

## ACT 125

H.B. NO. 712

A Bill for an Act Relating to Recordings of Public Meetings.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 92-3.7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

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

- (1) The interactive conference technology used by the board shall allow interaction among all members of the board participating in the meeting and all members of the public attending the meeting;
- (2) Except as provided in subsections (c) and (d), a quorum of board members participating in the meeting shall be visible and audible to other members and the public during the meeting; provided that no other meeting participants shall be required to be visible during the meeting;
- (3) Any board member participating in a meeting by interactive conference technology shall be considered present at the meeting for the purpose of determining compliance with the quorum and voting requirements of the board;
- (4) At the start of the meeting the presiding officer shall announce the names of the participating members;
- (5) All votes shall be conducted by roll call unless unanimous; and
- (6) ~~[When practicable, boards]~~ Boards shall record meetings open to the public, when practicable, and make the recording of any meeting electronically available to the public as soon as practicable after a meeting and until a time as the minutes required by section 92-9 are

electronically posted on the board's website. Boards are encouraged to keep recordings available on their website."

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

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

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

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

SECTION 4. This Act shall take effect on October 1, 2023.

(Approved June 23, 2023.)