

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 the public agency
2 meetings law, which is more commonly known as the "sunshine
3 law", is a procedural safeguard that protects the public's
4 interest in government decision-making and prescribes a certain
5 process for the formation and conduct of public policy to
6 reliably protect the public's right to participate in their
7 government. The sunshine law allows public agencies to continue
8 discussion or decision-making of agenda items at another meeting
9 on a reasonable date and time. However, the law does not
10 specify whether public agencies are limited to only one
11 continued meeting and whether specific notice procedures apply
12 to a continued meeting.

13 The Hawaii Supreme Court held in *Kanahele v. Maui County*
14 *Council*, 130 Haw. 228 (2013), that the legislature did not
15 expressly limit the number of continuances permissible under
16 sunshine law, but that "boards are constrained at all times by
17 the spirit and purpose of the Sunshine Law". Furthermore, the
18 court found that the sunshine law did not provide specific



1 notice procedures for continued meetings, but stated that "if no
2 notice was required for reconvened meetings, members of the
3 public would effectively be shut out of the entire deliberation
4 process", which would be contrary to the spirit and purpose of
5 the sunshine law. Thus, the court held that while a continued
6 meeting does not require a board to post a new agenda, the means
7 chosen to notify the public of the continued meeting must be
8 sufficient to ensure that meetings are conducted as openly as
9 possible and in a manner that protects the people's right to
10 know.

11 The purpose of this Act is to require boards to provide and
12 file written notice of the date and time of a continued meeting
13 for items of reasonably major importance not decided at a
14 scheduled meeting.

15 SECTION 2. Section 92-7, Hawaii Revised Statutes, is
16 amended by amending subsection (d) to read as follows:

17 "(d) No board shall change the agenda, once filed, by
18 adding items thereto without a two-thirds recorded vote of all
19 members to which the board is entitled; provided that no item
20 shall be added to the agenda if it is of reasonably major
21 importance and action thereon by the board will affect a
22 significant number of persons. Items of reasonably major



1 importance not decided at a scheduled meeting shall be
2 considered only at a meeting continued to a reasonable day and
3 time[-] that is properly noticed pursuant to subsection (b)."

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

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

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INTRODUCED BY: *Yu Sheng Jr.*

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S.B. NO. 2636

Report Title:

Sunshine Law; Continued Meetings; Notice

Description:

Requires boards to provide and file written notice of the date and time of a continued meeting for items of reasonably major importance not decided at a scheduled meeting.

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

