
A BILL FOR AN ACT

RELATING TO MEETINGS OF PUBLIC AGENCIES.

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

1 SECTION 1. Section 92-7, Hawaii Revised Statutes, is
2 amended by amending subsections (a) to (c) to read as follows:

3 "(a) The board shall give written public notice of any
4 regular, special, emergency, or rescheduled meeting, or any
5 executive meeting when anticipated in advance. The notice shall
6 include an agenda [~~which~~] that lists all of the items to be
7 considered at the forthcoming meeting[~~7~~]; the date, time, and
8 place of the meeting[~~7~~]; and in the case of an executive
9 meeting, the purpose shall be stated.

10 (b) [~~The~~] At least six calendar days before the meeting,
11 the board shall file the notice in the [~~office of the lieutenant~~
12 ~~governor or the appropriate county clerk's office, and in the~~
13 board's office for public inspection, [~~at least six calendar~~
14 ~~days before the meeting. The notice shall also be posted~~] and
15 shall also post the notice at the site of the meeting whenever
16 feasible. At least six calendar days before the meeting, a
17 state board shall also file the notice by electronic posting on
18 the state calendar maintained on the designated central State of



1 Hawaii Internet website, and a county board shall file the
2 notice in the appropriate county clerk's office. In the event
3 that a state board is unable to file the notice on the state
4 calendar because of an interruption in service that prevents
5 access to the state calendar, the board shall file the notice in
6 the office of information practices. The office of information
7 practices shall then post the notice on the state calendar as
8 soon as service is restored.

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



1 SECTION 2. Section 92-8, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§92-8 Emergency meetings. (a) If a board finds that an
4 imminent peril to the public health, safety, or welfare requires
5 a meeting in less time than is provided for in section 92-7, the
6 board may hold an emergency meeting; provided that:

7 (1) The board states in writing the reasons for its
8 findings;

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

12 (3) An emergency agenda and the findings are filed [~~with~~
13 ~~the office of the lieutenant governor or the~~
14 ~~appropriate county clerk's office, and in the board's~~
15 ~~office; and~~] at the locations specified for notices in
16 section 92-7; and

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

20 (b) If an unanticipated event requires a board to take
21 action on a matter over which it has supervision, control,
22 jurisdiction, or advisory power, within less time than is



1 provided for in section 92-7 to notice and convene a meeting of
2 the board, the board may hold an emergency meeting to deliberate
3 and decide whether and how to act in response to the
4 unanticipated event; provided that:

- 5 (1) The board states in writing the reasons for its
6 finding that an unanticipated event has occurred and
7 that an emergency meeting is necessary and the
8 attorney general concurs that the conditions necessary
9 for an emergency meeting under this subsection exist;
- 10 (2) Two-thirds of all members to which the board is
11 entitled agree that the conditions necessary for an
12 emergency meeting under this subsection exist;
- 13 (3) ~~[The finding that an unanticipated event has occurred~~
14 ~~and that an emergency meeting is necessary and the~~
15 ~~agenda for the emergency meeting under this subsection~~
16 ~~are filed with the office of the lieutenant governor~~
17 ~~or the appropriate county clerk's office, and in the~~
18 ~~board's office;]~~ An emergency agenda and the findings
19 are filed at the locations specified for notices in
20 section 92-7;



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; and

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

8 (c) For purposes of this part, an "unanticipated event"
9 means:

10 (1) An event which members of the board did not have
11 sufficient advance knowledge of or reasonably could
12 not have known about from information published by the
13 media or information generally available in the
14 community;

15 (2) A deadline established by a legislative body[7]; a
16 court[7]; or a federal, state, or county agency beyond
17 the control of a board; or

18 (3) A consequence of an event for which reasonably
19 informed and knowledgeable board members could not
20 have taken all necessary action."



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1 SECTION 3. This Act does not affect rights and duties that
 2 matured, penalties that were incurred, and proceedings that were
 3 begun, before its effective date.

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

6 SECTION 5. This Act shall take effect upon its approval.
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INTRODUCED BY:

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Report Title:

Meetings of public agencies

Description:

Requires notice of state-board meetings to be posted on the central State of Hawaii Internet website. Eliminates the requirement that notice of state-board meetings be filed in the Office of the Lieutenant Governor.

