
 on April 11, 1975 and April 11, 1975,  
 respectively.

Very respectfully,

*George M. Takane*  
 George M. Takane  
 Clerk, House of Representatives

\*Assistant Majority Leader  
 \*\*Assistant Majority Floor Leader  
 †Minority Leader  
 ††Minority Floor Leader  
 ‡Assistant Minority Floor Leader



Speaker  
 JAMES H. WAKATSUKI  
 Vice Speaker  
 RICHARD GARCIA  
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 TED YAP  
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 \*\*TONY T. KUNIMURA  
 DENNIS R. YAMADA

# HOUSE OF REPRESENTATIVES THE EIGHTH LEGISLATURE

STATE OF HAWAII  
 STATE CAPITOL  
 HONOLULU, HAWAII 96813



April 16, 1975

The Honorable Nelson K. Doi  
 Lieutenant Governor  
 State of Hawaii  
 State Capitol  
 Honolulu, Hawaii 96813

Sir:

I have the honor to transmit herewith 90  
 copies of House Bill No. 126 which duly  
 passed the Eighth Legislature of the State of  
 Hawaii, Regular Session of 1975. The original  
 of this Bill has been submitted this day to  
 the Governor for his consideration.

Very respectfully,

*George M. Takane*

George M. Takane  
 Clerk, House of Representatives

\*Assistant Majority Leader  
 \*\*Assistant Majority Floor Leader  
 †Minority Leader  
 ††Minority Floor Leader  
 ‡Assistant Minority Floor Leader



1975 LEGISLATIVE SESSION

HOUSE BILL NO. 126

Delivery of the bill hereon identified, to the Governor of Hawaii by the Clerk of the House of the Legislature in which the same originated is hereby acknowledged on the day and hour noted hereon:

April 23, 1975 2:22 p.m.

FOR THE GOVERNOR OF HAWAII:

by Nancy Okazaki

SUBJECT: RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS.

Due Date for Departmental Report: May 9, 1975

Due Date for Governor's Action: June 2, 1975 (35th day)

Referred to	Admin. Code (Dept. Use)	Departmental Recommendations (For Governor's Office Use Only)
Lt. Governor		
Attorney General		
Budget & Finance		
Counties: C&C		
Hawaii		
Maui		
Kauai		
For info only to:		
Legis. Ref. Bureau		
Info & Youth Affairs		

ACTION TAKEN:

DATE: