

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

3 "**§92-7 Notice.** (a) The board shall give written public
4 notice of any regular, special, emergency, or rescheduled
5 meeting, or any executive meeting when anticipated in advance.
6 The notice shall include an agenda [~~which~~] that lists all of the
7 items to be considered at the forthcoming meeting, the date,
8 time, and place of the meeting, and in the case of an executive
9 meeting the purpose shall be stated. The means specified by
10 this section shall be the only means required for giving notice
11 under this part notwithstanding any law to the contrary.

12 (b) [~~The~~] No less than six calendar days before the
13 meeting, the board shall [~~file~~]:

14 (1) File the notice in the office of the lieutenant
15 governor or the appropriate county clerk's office[~~7~~]
16 and in the board's office for public inspection[~~7~~, ~~at~~
17 ~~least six calendar days before the meeting.~~]; and



1 (2) Post the notice on the electronic calendar on the
2 State's internet website maintained by the State or
3 the appropriate county's internet website maintained
4 by that respective county.

5 The notice shall also be posted at the site of the meeting
6 [~~whenever feasible~~].

7 (c) If the written public notice is filed [~~in the office~~
8 ~~of the lieutenant governor or the appropriate county clerk's~~
9 ~~office~~] or electronically posted less than six calendar days
10 before the meeting, the lieutenant governor or the appropriate
11 county clerk shall immediately notify the chairperson of the
12 board, or the director of the department within which the board
13 is established or placed, of the tardy filing or electronic
14 posting of the meeting notice. The meeting shall be canceled as
15 a matter of law[~~, the~~] and shall not be held. The chairperson
16 or the director shall ensure that a notice canceling the meeting
17 is filed in the office of the lieutenant governor or the
18 appropriate county clerk's office, electronically posted on the
19 electronic calendar maintained by the State or appropriate
20 county, and posted at the place of the meeting[~~, and no meeting~~
21 ~~shall be held~~]. If there is a dispute as to whether a notice
22 was timely posted on an electronic calendar maintained by the



1 State or appropriate county, a printout of the electronic time-
2 stamped agenda shall be conclusive evidence of the electronic
3 posting date.

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

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

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

21 "(a) If a board finds that an imminent peril to the public
22 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 ~~the office of the lieutenant governor or the~~
10 ~~appropriate county clerk's office, and in the board's~~
11 ~~office,~~] and electronically posted pursuant to section
12 92-7(b), excluding the six calendar day filing and
13 electronic posting requirement; and
- 14 (4) Persons requesting notification on a regular basis are
15 contacted by postal or electronic mail or telephone as
16 soon as practicable.

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

1 and decide whether and how to act in response to the
2 unanticipated event; provided that:

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

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

11 (3) The finding that an unanticipated event has occurred
12 and that an emergency meeting is necessary and the
13 agenda for the emergency meeting under this subsection
14 are filed [~~with the office of the lieutenant governor~~
15 ~~or the appropriate county clerk's office, and in the~~
16 ~~board's office,~~] and electronically posted pursuant to
17 section 92-7(b), excluding the six calendar day filing
18 and electronic posting requirement;

19 (4) Persons requesting notification on a regular basis are
20 contacted by postal or electronic mail or telephone as
21 soon as practicable; and



1 (5) The board limits its action to only that action which
 2 must be taken on or before the date that a meeting
 3 would have been held, had the board noticed the
 4 meeting pursuant to section 92-7."

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

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

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INTRODUCED BY:

[Signature]
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S.B. NO. 2638

Report Title:

Public Agency Meetings; Meeting Notice; Emergency Meetings

Description:

Allows the electronic mailing of meeting notices; requires the posting on the state or appropriate county's electronic calendar; and clarifies potential posting disputes. Adds emergency meetings to the public meeting notice requirements.

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

