
A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS.

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

1 SECTION 1. The legislature finds that opening the
2 governmental process to public scrutiny and participation is
3 necessary to protect the public's interests. Therefore, the
4 discussions, deliberations, decisions, and actions of
5 governmental agencies in the formation and conduct of public
6 policy should be conducted as openly as possible.

7 The legislature further finds that members of the public
8 who are interested but do not have the ability to attend
9 meetings, or the time or technology to listen to recordings of
10 the meetings, are unnecessarily prevented from exercising their
11 right to participate. In many cases, the written summaries that
12 accompany any recordings of meetings are incomplete and do not
13 meet the standards for written minutes of a meeting as required
14 in section 92-9, Hawaii Revised Statutes, nor were such written
15 summaries intended to be a substitute for the meeting minutes
16 required by law.

17 The purpose of this Act is to:



(1) Require that any electronic audio or visual recording of a board meeting be maintained as a public record regardless of whether the written minutes of the meeting have been posted;

(2) Amend the information that must be included as part of the written minutes of board meetings; and

(3) Repeal the option for boards to provide recorded minutes accompanied by written summaries as an alternative to written minutes of board meetings.

SECTION 2. Section 92-9, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) The board shall keep written ~~[or recorded]~~ minutes of all meetings. ~~[Unless otherwise required by law, neither a full transcript nor a recording of the meeting is required, but the]~~ If an electronic audio or video recording of the meeting is made by or on behalf of the board, the recording shall also be maintained as a public record; provided that the recording shall be posted regardless of whether the written minutes of the meeting have been posted pursuant to subsection (b) after the meeting; provided further that only one recording is required to be kept. The written minutes shall give a true reflection of



1 the matters discussed at the meeting and the views of the
2 participants[~~. Written minutes~~] and shall include, but need not
3 be limited to:

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

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

7 (3) The substance of all matters proposed, discussed, or
8 decided; and a record, by individual member, of any
9 votes taken; [~~and~~]

10 (4) If an electronic audio or video recording of the
11 meeting is available, a link to the electronic audio
12 or video recording of the meeting, to be placed at the
13 beginning of the minutes;

14 (5) If an electronic audio or video recording of the
15 meeting is available, a time stamp indicating when in
16 the recording the board began discussion of each
17 agenda item, to be placed at the beginning of each
18 agenda item discussion in the minutes; and

19 [~~(4)~~] (6) Any other information that any member of the
20 board requests be included or reflected in the
21 minutes.



(b) The minutes shall be made available to the public by posting on the board's website or, if the board does not have a website, on an appropriate state or county website within forty days after the meeting except where such disclosure would be inconsistent with section 92-5; provided that minutes of executive meetings may be withheld so long as their publication would defeat the lawful purpose of the executive meeting, but no longer. ~~[A written summary shall accompany any minutes that are posted in a digital or analog recording format and shall include:~~

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

~~(2) The members of the board recorded as either present or absent, and the times when individual members entered or left the meeting;~~

~~(3) A record, by individual member, of motions and votes made by the board; and~~

~~(4) A time stamp or other reference indicating when in the recording the board began discussion of each agenda item and when motions and votes were made by the board.] "~~



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on October 1, 2022.



Report Title:

Meeting Minutes; Public Record; Boards

Description:

Requires that any electronic audio or video recording of a board meeting be maintained as a public record, regardless of whether the written minutes of the board meeting have been posted. Amends the information that must be included as part of the written minutes of board meetings. Repeals the option for boards to provide recorded minutes accompanied by written summaries as an alternative to written minutes of board meetings. Effective 10/1/2022. (CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

