

JAN 17 2014

A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS.

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

1 SECTION 1. The legislature finds that boards and
2 commissions have a duty to ensure that meeting notices are
3 readily available to the public under sunshine law in chapter
4 92, Hawaii Revised Statutes. Existing law requires boards and
5 commissions to maintain a list of names and addresses of persons
6 who request notification of meetings and to mail a copy of the
7 meeting notice to these persons when a meeting agenda is filed.
8 Postage is becoming cost prohibitive, especially when electronic
9 mail is a more efficient and effective alternative to
10 conventional mail. If electronic mailing of meeting notices is
11 allowed, boards and commissions will be able to save money.
12 Furthermore, electronic notices maximize the convenience for
13 members of the public who are relying more on receiving mail
14 through electronic means and may improve public access to and
15 attendance of board and commission meetings.

16 The purpose of this Act is to improve the ability of boards
17 and commissions to make meeting notices readily available to the
18 public by:

2014-0486 SB SMA.doc



- 1 (1) Requiring an internet web address that provides
2 meeting notices to include instructions on submitting
3 testimony for a meeting;
- 4 (2) Allowing boards and commissions to provide notice of a
5 meeting by either first class mail or electronic
6 means, including electronic mail and text messaging;
- 7 (3) Requiring boards and commissions to provide
8 instructions and contact information for persons to
9 request to be included on the list for notification of
10 meetings to be sent via postal mail or electronic
11 means; and
- 12 (4) Specifying that any person who fails to properly send
13 meeting notices by postal mail or electronic means or
14 fails to send meeting notices in a timely manner shall
15 be subject to penalties.

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

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



1 of the meeting, an internet web address for instructions on
2 submitting testimony for the meeting, and in the case of an
3 executive meeting the purpose shall be stated. The means
4 specified by this section shall be the only means required for
5 giving notice under this part notwithstanding any law to the
6 contrary.

7 (b) The board shall file the notice in the office of the
8 lieutenant governor or the appropriate county clerk's office,
9 and in the board's office for public inspection, at least six
10 calendar days before the meeting. The notice shall also be
11 posted at the site of the meeting whenever feasible.

12 (c) If the written public notice is filed in the office of
13 the lieutenant governor or the appropriate county clerk's office
14 less than 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 at
21 the place of the meeting, and no meeting shall be held.



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

10 (e) The board shall maintain a list of names [~~and~~], postal
11 or electronic addresses, and mobile phone numbers of persons who
12 request notification of meetings by postal mail or electronic
13 means and shall mail by first class mail or electronically
14 transmit a copy of the notice to such persons at their last
15 recorded postal or electronic address or mobile phone number no
16 later than the time the agenda is filed under subsection (b).
17 The board shall provide instructions and contact information for
18 persons to request to be included on the list for notification
19 of meetings to be sent via postal mail or electronic means.

20 (f) Any person who fails to properly send notices by
21 postal mail or electronic means or fails to send notices in a



1 timely manner shall be subject to penalties under section 92-
2 13."

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

5 SECTION 4. This Act shall take effect upon its approval.

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S.B. NO. 2289

Report Title:

Sunshine Law; Notice

Description:

Requires that an internet web address be included on a meeting notice for instructions on submitting testimony for a meeting; allows boards and commissions to provide notice of a meeting by first class mail or electronic means, including electronic mail and text messaging; requires boards and commissions to provide instructions and contact information for persons to request to be included on the list for notification of meetings to be sent via postal mail or electronic means; and specifies that any person who fails to properly send meeting notices by postal mail or electronic means or fails to send meeting notices in a timely manner shall be subject to penalties.

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

