
A BILL FOR AN ACT

RELATING TO PUBLIC MEETINGS.

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

1 SECTION 1. Chapter 92, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§92- Board packet; filing. At the time the board
5 packet is distributed to the board members, the board shall file
6 the board packet in the board's office for public inspection and
7 provide notice to persons requesting notification pursuant to
8 section 92-7(e) that the board packets are available. When the
9 board packets are filed in the board's office, the board shall
10 provide reasonably prompt access to the board packet to any
11 person on request. To the maximum extent feasible, the board
12 shall accommodate requests for electronic access to the board
13 packet.

14 For purposes of this section, "board packet" means
15 documents that are compiled by the board and distributed to
16 board members before a meeting for use at that meeting; provided



1 that this section shall not require public access to information
2 protected from disclosure under chapter 92F."

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

5 "**§92-7 Notice.** (a) The board shall give written public
6 notice of any regular, special, emergency, or rescheduled
7 meeting, or any executive meeting when anticipated in advance.
8 The notice shall include an agenda [~~which~~] that lists all of the
9 items to be considered at the forthcoming meeting, the date,
10 time, and place of the meeting, and in the case of an executive
11 meeting the purpose shall be stated. If an item to be
12 considered is the proposed adoption, amendment, or repeal of
13 administrative rules, an agenda meets the requirements for
14 public notice pursuant to this section if it contains a
15 statement on the topic of the proposed rules or a general
16 description of the subjects involved, as described in section
17 91-3(a)(1)(A), and a statement of when and where the proposed
18 rules may be viewed in person and on the Internet as provided in
19 section 91-2.6. The means specified by this section shall be
20 the only means required for giving notice under this part
21 notwithstanding any law to the contrary.



1 (b) ~~[The]~~ No less than six calendar days prior to the
2 meeting, the board shall [file]:

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

7 (2) Post the notice on an electronic calendar on a website
8 maintained by the State or the appropriate county.

9 The notice shall also be posted at the site of the meeting
10 whenever feasible.

11 (c) If the written public notice is filed ~~[in the office~~
12 ~~of the lieutenant governor or the appropriate county clerk's~~
13 ~~office]~~ or electronically posted less than six calendar days
14 before the meeting, the lieutenant governor or the appropriate
15 county clerk shall immediately notify the chairperson of the
16 board, or the director of the department within which the board
17 is established or placed, of the tardy filing or electronic
18 posting of the meeting notice. The meeting shall be canceled as
19 a matter of law~~[7, the]~~ and shall not be held. The chairperson
20 or the director shall ensure that a notice canceling the meeting
21 is filed in the office of the lieutenant governor or the



1 appropriate county clerk's office, electronically posted on the
2 electronic calendar maintained by the State or appropriate
3 county, and posted at the place of the meeting~~[, and no meeting~~
4 ~~shall be held.]~~. If there is a dispute as to whether a notice
5 was timely posted on an electronic calendar maintained by the
6 State or appropriate county, a printout of the electronic time-
7 stamped agenda shall be conclusive evidence of the electronic
8 posting date. The board shall provide a copy of the time stamp
9 upon request.

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

19 (e) The board shall maintain a list of names and postal or
20 electronic mail addresses of persons who request notification of
21 meetings and shall mail or electronically mail a copy of the



1 notice to such persons by the means chosen by such persons at
2 their last recorded postal or electronic mail address no later
3 than the time the agenda is filed or electronically posted under
4 subsection (b)."

5 SECTION 3. Section 92-8, Hawaii Revised Statutes, is
6 amended by amending subsections (a) and (b) to read as follows:

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

11 (1) The board states in writing the reasons for its
12 findings;

13 (2) Two-thirds of all members to which the board is
14 entitled agree that the findings are correct and an
15 emergency exists;

16 (3) An emergency agenda and the findings are filed [~~with~~
17 ~~the office of the lieutenant governor or the~~
18 ~~appropriate county clerk's office, and in the board's~~
19 ~~office,~~] and electronically posted pursuant to section
20 92-7(b); provided that the six calendar day



1 requirement for filing and electronic posting shall
2 not apply; 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); provided that the six calendar day
8 requirement for filing and electronic posting shall
9 not apply;

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

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

17 SECTION 4. Section 92-9, Hawaii Revised Statutes, is
18 amended by amending subsections (b) and (c) to read as follows:

19 "(b) The minutes shall be made available to the public
20 ~~[records and shall be available]~~ by posting on the board's
21 website or, if the board does not have a website, on an



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1 appropriate state or county website within thirty days after the
2 meeting except where such disclosure would be inconsistent with
3 section 92-5; provided that minutes of executive meetings may be
4 withheld so long as their publication would defeat the lawful
5 purpose of the executive meeting, but no longer.

6 (c) All or any part of a meeting of a board may be
7 recorded by any person in attendance by [~~means of a tape~~
8 ~~recorder or~~] any [~~other~~] means of [~~some~~] reproduction, except
9 when a meeting is closed pursuant to section 92-4; provided the
10 recording does not actively interfere with the conduct of the
11 meeting."

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

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

15

INTRODUCED BY: _____



JAN 19 2017



H.B. NO. 165

Report Title:

Sunshine Law; Public Agency Meetings and Records; Electronic Information

Description:

Requires, among other things, electronic posting of meeting notices, emergency meeting agendas, cancellation notices, and meeting minutes.

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

