

JAN 26 2022

---

---

# 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 the  
3 only viable and reasonable method of protecting the public's  
4 interests. Therefore, the discussions, deliberations,  
5 decisions, and actions of governmental agencies in the formation  
6 and conduct of public policy must be conducted as openly as  
7 possible.

8           The legislature further finds that many members of the  
9 public are interested but do not have the ability to attend  
10 meetings, nor the time or technology to listen to recordings,  
11 those persons are therefore unnecessarily prevented from  
12 exercising their right to scrutinize and participate.  
13 Especially for community board proceedings, the public has a  
14 right to be kept informed by way of accurate and complete  
15 minutes of such proceedings. The written summaries that  
16 accompany any recordings of such meetings as outlined in section  
17 92-9(c), Hawaii Revised Statutes, does not meet the standards



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

3 The purpose of this Act is to, for the sake of providing  
4 the public with as much access and information as possible, make  
5 clear that there is a difference between regular meeting minutes  
6 and written summaries of recorded meetings, and that complete  
7 minutes are still required.

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

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

14          (c) A written summary shall accompany any [~~minutes~~]  
15          recording of a meeting that [~~are~~] is posted in a digital or  
16          analog recording format and shall include:

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

18           (2) The members of the board recorded as either present or  
19           absent, and the times when individual members entered  
20           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 [~~e~~] (d) 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.

15

INTRODUCED BY: 



# S.B. NO. 3172

**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.

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

