

JAN 23 2015

A BILL FOR AN ACT

RELATING TO OPEN GOVERNMENT.

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. If an item to be
10 considered is the proposed adoption, amendment, or repeal of
11 administrative rules, an agenda meets the requirements for
12 public notice pursuant to this section if it contains a
13 statement on the topic of the proposed rules or a general
14 description of the subjects involved, as described in section
15 91-3(a)(1)(A), and a statement of when and where the proposed
16 rules may be viewed in person and on the Internet as provided in
17 section 91-2.6. The means specified by this section shall be



1 the only means required for giving notice under this part
2 notwithstanding any law to the contrary.

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

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

9 (2) Post the notice on the electronic calendar on the
10 State's internet website maintained by the State or
11 the appropriate county's internet website maintained
12 by that respective county.

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

15 (c) If the written public notice is filed ~~[in the office~~
16 ~~of the lieutenant governor or the appropriate county clerk's~~
17 ~~office]~~ or electronically posted less than six calendar days
18 before the meeting, the lieutenant governor or the appropriate
19 county clerk shall immediately notify the chairperson of the
20 board, or the director of the department within which the board
21 is established or placed, of the tardy filing or electronic



1 posting of the meeting notice. The meeting shall be canceled as
2 a matter of law[~~, the~~] and shall not be held. The chairperson
3 or the director shall ensure that a notice canceling the meeting
4 is filed in the office of the lieutenant governor or the
5 appropriate county clerk's office, electronically posted on the
6 electronic calendar maintained by the State or appropriate
7 county, and posted at the place of the meeting[~~, and no meeting~~
8 ~~shall be held~~]. If there is a dispute as to whether a notice
9 was timely posted on an electronic calendar maintained by the
10 State or appropriate county, a printout of the electronic time-
11 stamped agenda shall be conclusive evidence of the electronic
12 posting date.

13 (d) No board shall change the agenda, once filed[~~,~~] or
14 electronically posted, by adding items thereto without a two-
15 thirds recorded vote of all members to which the board is
16 entitled; provided that no item shall be added to the agenda if
17 it is of reasonably major importance and action thereon by the
18 board will affect a significant number of persons. Items of
19 reasonably major importance not decided at a scheduled meeting
20 shall be considered only at a meeting continued to a reasonable
21 day and time.



1 (e) The board shall maintain a list of names and postal or
2 electronic addresses of persons who request notification of
3 meetings and shall mail or electronically mail a copy of the
4 notice to such persons at their last recorded postal or
5 electronic address no later than the time the agenda is filed or
6 electronically posted under subsection (b)."

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

9 "(a) If a board finds that an imminent peril to the public
10 health, safety, or welfare requires a meeting in less time than
11 is provided for in section 92-7, the board may hold an emergency
12 meeting provided that:

- 13 (1) The board states in writing the reasons for its
14 findings;
- 15 (2) Two-thirds of all members to which the board is
16 entitled agree that the findings are correct and an
17 emergency exists;
- 18 (3) An emergency agenda and the findings are filed [~~with~~
19 ~~the office of the lieutenant governor or the~~
20 ~~appropriate county clerk's office, and in the board's~~
21 ~~office,~~] and electronically posted pursuant to section



1 92-7(b), excluding the six calendar day filing and
2 electronic posting requirement; and

3 (4) Persons requesting notification on a regular basis are
4 contacted by postal or electronic mail or telephone as
5 soon as practicable.

6 (b) If an unanticipated event requires a board to take
7 action on a matter over which it has supervision, control,
8 jurisdiction, or advisory power, within less time than is
9 provided for in section 92-7 to notice and convene a meeting of
10 the board, the board may hold an emergency meeting to deliberate
11 and decide whether and how to act in response to the
12 unanticipated event; provided that:

13 (1) The board states in writing the reasons for its
14 finding that an unanticipated event has occurred and
15 that an emergency meeting is necessary and the
16 attorney general concurs that the conditions necessary
17 for an emergency meeting under this subsection exist;

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



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



9 (4) Persons requesting notification on a regular basis are
10 contacted by postal or electronic mail or telephone as
11 soon as practicable; and

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

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

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

19

INTRODUCED BY: 
  

S.B. NO. 415

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.

