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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 92-4, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§92-4 Executive meetings.** (a) A board may hold an  
4 executive meeting, subject to subsection (b), closed to the  
5 public upon an affirmative vote, taken at an open meeting, of  
6 two-thirds of the members present; provided the affirmative vote  
7 constitutes a majority of the members to which the board is  
8 entitled. A meeting closed to the public shall be limited to  
9 matters exempted by section 92-5. The reason for holding such a  
10 meeting shall be publicly announced and the vote of each member  
11 on the question of holding a meeting closed to the public shall  
12 be recorded, and entered into the minutes of the meeting.

13 (b) No executive meeting shall be held unless properly  
14 noticed in advance in the agenda of a duly noticed open meeting,  
15 which notice includes:

16 (1) A statement of justification for the executive  
17 meeting;



- 1        (2) The subjects to be discussed in the executive meeting;  
2                and  
3        (3) The time and place of the resumption of the open  
4                meeting.

5 Upon resumption of the open meeting, the board shall disclose in  
6 that open meeting the subject discussed and the action taken in  
7 the executive meeting."

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

10              "(e) The board shall maintain a list of names and  
11 electronic and postal mailing addresses of persons who request  
12 notification of meetings and shall [~~mail~~] transmit a copy of the  
13 notice to such persons at their last recorded electronic mail  
14 address no later than the time the agenda is filed under  
15 subsection (b). If no electronic mail address is listed, then  
16 the copy of the notice shall be mailed to such persons at their  
17 last recorded postal mailing address no later than the time the  
18 agenda is filed under subsection (b)."

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

21              "(b) If an unanticipated event requires a board to take  
22 action on a matter over which it has supervision, control,



1 jurisdiction, or advisory power, within less time than is  
2 provided for in section 92-7 to notice and convene a meeting of  
3 the board, the board may hold an emergency meeting to deliberate  
4 and decide whether and how to act in response to the  
5 unanticipated event; provided that:

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



1 (4) Persons requesting notification on a regular basis are  
2 contacted by mail or telephone as soon as practicable;  
3 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 SECTION 4. Section 92-9, Hawaii Revised Statutes, is  
9 amended by amending subsection (b) to read as follows:

10 "(b) The minutes shall be public records and shall be  
11 available within thirty days after the meeting except where such  
12 disclosure would be inconsistent with section 92-5; provided  
13 that minutes of executive meetings may be withheld so long as  
14 their publication would defeat the lawful purpose of the  
15 executive meeting, but no longer. Upon request, minutes that  
16 have become public record may be electronically mailed to the  
17 requester, or if the requester does not have an electronic mail  
18 address, then the minutes may be mailed to the requestor at the  
19 requestor's last recorded postal mailing address."

20 SECTION 5. Section 302A-1106, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           **"§302A-1106 Organization; quorum; meetings.** [-(a)] The  
2 board shall elect from its own membership a chairperson and a  
3 vice-chairperson. A majority of all members to which the board  
4 is entitled shall constitute a quorum to do business and the  
5 concurrence of a majority of all members to which the board is  
6 entitled shall be necessary to make any action of the board  
7 valid; provided that due notice shall have been given to all  
8 members of the board or a bona fide attempt shall have been made  
9 to give due notice to all members of the board to whom it was  
10 reasonably practicable to give due notice. Meetings shall be  
11 called and held, at the call of the chairperson or by a quorum,  
12 as often as may be necessary for the transaction of the  
13 department's business.

14           ~~[(b) Chapter 92 notwithstanding, from the convening of the~~  
15 ~~legislature in regular session to adjournment sine die of each~~  
16 ~~regular session, and during each special session of the~~  
17 ~~legislature, the board may file any notice that specifies only~~  
18 ~~legislation or legislation related agenda items, no fewer than~~  
19 ~~two calendar days before the meeting.]"~~

20           SECTION 6. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

22



1 SECTION 7. This Act shall take effect on July 1, 2050.

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**Report Title:**

Public Agency Meetings; Notice; Electronic Mail

**Description:**

Amends the notice requirement of public agency meetings to allow for notification of meetings and transmittal of meeting minutes by electronic mail. Requires concurrence from office of information practices rather than the attorney general for board to hold emergency meeting for unanticipated events. Requires executive meetings of boards to be properly noticed, and requires subject matter and discussion in an executive meeting to be announced in public upon reconvening of an open meeting. Effective July 1, 2050. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

