
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. The public has a right to have as much
12 access to and information regarding the subject matter of and
13 discussions at board meetings.

14 The purpose of this Act is:

15 (1) Require that any electronic audio or video recording
16 of a board meeting be kept as a public record, but



1 clarify that only one version of any recording must be
2 kept; and

3 (2) Remove the requirement that a written summary must
4 accompany any minutes that are posted in a digital or
5 analog recording format.

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

8 "(a) The board shall keep written ~~[or recorded]~~ minutes of
9 all meetings~~[-]~~; provided that if an electronic audio or video
10 recording of the meeting is made by or on behalf of the board,
11 the recording shall also be kept as a public record; provided
12 further that only one version of any recording shall be required
13 to be kept. [Unless otherwise required by law, neither a full
14 transcript nor a recording of the meeting is required, but the]
15 The written minutes shall give a true reflection of the matters
16 discussed at the meeting and the views of the participants~~[-~~
17 ~~written minutes]~~ and shall include~~[-]~~ but need not be limited
18 to:

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

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



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

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

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

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

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

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



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

5 SECTION 3. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on July 1, 2112.



S.B. NO. 3172
S.D. 1
H.D. 1

Report Title:

Meeting Minutes; Public Record; Board

Description:

Requires that any electronic audio or video recording of a board meeting be kept as a public record, but clarifies that only one version of any recording must be kept. Removes the requirement that a written summary must accompany any minutes that are posted in a digital or analog recording format. Effective 7/1/2112. (HD1)

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