
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, Regular Session
3 of 2022, to establish the commission to improve standards of
4 conduct. The resolution requests that the commission ensure
5 state laws and rules relating to standards of conduct of public
6 officers and employees contain clear standards, enforcement, and
7 penalties and provide recommendations to increase awareness of,
8 compliance with, and deterrent effects of the code of ethics,
9 lobbying laws, campaign finance laws, and other relevant laws
10 and rules.

11 Pursuant to House Resolution No. 9, the commission to
12 improve standards of conduct convened regularly throughout 2022
13 to diligently review, discuss, and consider the issues
14 presented; submit an interim report to the house of
15 representatives outlining areas of immediate and long-term
16 focus; receive input from the public and invited individuals and



1 agencies; and issue a final report with various recommendations
2 and accompanying proposed legislation.

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

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

17 Accordingly, the purpose of this Act is to implement
18 recommendations of the commission to improve standards of
19 conduct relating to public agency meetings by:

20 (1) Encouraging boards to maintain any recording of a
21 board meeting as a public record on the board's



1 website regardless of whether the written minutes of
2 the meeting have been posted;

3 (2) Requiring boards to provide the state archives with a
4 copy of any recording of a board meeting before
5 removing the recording from the board's website; and

6 (3) Requiring the written minutes of board meetings to
7 include a link to the electronic audio or video
8 recording of the meeting, if available.

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

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

13 (1) The interactive conference technology used by the
14 board shall allow interaction among all members of the
15 board participating in the meeting and all members of
16 the public attending the meeting;

17 (2) Except as provided in subsections (c) and (d), a
18 quorum of board members participating in the meeting
19 shall be visible and audible to other members and the
20 public during the meeting; provided that no other



1 meeting participants shall be required to be visible
2 during the meeting;

3 (3) Any board member participating in a meeting by
4 interactive conference technology shall be considered
5 present at the meeting for the purpose of determining
6 compliance with the quorum and voting requirements of
7 the board;

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

10 (5) All votes shall be conducted by roll call unless
11 unanimous; and

12 (6) [~~When practicable,~~] Except for licensing boards under
13 section 26-9, boards shall record meetings open to the
14 public, when practicable, and make the recording of
15 any meeting electronically available to the public as
16 soon as practicable after a meeting and until a time
17 as the minutes required by section 92-9 are
18 electronically posted on the board's website. Boards
19 are encouraged to keep recordings available on their
20 website."



1 SECTION 3. Section 92-9, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The board shall keep written or recorded minutes of
4 all meetings. Unless otherwise required by law, neither a full
5 transcript nor a recording of the meeting is required, but the
6 minutes shall give a true reflection of the matters discussed at
7 the meeting and the views of the participants. Before the
8 removal of a recording that was maintained on a board's website
9 pursuant to section 92-3.7(b) (6), the board shall provide the
10 state archives with a copy of the recording. Written minutes
11 shall include~~[, but need not be limited to:]~~ at minimum:

- 12 (1) The date, time, and place of the meeting;
- 13 (2) The members of the board recorded as either present or
14 absent;
- 15 (3) The substance of all matters proposed, discussed, or
16 decided; and a record, by individual member, of any
17 votes taken; ~~[and]~~
- 18 (4) If an electronic audio or video recording of the
19 meeting is available online, a link to the electronic
20 audio or video recording of the meeting, to be placed
21 at the beginning of the minutes; and



Report Title:

Commission to Improve Standards of Conduct; Recordings of Public Meetings; Meeting Minutes; Public Record; Boards

Description:

Exempts licensing boards under DCCA from the requirement that board meetings be recorded. Encourages boards to maintain recordings of board meetings on the board's website regardless of whether the written minutes of the meeting have been posted. Requires boards to provide the state archives with a copy of any recording of a board meeting before removing the recording from the board's website. Requires the written minutes of board meetings to include a link to the electronic audio or video recording, if available online. Effective 10/1/2023. (HD1)

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

