



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 12, 2022

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirty-First State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty-First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

I am transmitting herewith SB3172 SD1 HD2 CD1, without my approval and with the statement of objections relating to the measure.

SB3172 SD1 HD2 CD1

RELATING TO PUBLIC AGENCY MEETINGS.

Sincerely,

A handwritten signature in black ink that reads "David Y. Ige".

DAVID Y. IGE  
Governor, State of Hawai'i

EXECUTIVE CHAMBERS

HONOLULU

July 12, 2022

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3172

Honorable Members  
Thirty-First Legislature  
State of Hawai'i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawai'i, I am returning herewith, without my approval, Senate Bill No. 3172, entitled "A Bill for an Act Relating to Public Agency Meetings."

The purposes of this bill are to (1) require any electronic audio or visual recording of a board meeting to be maintained indefinitely as a public record on the board's website or an appropriate State or county website, even if written minutes of the meeting are posted; (2) require that the written minutes contain time stamps linked to the recording, if the meeting was recorded; and (3) repeal the option for boards to provide recordings with accompanying written summaries with time stamps in lieu of written minutes.

This bill is objectionable because it ultimately reduces public access to timely information regarding board actions by eliminating the incentive, under current law, for boards to record their meetings. Under current law, if a board records its meeting, it has the option to post the recording together with a document summarizing the meeting discussions and containing time-stamps for each discussion item, or the board can prepare and post written minutes. If the board records the meeting to aid in the preparation of written minutes, the board is not required to retain the recording once the written minutes are posted.

Recordings consume considerable data storage space and most boards share a limited amount of data storage space on their department's website. This bill would require a board to maintain the recordings indefinitely, make the recordings publicly available on the board's website, and would also require the board to prepare and post written minutes containing time stamps linked to the recordings. The new

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SENATE BILL NO. 3172  
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requirements under this bill would discourage rather than incentivize boards to record their meetings. The unintended result of this bill would be delays in posting of written minutes, particularly for boards with a small staff or for boards with no staff and only volunteers.

Finally, this bill is an unfunded mandate as it will result in increased personnel costs to comply with the new requirements, increased data storage and website configuration expenses to store all the recordings indefinitely, and the potential for increased litigation expenses relating to the indefinite period of the recording retention requirement as well as accessibility claims under the Americans with Disabilities Act about the format of the recordings posted on State websites. These anticipated increased agency costs were not funded in this bill.

For the foregoing reasons, I am returning Senate Bill No. 3172 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "David Y. Ige". The signature is fluid and cursive, with a large, sweeping flourish at the end.

DAVID Y. IGE  
Governor of Hawai'i