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## A BILL FOR AN ACT

RELATING TO PUBLIC 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 that lists all of the items  
7 to be considered at the forthcoming meeting, the date, time, and  
8 place of the meeting, and in the case of an executive meeting,  
9 the purpose shall be stated. If an item to be considered is the  
10 proposed adoption, amendment, or repeal of administrative rules,  
11 an agenda meets the requirements for public notice pursuant to  
12 this section if it contains a statement on the topic of the  
13 proposed rules or a general description of the subjects  
14 involved, as described in section 91-3(a)(1)(A), and a statement  
15 of when and where the proposed rules may be viewed in person and  
16 on the Internet as provided in section 91-2.6. If an item to be  
17 considered represents the exercise of a legislative function by



1 the board, the agenda shall include a statement on the topic of  
2 the item and a general description of the subjects involved and  
3 reasonably foreseeable effects of the item. The means specified  
4 by this section shall be the only means required for giving  
5 notice under this part notwithstanding any law to the contrary.

6 (b) No less than six calendar days prior to the meeting,  
7 and no less than forty-eight hours prior to the meeting as  
8 provided in subsection (d), the board shall post the notice on  
9 an electronic calendar on a website maintained by the State or  
10 the appropriate county and in the board's office for public  
11 inspection. The notice shall also be posted at the site of the  
12 meeting whenever feasible. The board shall provide a copy of  
13 the notice to the office of the lieutenant governor or the  
14 appropriate county clerk's office at the time the notice is  
15 posted, and the office of the lieutenant governor or the  
16 appropriate clerk's office shall post paper or electronic copies  
17 of all meeting notices in a central location in a public  
18 building; provided that a failure to do so by the board, the  
19 office of the lieutenant governor, or the appropriate county  
20 clerk's office shall not require cancellation of the meeting.  
21 The copy of the notice to be provided to the office of the



1 lieutenant governor or the appropriate county clerk's office may  
2 be provided via electronic mail to an electronic mail address  
3 designated by the office of the lieutenant governor or the  
4 appropriate county clerk's office, as applicable.

5 (c) If the written public notice is electronically posted  
6 on an electronic calendar less than six calendar days before the  
7 meeting, or less than forty-eight hours before the meeting as  
8 provided in subsection (d), the meeting shall be canceled as a  
9 matter of law and shall not be held. The chairperson or the  
10 director shall ensure that a notice canceling the meeting is  
11 posted at the place of the meeting. If there is a dispute as to  
12 whether a notice was timely posted on an electronic calendar  
13 maintained by the State or appropriate county, a printout of the  
14 electronic time-stamped agenda shall be conclusive evidence of  
15 the electronic posting date. The board shall provide a copy of  
16 the time-stamped record upon request.

17 (d) No board shall change the agenda, less than six  
18 calendar days prior to the meeting, by adding items thereto  
19 without a two-thirds recorded vote of all members to which the  
20 board is entitled; provided that no item shall be added to the  
21 agenda if it is of reasonably major importance and action



1 thereon by the board will affect a significant number of  
2 persons. Items of reasonably major importance not decided at a  
3 scheduled meeting shall be considered only at a meeting  
4 continued to a reasonable day and time. No board, when  
5 exercising a legislative function, shall change the substantive  
6 content of any item to be considered at a meeting without  
7 providing public notice of the substantive changes made to the  
8 item at least forty-eight hours prior to the scheduled meeting.  
9 Notice of any substantively changed item shall be posted at  
10 least forty-eight hours prior to the meeting in the same manner  
11 and same form as provided in subsection (b).

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

19 SECTION 2. Section 92-11, Hawaii Revised Statutes, is  
20 amended to read as follows:



# H.B. NO. 1132

1           "§92-11 Voidability. Any final action taken in violation  
2 of sections 92-3 and 92-7 may be voidable upon proof of  
3 violation. A suit to void any final action shall be commenced  
4 within [~~ninety~~] one hundred eighty days of the action."

5           SECTION 3. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun before its effective date.

8           SECTION 4. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10          SECTION 5. This Act shall take effect on July 1, 2019.

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INTRODUCED BY: \_\_\_\_\_



JAN 23 2019



# H.B. NO. 1132

**Report Title:**

Public Meetings; Voidability; Time to File Suit; Notice

**Description:**

Requires legislative bodies subject to sunshine laws to publish notice of the substantive content of any measure being heard or decided on. Changes the time to file a suit to void a final action taken in violation of sunshine laws from within ninety days to within one hundred eighty days of the action.

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

