

S.B. NO. 2784

JAN 23 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 by amending subsection (a) to read as follows:
3 "(a) The board shall give written public notice of any
4 regular, special, or rescheduled meeting, or any executive
5 meeting when anticipated in advance. The notice shall include
6 an agenda which lists all of the items to be considered at the
7 forthcoming meeting, the date, time, and place of the meeting,
8 and in the case of an executive meeting the purpose shall be
9 stated. If an item to be considered is the proposed adoption,
10 amendment, or repeal of administrative rules, an agenda meets
11 the requirements for public notice pursuant to this section if
12 it contains a statement of the topic of the proposed rules or a
13 general description of the subjects involved, as described in
14 section 91-3(a) (1) (A), and a statement of when and where the
15 proposed rules may be viewed in person and on the Internet as
16 provided in section 91-2.6. The means specified by this section
17 shall be the only means required for giving notice under this
18 part notwithstanding any law to the contrary."


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1 SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY: 

5

BY REQUEST

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Report Title:

Public Agency Meetings

Description:

Amends section 92-7(a), Hawaii Revised Statutes, to clarify how proposed administrative rules may be described in public meeting agendas.

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JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS.

PURPOSE: To allow proposed administrative rules to be described in meeting agendas in the same manner as in public hearing notices under section 91-3, Hawaii Revised Statutes (HRS).

MEANS: Amend section 92-7(a), HRS.

JUSTIFICATION: When agencies are going to consider proposed administrative rules at their public meetings (which are separate from the public hearings required under chapter 91, HRS for the actual adoption of the rules), their meeting agendas must describe each section of each rule. Many agencies going through the rule adoption or amendment process will adopt or amend several sections, or entire chapters, at the same time. To ward off a challenge that their agendas did not describe each rule section with sufficient detail, some agencies have resorted to attaching the entire text of the rules to their agendas, resulting in agendas that are hundreds of pages. This amendment to section 92-7, HRS, incorporates by reference to section 91-3(a)(1)(A), HRS, the wording from the public hearing notice requirement for the actual adoption of the rules.

Impact on the public: The amendment to section 92-7, HRS, will allow the same description of proposed administrative rules in meeting agendas as in public hearing notices under section 91-3, HRS. Since a section 91-3 hearing notice is intended to notify the public of the hearing for the adoption of administrative rules, a similar

notice should be sufficient under section 92-7.

Impact on the department and other agencies:

The amendment to section 92-7 will allow agencies to describe proposed administrative rules in their meeting agendas in the same manner as in hearing notices for the adoption of the rules. This will minimize the uncertainty of the sufficiency of the agenda descriptions and the need to attach entire texts of the rules to their agendas.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: ATG 100.

OTHER AFFECTED
AGENCIES: All agencies that conduct public meetings under chapter 92, HRS.

EFFECTIVE DATE: Upon approval.