

JAN 18 2008

A BILL FOR AN ACT

RELATING TO OPEN MEETING NOTICES.

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

1 SECTION 1. The legislature finds that it is important for
2 the lieutenant governor and county clerks to retain the public
3 notice of open meetings as a record of the meeting. Currently,
4 the lieutenant governor and county clerks may dispose of notices
5 at the end of the calendar year and there is no requirement that
6 notices be archived.

7 The purpose of this Act is to require that notices be kept
8 for a minimum of two years and electronically archived
9 thereafter.

10 SECTION 2. Section 92-7, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§92-7 Notice.** (a) The board shall give written public
13 notice of any regular, special, or rescheduled meeting, or any
14 executive meeting when anticipated in advance. The notice shall
15 include an agenda which lists all of the items to be considered
16 at the forthcoming meeting, the date, time, and place of the



1 meeting, and in the case of an executive meeting the purpose
2 shall be stated.

3 (b) The board shall file the notice in the office of the
4 lieutenant governor or the appropriate county clerk's office,
5 and in the board's office for public inspection, at least six
6 calendar days before the meeting. The notice shall also be
7 posted at the site of the meeting whenever feasible.

8 (c) If the written public notice is filed in the office of
9 the lieutenant governor or the appropriate county clerk's office
10 less than six calendar days before the meeting, the lieutenant
11 governor or the appropriate county clerk shall immediately
12 notify the chairperson of the board, or the director of the
13 department within which the board is established or placed, of
14 the tardy filing of the meeting notice. The meeting shall be
15 canceled as a matter of law, the chairperson or the director
16 shall ensure that a notice canceling the meeting is posted at
17 the place of the meeting, and no meeting shall be held.

18 (d) No board shall change the agenda, once filed, by
19 adding items thereto without a two-thirds recorded vote of all
20 members to which the board is entitled; provided that no item
21 shall be added to the agenda if it is of reasonably major
22 importance and action thereon by the board will affect a



1 significant number of persons. Items of reasonably major
2 importance not decided at a scheduled meeting shall be
3 considered only at a meeting continued to a reasonable day and
4 time.

5 (e) The board shall maintain a list of names and addresses
6 of persons who request notification of meetings and shall mail a
7 copy of the notice to such persons at their last recorded
8 address no later than the time the agenda is filed under
9 subsection (b).

10 (f) The lieutenant governor or the appropriate county
11 clerk's office shall retain the notice for two years from the
12 date the notice was filed and shall electronically retain the
13 notice in the state archives thereafter."

14 SECTION 3. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

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Report Title:

Open Meetings; Record Retention

Description:

Requires the lieutenant governor or the appropriate county clerk's office to retain public notices of open meetings for two years from the date of filing and to retain an electronic copy thereafter.

