
A BILL FOR AN ACT

RELATING TO THE SUNSHINE LAW.

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

1 SECTION 1. The legislature finds that the people hold the
2 ultimate decision-making power in our representative democracy.
3 This may only be accomplished when governmental agencies, boards
4 and commissions, and county councils allow for meaningful public
5 input and embrace the public as a true collaborative partner in
6 policymaking and governance. A robust sunshine law is necessary
7 to opening up the governmental processes to public scrutiny and
8 participation to achieve the ideals of a representative
9 democracy.

10 The purpose of this Act is to strengthen the State's
11 sunshine law to provide the public with more oversight of
12 governmental agencies, boards and commissions, and county
13 councils and to allow the public to give more meaningful,
14 contemporaneous testimony at properly agendized meetings.

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



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1 "§92-3 Open meetings[-]; recording requirements. (a)

2 Every meeting of all boards shall be open to the public and all
3 persons shall be permitted to attend any meeting unless
4 otherwise provided in the constitution or as closed pursuant to
5 sections 92-4 and 92-5; provided that the removal of any person
6 or persons who wilfully disrupts a meeting to prevent and
7 compromise the conduct of the meeting shall not be prohibited.
8 The boards shall afford all interested persons an opportunity to
9 submit data, views, or arguments, in writing, on any agenda
10 item. The boards shall also afford all interested persons an
11 opportunity to present oral testimony on any agenda item[-] and
12 shall allow for oral testimony after each agenda item. The
13 boards may provide for reasonable administration of oral
14 testimony by rule.

15 (b) Every meeting of all boards shall be livestreamed
16 through the use of audiovisual or audio technology. The
17 recording of each meeting shall be archived and made available
18 to the public on the board's website or, if the board does not
19 have a website, on an appropriate state or county website
20 immediately after the meeting."



1 SECTION 3. Section 92-7, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:
3 "(a) The board shall give written public notice of any
4 regular, special, emergency, or rescheduled meeting, or any
5 executive meeting when anticipated in advance. The notice shall
6 include an agenda that lists all of the items to be considered
7 at the forthcoming meeting[+] and shall identify each item on
8 the agenda as an item for action, in which board members shall
9 take action upon the item, or an item for discussion, in which
10 board members shall only discuss the item; the date, time, and
11 place of the meeting; instructions on how to request an
12 auxiliary aid or service or an accommodation due to a
13 disability, including a response deadline, if one is provided,
14 that is reasonable; and in the case of an executive meeting, the
15 purpose shall be stated. If an item to be considered is the
16 proposed adoption, amendment, or repeal of administrative rules,
17 an agenda meets the requirements for public notice pursuant to
18 this section if it contains a statement on the topic of the
19 proposed rules or a general description of the subjects
20 involved, as described in section 91-3(a)(1)(A), and a statement
21 of when and where the proposed rules may be viewed in person and



1 on the Internet as provided in section 91-2.6. The means
2 specified by this section shall be the only means required for
3 giving notice under this part notwithstanding any law to the
4 contrary.

5 (b) No less than six calendar days prior to the meeting,
6 the board shall post the notice online on an electronic calendar
7 ~~[on]~~ via a link on the homepage of a website maintained by the
8 State or the appropriate county ~~[and post a notice in the~~
9 ~~board's office]~~ for public inspection. The notice shall also be
10 posted at the site of the meeting whenever feasible. The board
11 shall file a copy of the notice with the office of the
12 lieutenant governor or the appropriate county clerk's office and
13 retain a copy of proof of filing the notice, and the office of
14 the lieutenant governor or the appropriate clerk's office shall
15 timely post paper or electronic copies of all meeting notices in
16 a central location in a public building; provided that a failure
17 to do so by the board, the office of the lieutenant governor, or
18 the appropriate county clerk's office shall not require
19 cancellation of the meeting. The copy of the notice to be
20 provided to the office of the lieutenant governor or the
21 appropriate county clerk's office may be provided via electronic



1 mail to an electronic mail address designated by the office of
2 the lieutenant governor or the appropriate county clerk's
3 office, as applicable."

