
A BILL FOR AN ACT

RELATING TO RECORDINGS OF PUBLIC MEETINGS.

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

1 SECTION 1. The legislature finds that the house of
2 representatives adopted House Resolution No. 9 (2022) to
3 establish the commission to improve standards of conduct. The
4 resolution requests the commission ensure state laws and rules
5 relating to standards of conduct of public officers and
6 employees contain clear standards, enforcement, and penalties
7 and provide recommendations to increase awareness of, compliance
8 with, and deterrent effects of the code of ethics, lobbying
9 laws, campaign finance laws, and other relevant laws and rules.
10 Pursuant to House Resolution No. 9, the commission to
11 improve standards of conduct convened regularly throughout 2022
12 to diligently review, discuss, and consider the issues
13 presented, submitted an interim report to the house of
14 representatives outlining areas of immediate and long-term
15 focus, then continued its work with input from the public and
16 invited individuals and agencies to issue a final report with
17 various recommendations and accompanying proposed legislation.



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1 The legislature also finds that the strength and stability
2 of our democratic government rely upon the public's trust in
3 government institutions, including the expectation that officers
4 act ethically with prudence, integrity, and sound judgement.
5 Therefore, an essential goal of the commission was to provide
6 recommendations that would help restore public trust in state
7 government and increase the level of transparency in its
8 operations and accountability of individuals.

9 The legislature additionally finds that opening the
10 governmental process to public scrutiny and participation is
11 necessary to protect the public's interests. Specifically,
12 opening up discussions, deliberations, decisions, and actions of
13 governmental agencies that are forming and implementing public
14 policy should be facilitated as much as possible.

15 The legislature further finds that members of the public
16 who are interested in but do not have the ability to attend
17 meetings, or the time or technology to listen to recordings of
18 the meetings, are unnecessarily prevented from exercising their
19 right to participate. In many cases, the written summaries that
20 accompany any recordings of meetings are incomplete and do not
21 meet the standards for written minutes of a meeting as required



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1 by section 92-9, Hawaii Revised Statutes, nor were such written
2 summaries intended to be a substitute for the meeting minutes
3 required by law.

4 Accordingly, the purpose of this Act is to implement
5 recommendations of the commission to improve standards of
6 conduct relating to public agency meetings by:

- 7 (1) Requiring that any electronic audio or visual
8 recording of a board meeting be maintained as a public
9 record regardless of whether the written minutes of
10 the meeting have been posted;
- 11 (2) Amending the information that must be included as part
12 of the written minutes of board meetings; and
- 13 (3) Repealing the option for boards to provide recorded
14 minutes accompanied by written summaries as an
15 alternative to written minutes of board meetings.

16 SECTION 2. Section 92-3.7, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) For a remote meeting held by interactive conference
19 technology pursuant to this section:

- 20 (1) The interactive conference technology used by the
21 board shall allow interaction among all members of the



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1 board participating in the meeting and all members of
2 the public attending the meeting;

3 (2) Except as provided in subsections (c) and (d), a
4 quorum of board members participating in the meeting
5 shall be visible and audible to other members and the
6 public during the meeting; provided that no other
7 meeting participants shall be required to be visible
8 during the meeting;

9 (3) Any board member participating in a meeting by
10 interactive conference technology shall be considered
11 present at the meeting for the purpose of determining
12 compliance with the quorum and voting requirements of
13 the board;

14 (4) At the start of the meeting the presiding officer
15 shall announce the names of the participating members;

16 (5) All votes shall be conducted by roll call unless
17 unanimous; and

18 (6) When practicable, boards shall record meetings open to
19 the public and make the recording of any meeting
20 electronically available to the public as soon as
21 practicable after a meeting [~~and until a time as the~~



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1 ~~minutes required by section 92-9 are electronically~~
2 ~~posted on the board's website]."~~

3 SECTION 3. Section 92-9, Hawaii Revised Statutes, is
4 amended by amending subsections (a) and (b) to read as follows:

5 "(a) The board shall keep written [~~or recorded~~] minutes of
6 all meetings. [~~Unless otherwise required by law, neither a full~~
7 ~~transcript nor a recording of the meeting is required, but the]~~
8 If an electronic audio or video recording of the meeting is made
9 by or on behalf of the board, the recording shall be maintained
10 as a public record and be posted regardless of whether the
11 written minutes of the meeting have been posted pursuant to
12 subsection (b); provided that only one recording is required to
13 be kept. The written minutes shall give a true reflection of
14 the matters discussed at the meeting and the views of the
15 participants[. ~~Written minutes~~] and shall include[, ~~but need~~
16 not be limited to] at a minimum:

- 17 (1) The date, time and place of the meeting;
18 (2) The members of the board recorded as either present or
19 absent;



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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) If an electronic audio or video recording of the
5 meeting is available, a link to the electronic audio
6 or video recording of the meeting, to be placed at the
7 beginning of the minutes;

8 (5) If an electronic audio or video recording of the
9 meeting is available, a time stamp indicating when in
10 the recording the board began discussion of each
11 agenda item, to be placed at the beginning of the
12 discussion of each agenda item in the minutes; and

13 [~~(4)~~] (6) Any other information that any member of the
14 board requests be included or reflected in the
15 minutes.

16 (b) The minutes shall be made available to the public by
17 posting on the board's website or, if the board does not have a
18 website, on an appropriate state or county website within forty
19 days after the meeting except where such disclosure would be
20 inconsistent with section 92-5; provided that minutes of
21 executive meetings may be withheld so long as their publication



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1 would defeat the lawful purpose of the executive meeting, but no
 2 longer. [~~A written summary shall accompany any minutes that are~~
 3 ~~posted in a digital or analog recording format and shall~~
 4 ~~include:~~

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

15 SECTION 4. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on October 1, 2023.

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INTRODUCED BY: _____



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Report Title:

Commission to Improve Standards of Conduct; 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 10/1/2023.

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

