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# 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 for members of the  
8 public who are interested but do not have the ability to attend  
9 meetings, nor the time or technology to listen to recordings of  
10 the meetings, those persons are therefore unnecessarily  
11 prevented from exercising their right to participate.  
12 Especially for community board proceedings, the public has a  
13 right to be kept informed by way of accurate and complete  
14 minutes of such proceedings. The written summaries that  
15 accompany any recordings of such meetings as outlined in section  
16 92-9(c), Hawaii Revised Statutes, do not meet the standards set



1 out in section 92-9(a), Hawaii Revised Statutes, nor were they  
2 intended to substitute for complete minutes.

3 The purpose of this Act is to, require that any electronic  
4 audio or visual recording of a board meeting be maintained as a  
5 public record and to clarify that complete minutes of the  
6 meetings are still required.

7 SECTION 2. Section 92-9, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "~~§92-9~~ Minutes. (a) The board shall keep written [~~or~~  
10 ~~recorded~~] minutes of all meetings[-]; provided that if an  
11 electronic audio or video recording of the meeting is made by or  
12 on behalf of the board, the recording shall also be kept as a  
13 public record; provided further that only one version of any  
14 recording is required to be kept. [~~Unless otherwise required by~~  
15 ~~law, neither a full transcript nor a recording of the meeting is~~  
16 ~~required, but the~~] The written minutes shall give a true  
17 reflection of the matters discussed at the meeting and the views  
18 of the participants [~~Written minutes~~] and shall include, but  
19 need not be limited to:

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

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

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



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

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

7       (c) All or any part of a meeting of a board may be  
8 recorded by any person in attendance by any means of  
9 reproduction, except when a meeting is closed pursuant to  
10 section 92-4; provided the recording does not actively interfere  
11 with the conduct of the meeting."

12       SECTION 3. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14       SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Meeting Minutes; Public Record; Board

**Description:**

Provides that any electronic audio or visual recording of a board meeting shall be maintained as public record and clarifies that complete minutes of the meetings are still required. (SD1)

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

