

JAN 20 2012

A BILL FOR AN ACT

RELATING TO ELECTRONIC INFORMATION.

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

1 SECTION 1. The legislature finds that under existing law,
2 Hawaii's government agencies, boards, commissions, and
3 committees are required to give written public notice of any
4 regular, special, or rescheduled meeting, including an agenda,
5 the date, time, and place of the meeting. The minutes of the
6 meeting are considered a public record and required to be
7 available to the public within thirty days following the
8 meeting.

9 However, existing law does not require electronic posting
10 of these public notices and records and a recent informal review
11 of state and county agencies found that many do not post their
12 agendas and meeting minutes online, or are inconsistent in the
13 postings.

14 The legislature further finds that technology and
15 electronic posting can help facilitate public access, while at
16 the same time reduce costs associated with the printing and
17 duplication of paper copies of these documents. Efforts are
18 underway throughout state and county government to reduce the



1 use of hard-copy documents, improve public access to government
2 records, and facilitate communication through technology.

3 The purpose of this Act is to support these efforts by:

4 (1) Eliminating the requirement to post hard-copy notices
5 of public meetings with the lieutenant governor's
6 office;

7 (2) Requiring all government agencies, boards,
8 commissions, and committees to post electronic copies
9 of their agendas, minutes, and related documents
10 online; and

11 (3) Encouraging state agencies to broadcast their
12 proceedings online.

13 SECTION 2. Section 92-7, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§92-7 Notice. (a) The board shall give written public
16 notice of any regular, special, or rescheduled meeting, or any
17 executive meeting when anticipated in advance. The notice shall
18 include an agenda [~~which~~] that lists all of the items to be
19 considered at the forthcoming meeting, the date, time, and place
20 of the meeting, and in the case of an executive meeting the
21 purpose shall be stated.



1 (b) The board shall ~~[file]~~ post the notice ~~[in]~~ on the
2 website of the office of the lieutenant governor or the website
3 of the appropriate county clerk's office, on the website
4 calendar of the state or appropriate county, and ~~[in the board's~~
5 office] on the website of the board or the website of the
6 department within which the board is established if the board
7 does not have a website, for public inspection, at least six
8 calendar days before the meeting. The notice shall also be
9 posted at the ~~[site]~~ location of the meeting ~~[whenever~~
10 feasible].

11 (c) If the written public notice is ~~[filed in]~~ not posted
12 on the website of the office of the lieutenant governor or the
13 website of the appropriate county clerk's office ~~[less than]~~ at
14 least six calendar days before the meeting, the lieutenant
15 governor or the appropriate county clerk shall immediately
16 notify the chairperson of the board, or the director of the
17 department within which the board is established or placed, of
18 the tardy filing of the meeting notice. The meeting shall be
19 canceled as a matter of law, the chairperson or the director
20 shall ensure that a notice canceling the meeting is posted on
21 the website of the board or the website of the department within
22 which the board is established if the board does not have a



1 website, on the website calendar of the state or appropriate
2 county, and at the [place] location of the meeting, and no
3 meeting shall be held.

4 (d) No board shall change the agenda, once [~~filed,~~]
5 posted, by adding items thereto without a two-thirds recorded
6 vote of all members to which the board is entitled; provided
7 that no item shall be added to the agenda if it is of reasonably
8 major importance and action thereon by the board will affect a
9 significant number of persons. Items of reasonably major
10 importance not decided at a scheduled meeting shall be
11 considered only at a meeting continued to a reasonable day and
12 time.

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

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

20 "(a) If a board finds that an imminent peril to the public
21 health, safety, or welfare requires a meeting in less time than



1 is provided for in section 92-7, the board may hold an emergency
2 meeting; provided that:

3 (1) The board states in writing the reasons for its
4 findings;

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

8 (3) An emergency agenda and the findings are [~~filed with~~]
9 posted on the website of the office of the lieutenant
10 governor or the website of the appropriate county
11 clerk's office, on the website calendar of the state
12 or appropriate county, and [~~in the board's office,~~] on
13 the website of the board or the website of the
14 department within which the board is established if
15 the board does not have a website; and

16 (4) Persons requesting notification on a regular basis are
17 contacted by mail, electronic mail, or telephone as
18 soon as practicable.

19 (b) If an unanticipated event requires a board to take
20 action on a matter over which it has supervision, control,
21 jurisdiction, or advisory power, within less time than is
22 provided for in section 92-7 to notice and convene a meeting of



1 the board, the board may hold an emergency meeting to deliberate
2 and decide whether and how to act in response to the
3 unanticipated event; provided that:

4 (1) The board states in writing the reasons for its
5 finding that an unanticipated event has occurred and
6 that an emergency meeting is necessary and the
7 attorney general concurs that the conditions necessary
8 for an emergency meeting under this subsection exist;

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

12 (3) The finding that an unanticipated event has occurred
13 and that an emergency meeting is necessary and the
14 agenda for the emergency meeting under this subsection
15 are [~~filed with~~] posted on the website of the office
16 of the lieutenant governor or the website of the
17 appropriate county clerk's office, on the website
18 calendar of the state or appropriate county, and [~~in~~
19 the board's office,] on the website of the board or
20 the website of the department within which the board
21 is established if the board does not have a website;



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

10 "(a) The board shall keep written minutes of all meetings.
11 Unless otherwise required by law, neither a full transcript nor
12 a recording of the meeting is required, but the written minutes
13 shall give a true reflection of the matters discussed at the
14 meeting and the views of the participants. The minutes shall
15 include[~~7~~] but [~~need~~] not be limited to:

16 (1) The date, time and [~~plae~~] location of the meeting;

17 (2) The members of the board recorded as either present or
18 absent;

19 (3) The substance of all matters proposed, discussed, or
20 decided; and a record, by individual member, of any
21 votes taken; [~~and~~]



1 (4) Any other information that any member of the board
2 requests be included or reflected in the minutes[-];
3 and

4 (5) Any written materials referred to in the minutes.

5 (b) The minutes, whether in draft or final form, shall be
6 public records and shall be [available] posted on the website of
7 the board or the website of the department within which the
8 board is established if the board does not have a website,
9 within thirty days after the meeting except where such
10 disclosure would be inconsistent with section 92-5; provided
11 that minutes of executive meetings may be withheld so long as
12 their publication would defeat the lawful purpose of the
13 executive meeting, but no longer."

14 SECTION 5. Section 92-41, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§92-41 Giving public notices.** Notwithstanding any law to
17 the contrary, all governmental agencies scheduling a public
18 hearing shall [give] post public notice [in] on the website of
19 the county affected by the proposed action, to inform the public
20 of the date, time, [place,] location, and subject matter of the
21 public hearing. This requirement shall prevail whether or not
22 the governmental agency giving notice of public hearing is



1 specifically required by law, and shall be in addition to other
2 procedures required by law."

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect upon its approval.
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INTRODUCED BY: Carol Johnson

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Report Title:

Public Meetings; Electronic Posting of Agendas and Minutes

Description:

Eliminates the requirement to post hard-copy notices of public meetings with the office of the lieutenant governor; requires all government agencies, boards, commissions, and committees to post electronic copies of their agendas, minutes, and related documents online and transmit electronic copies, rather than hard copies, of meeting notices to persons who request notification.

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

