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

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

11 (b) The board shall [~~file the notice in the office of the~~
12 ~~lieutenant governor or the appropriate county clerk's office,~~
13 ~~and in the board's office for public inspection, at least six~~
14 ~~calendar days before the meeting. The notice shall also be~~
15 ~~posted~~] post the notice at the site of the meeting whenever
16 feasible. In addition, at least six calendar days before the
17 meeting, the board shall:



- 1 (1) File the notice in the board's office for public
2 inspection;
- 3 (2) In the case of a state board, file the notice by
4 electronic posting on the state calendar maintained on
5 the designated central State of Hawaii internet
6 website; provided that if a state board is unable to
7 file the notice because of an interruption in service
8 that prevents access to the state calendar, the board
9 shall file the notice in the office of information
10 practices, which shall then post the notice on the
11 state calendar as soon as service is restored; and
- 12 (3) In the case of a county board, file the notice by
13 electronic posting on the county calendar maintained
14 on the designated county internet website; provided
15 that if a county board is unable to file the notice
16 because of an interruption in service that prevents
17 access to the county calendar, the board shall file
18 the notice in the appropriate county clerk's office,
19 which shall then post the notice on the county
20 calendar as soon as service is restored.
- 21 (c) If the ~~[written public]~~ notice is filed ~~[in the office~~
22 ~~of the lieutenant governor or the appropriate county clerk's~~



1 ~~office]~~ less than six calendar days before the meeting[, ~~the~~
2 ~~lieutenant governor or the appropriate county clerk shall~~
3 ~~immediately notify the chairperson of the board, or the director~~
4 ~~of the department within which the board is established or~~
5 ~~placed, of the tardy filing of the meeting notice.] in violation
6 of subsection (b)(2) or (b)(3):~~

7 (1) The notice shall be invalid and removed from the state
8 or county calendar, as applicable; and

9 (2) The meeting shall be canceled as a matter of law, the
10 chairperson [~~or director~~] of the board, or the
11 director of the department within which the board is
12 established or placed, shall ensure that a notice
13 canceling the meeting is posted in the board's office
14 and at the place of the meeting, and no meeting shall
15 be held."

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

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



- 1 (1) The board states in writing the reasons for its
2 findings;
- 3 (2) Two-thirds of all members to which the board is
4 entitled agree that the findings are correct and an
5 emergency exists;
- 6 (3) An emergency agenda and the findings are filed [~~with~~
7 ~~the office of the lieutenant governor or the~~
8 ~~appropriate county clerk's office, and in the board's~~
9 ~~office,~~] at the locations specified for notices in
10 section 92-7(b); and
- 11 (4) Persons requesting notification on a regular basis are
12 contacted by [~~mail or~~] telephone or their requested
13 method of notification as soon as practicable.
- 14 (b) If an unanticipated event requires a board to take
15 action on a matter over which it has supervision, control,
16 jurisdiction, or advisory power, within less time than is
17 provided for in section 92-7 to notice and convene a meeting of
18 the board, the board may hold an emergency meeting to deliberate
19 and decide whether and how to act in response to the
20 unanticipated event; provided that:
- 21 (1) The board states in writing the reasons for its
22 finding that an unanticipated event has occurred and



1 that an emergency meeting is necessary and the
 2 attorney general concurs that the conditions necessary
 3 for an emergency meeting under this subsection exist;

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

7 (3) ~~[The finding that an unanticipated event has occurred~~
 8 ~~and that an emergency meeting is necessary and the~~
 9 ~~agenda for the emergency meeting under this subsection~~
 10 ~~are filed with the office of the lieutenant governor~~
 11 ~~or the appropriate county clerk's office, and in the~~
 12 ~~board's office;]~~ An emergency agenda and the findings
 13 made pursuant to paragraph (1) are filed at the
 14 locations specified for notices in section 92-7(b);

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

18 (5) The board limits its action to only that action
 19 ~~[which]~~ that must be taken on or before the date that
 20 a meeting would have been held, had the board noticed
 21 the meeting pursuant to section 92-7."



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 on January 7, 2050.



Report Title:

Public Agency Meetings; Notice Filings

Description:

Requires notice of state and county board meetings to be posted on the appropriate internet website, and eliminates the requirement that notice be filed in the Office of the Lieutenant Governor. Effective January 7, 2050. (HB549 HD1)

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

