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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 92-7, 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) If a state board, file the notice by electronic  
4                    posting on the state calendar maintained on the  
5                    designated central State of Hawaii internet website;  
6                    and

7        (3) If a county board, file the notice in the appropriate  
8                    county clerk's office;

9        provided that if a state board is unable to file the notice in  
10                   accordance with paragraph (2) because of an interruption in  
11                   service that prevents access to the state calendar, the board  
12                   shall file the notice in the office of information practices,  
13                   which shall then post the notice on the state calendar described  
14                   in paragraph (2) as soon as service is restored.

15        (c) If the [~~written public~~] notice is filed [~~in the office~~  
16                   ~~of the lieutenant governor or the appropriate county clerk's~~  
17                   ~~office~~] less than six calendar days before the meeting[~~, the~~  
18                   ~~lieutenant governor or~~] in violation of subsection (b) (2) or  
19                   (b) (3):

20        (1) For state board notices, the notice shall be invalid  
21                   and removed from the state calendar described in  
22                   subsection (b) (2); and



1           (2) For county board notices, the appropriate county clerk  
2           shall immediately notify the chairperson of the board,  
3           or the director of the department within which the  
4           board is established or placed, of the tardy filing of  
5           the meeting notice.

6           The meeting shall be canceled as a matter of law, and the  
7           chairperson of the board or the department director shall ensure  
8           that a notice canceling the meeting is posted in the board's  
9           office and at the place of the meeting, and no meeting shall be  
10          held."

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

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

17               (1) The board states in writing the reasons for its  
18               findings;

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



1 (3) An emergency agenda and the findings are filed [with  
2 ~~the office of the lieutenant governor or the~~  
3 ~~appropriate county clerk's office, and in the board's~~  
4 ~~office; and] at the locations specified for notices in  
5 section 92-7(b); and~~

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.

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

16 (1) The board states in writing the reasons for its  
17 finding that an unanticipated event has occurred and  
18 that an emergency meeting is necessary and the  
19 attorney general concurs that the conditions necessary  
20 for an emergency meeting under this subsection exist;

- 1           (2) Two-thirds of all members to which the board is
- 2                   entitled agree that the conditions necessary for an
- 3                   emergency meeting under this subsection exist;
- 4           (3) ~~[The finding that an unanticipated event has occurred~~
- 5                   ~~and that an emergency meeting is necessary and the~~
- 6                   ~~agenda for the emergency meeting under this subsection~~
- 7                   ~~are filed with the office of the lieutenant governor~~
- 8                   ~~or the appropriate county clerk's office, and in the~~
- 9                   ~~board's office;]~~ An emergency agenda and the findings
- 10                   made pursuant to paragraph (1) are filed at the
- 11                   locations specified for notices in section 92-7(b);
- 12           (4) Persons requesting notification on a regular basis are
- 13                   contacted by ~~[mail or]~~ telephone or their requested
- 14                   method of notification as soon as practicable; and
- 15           (5) The board limits its action to only that action
- 16                   ~~[which]~~ that must be taken on or before the date that
- 17                   a meeting would have been held, had the board noticed
- 18                   the meeting pursuant to section 92-7."

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

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

3 SECTION 5. This Act shall take effect upon its approval.

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**Report Title:**

Public Agency Meetings; Notice Filings

**Description:**

Requires notice of state board meetings to be posted on the central State of Hawaii internet website and eliminates the requirement that notice be filed in the office of the lieutenant governor.

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

