

JAN 25 2023

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# 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.



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

18           (1) Encouraging boards to maintain any electronic audio or  
19           visual recording of a board meeting as a public record  
20           on the board's website regardless of whether the  
21           written minutes of the meeting have been posted;



- 1           (2) Amending the information that must be included as part  
2           of the written minutes of board meetings; and  
3           (3) Requiring boards to provide the state archives with a  
4           copy of any electronic audio or visual recording of a  
5           board meeting before removing the recording from the  
6           board's website.

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

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

- 11           (1) The interactive conference technology used by the  
12           board shall allow interaction among all members of the  
13           board participating in the meeting and all members of  
14           the public attending the meeting;  
15           (2) Except as provided in subsections (c) and (d), a  
16           quorum of board members participating in the meeting  
17           shall be visible and audible to other members and the  
18           public during the meeting; provided that no other  
19           meeting participants shall be required to be visible  
20           during the meeting;



- 1 (3) Any board member participating in a meeting by  
2 interactive conference technology shall be considered  
3 present at the meeting for the purpose of determining  
4 compliance with the quorum and voting requirements of  
5 the board;
- 6 (4) At the start of the meeting the presiding officer  
7 shall announce the names of the participating members;
- 8 (5) All votes shall be conducted by roll call unless  
9 unanimous; and
- 10 (6) When practicable, boards shall record meetings open to  
11 the public and make the recording of any meeting  
12 electronically available to the public as soon as  
13 practicable after a meeting and until a time as the  
14 minutes required by section 92-9 are electronically  
15 posted on the board's website. Boards are encouraged  
16 to keep recordings available on their website."

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

19 "(a) The board shall keep written or recorded minutes of  
20 all meetings. Unless otherwise required by law, neither a full  
21 transcript nor a recording of the meeting is required, but the



1 minutes shall give a true reflection of the matters discussed at  
2 the meeting and the views of the participants. Prior to the  
3 removal of a recording that was maintained on a board's website  
4 pursuant to section 92-3.7(b) (6), the board shall provide the  
5 state archives with a copy of the recording. Written minutes  
6 shall include~~[, but need not be limited to:]~~ at minimum:

- 7 (1) The date, time and place of the meeting;
- 8 (2) The members of the board recorded as either present or  
9 absent;
- 10 (3) The substance of all matters proposed, discussed, or  
11 decided; and a record, by individual member, of any  
12 votes taken; [and]
- 13 (4) If an electronic audio or video recording of the  
14 meeting is available, a link to the electronic audio  
15 or video recording of the meeting, to be placed at the  
16 beginning of the minutes; and
- 17 [~~4~~] (5) Any other information that any member of the  
18 board requests be included or reflected in the  
19 minutes."

20 SECTION 4. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

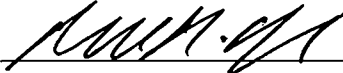


# S.B. NO. 1426

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

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INTRODUCED BY:

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**By Request**



# S.B. NO. 1426

**Report Title:**

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

**Description:**

Encourages boards to maintain any electronic audio or visual recording of a board meeting as a public record on the board's website regardless of whether the written minutes of the meeting have been posted. Amends the information that must be included as part of the written minutes of board meetings. Requires boards to provide the state archives with a copy of any electronic audio or visual recording of a board meeting before removing the recording from the board's website. 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.*

