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# A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS.

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

1 SECTION 1. Section 92-2, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4 "State calendar" means the Internet website designated as  
5 the state calendar on the official website of the State."

6 SECTION 2. Section 92-7, Hawaii Revised Statutes, is  
7 amended by amending subsections (a), (b), and (c) to read as  
8 follows:

9 "(a) The board shall give written public notice of any  
10 regular, special, emergency, or rescheduled meeting, or any  
11 executive meeting when anticipated in advance. The notice shall  
12 include an agenda which lists all of the items to be considered  
13 at the forthcoming meeting, the date, time, and place of the  
14 meeting, and in the case of an executive meeting the purpose  
15 shall be stated.

16 (b) [The] At least six calendar days before the meeting,  
17 the board shall file the notice in the [office of the lieutenant



1 ~~governor or the appropriate county clerk's office, and in the]~~  
2 board's office for public inspection, ~~[at least six calendar~~  
3 ~~days before the meeting. The notice shall also be posted]~~ and  
4 shall also post the notice at the site of the meeting whenever  
5 feasible. At least six calendar days before the meeting, a  
6 state board shall also file the notice by electronic posting on  
7 the state calendar, and a county board shall also file the  
8 notice in the appropriate county clerk's office. In the event  
9 that a state board is unable to file the notice on the state  
10 calendar because of an interruption in service that prevents its  
11 access, the state board shall file the notice in the office of  
12 information practices. The office of information practices  
13 shall then post the notice on the state calendar as soon as  
14 service is restored.

15 (c) If the ~~[written public]~~ notice is filed ~~[in the office~~  
16 ~~of the lieutenant governor or]~~ on the state calendar or in the  
17 appropriate county clerk's office less than six calendar days  
18 before the meeting, [the lieutenant governor or] a state board's  
19 notice shall be rejected or, in the case of a county board, the  
20 appropriate county clerk shall immediately notify the  
21 chairperson of the board, or the director of the department  
22 within which the board is established or placed, of the tardy



1 filing of the meeting notice. The meeting shall be canceled as  
2 a matter of law, [~~the chairperson~~] and the chairperson of the  
3 board or the department director shall ensure that a notice  
4 canceling the meeting is posted in the board's office and at the  
5 place of the meeting, and no meeting shall be held."

6 SECTION 3. Section 92-8, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) and (b) to read as follows:

8 "(a) If a board finds that an imminent peril to the public  
9 health, safety, or welfare requires a meeting in less time than  
10 is provided for in section 92-7, the board may hold an emergency  
11 meeting; provided that:

12 (1) The board states in writing the reasons for its  
13 findings;

14 (2) Two-thirds of all members to which the board is  
15 entitled agree that the findings are correct and an  
16 emergency exists;

17 (3) An emergency agenda and the findings are filed [~~with~~  
18 ~~the office of the lieutenant governor or the~~  
19 ~~appropriate county clerk's office, and in the board's~~  
20 ~~office; and~~] at the locations or in the manner  
21 specified for notices in section 92-7; and



1 (4) Persons requesting notification on a regular basis are  
2 contacted by [~~mail or~~] telephone or their requested  
3 method of notification as soon as practicable.

4 (b) If an unanticipated event requires a board to take  
5 action on a matter over which it has supervision, control,  
6 jurisdiction, or advisory power, within less time than is  
7 provided for in section 92-7 to notice and convene a meeting of  
8 the board, the board may hold an emergency meeting to deliberate  
9 and decide whether and how to act in response to the  
10 unanticipated event; provided that:

11 (1) The board states in writing the reasons for its  
12 finding that an unanticipated event has occurred and  
13 that an emergency meeting is necessary and the  
14 attorney general concurs that the conditions necessary  
15 for an emergency meeting under this subsection exist;

16 (2) Two-thirds of all members to which the board is  
17 entitled agree that the conditions necessary for an  
18 emergency meeting under this subsection exist;

19 ~~[(3) The finding that an unanticipated event has occurred~~  
20 ~~and that an emergency meeting is necessary and the~~  
21 ~~agenda for the emergency meeting under this subsection~~  
22 ~~are filed with the office of the lieutenant governor~~



1 ~~or the appropriate county clerk's office, and in the~~  
2 ~~board's office;]~~

3 (3) An emergency agenda and the findings are filed at the  
4 locations or in the manner specified for notices in  
5 section 92-7;

6 (4) Persons requesting notification on a regular basis are  
7 contacted by [~~mail or~~] telephone or their requested  
8 method of notification as soon as practicable; and

9 (5) The board limits its action to only that action which  
10 must be taken on or before the date that a meeting  
11 would have been held, had the board noticed the  
12 meeting pursuant to section 92-7."

13 SECTION 4. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16 SECTION 5. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Sunshine Law; Meeting; Notice; State Calendar; Lieutenant  
Governor

**Description:**

With respect to notice requirements for a public agency hearing,  
requires state boards to electronically file meeting notices on  
the state calendar rather than in the Lt. Governor's office.  
(HB1148 HD1)