4 SECTION 4. Section 92-7.5, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[~~§~~92-7.5~~§~~] **Board packet; filing; public inspection;**
7 **notice.** [~~At the time the board packet is distributed to the~~
8 ~~board members, the~~] The board shall [also] make the board packet
9 available for all board members and available for public
10 inspection in the board's office[~~]~~ and via a link on the
11 homepage of the board's website or, if the board does not have a
12 website, on an appropriate state or county website at least
13 forty-eight hours prior to the written testimony deadline. The
14 board shall provide notice to persons requesting notification of
15 meetings pursuant to section 92-7(e) that the board packet is
16 available for inspection in the board's office and via a link on
17 the homepage of the board's website or appropriate state or
18 county website, and shall provide reasonably prompt access to
19 the board packet to any person upon request. The board [~~is~~]
20 shall not be required to mail board packets. As soon as
21 practicable, the board shall accommodate requests [~~for~~



1 ~~electronic access to the board packet.]~~ from persons with
2 disabilities.

3 For purposes of this section, "board packet" means
4 documents that are compiled by the board and distributed to
5 board members before a meeting for use at that meeting, to the
6 extent the documents are public under chapter 92F; provided that
7 this section shall not require disclosure of executive session
8 minutes, license applications, or other records for which the
9 board cannot reasonably complete its redaction of nonpublic
10 information in the time available before the public inspection
11 required by this section."

12 SECTION 5. Section 92-9, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§92-9 Minutes.** (a) The board shall keep written or
15 recorded minutes of all meetings. [~~Unless otherwise required by~~
16 ~~law, neither a full transcript nor a recording of the meeting is~~
17 ~~required, but the]~~ The minutes shall give a true reflection of
18 the matters discussed at the meeting and the views of the
19 participants. Written minutes shall include[~~7~~] but need not be
20 limited to:

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



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

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

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

8 (b) The preliminary draft minutes shall be made available
9 to the public for review and input by posting on the board's
10 website or, if the board does not have a website, on an
11 appropriate state or county website within thirty days or by the
12 next meeting, whichever is earlier, except where such disclosure
13 would be inconsistent with section 92-5; provided that minutes
14 of executive meetings may be withheld so long as their
15 publication would defeat the lawful purpose of the executive
16 meeting, but no longer.

17 ~~[(b)]~~ (c) The finalized minutes shall be made available to
18 the public by posting on the board's website or, if the board
19 does not have a website, on an appropriate state or county
20 website within ~~[forty]~~ fourteen days after the next meeting
21 except where such disclosure would be inconsistent with section



1 92-5; provided that minutes of executive meetings may be
2 withheld so long as their publication would defeat the lawful
3 purpose of the executive meeting, but no longer. A written
4 summary shall accompany any minutes that are posted in a digital
5 or analog recording format and shall include:

- 6 (1) The date, time, and place of the meeting;
- 7 (2) The members of the board recorded as either present or
8 absent, and the times when individual members entered
9 or left the meeting;
- 10 (3) A record, by individual member, of motions and votes
11 made by the board; and
- 12 (4) A time stamp or other reference indicating when in the
13 recording the board began discussion of each agenda
14 item and when motions and votes were made by the
15 board.

16 [~~(e)~~] (d) All or any part of a meeting of a board may be
17 recorded by any person in attendance by any means of
18 reproduction, except when a meeting is closed pursuant to
19 section 92-4; provided the recording does not actively interfere
20 with the conduct of the meeting."



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1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:



JAN 21 2022



H.B. NO. 1897

Report Title:

Sunshine Law; Livestream; Oral Testimony; Board Packets; Meeting Agenda; Minutes; Online Posting

Description:

Requires all boards to livestream meetings and archive the recordings online. Requires a board to identify each item on its meeting agenda as an item for action or an item for discussion and allow for oral testimony after each agenda item. Amends time frame requirements for the posting of board meeting minutes and board packets. Requires board meeting minutes and board packets to be posted online.

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