

ACT 212

H.B. NO. 3126-76

A Bill for an Act Amending Chapter 92, Hawaii Revised Statutes, Relating to Public Agency Meetings and Records.

Be It Enacted by the Legislature of the State of Hawaii.

SECTION 1. Section 92-2, Hawaii Revised Statutes, is amended to read:

“Sec. 92-2 Definitions. As used in this part:

- (1) “Board” means any agency, board, commission, authority, or committee of the State or, its political subdivisions which is created by constitution, statute, rule, or executive order, to have supervision, control, jurisdiction or advisory power over specific matters and which is required to conduct meetings and to take official actions.
- (2) “Chance meeting” means a social or informal assemblage of two or more members at which matters relating to official business are not discussed.
- (3) “Meeting” means the convening of a board for which a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power.”

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

“Sec. 92-7 Notice. (a) The board shall give written public notice of any regular, special or rescheduled meeting. The notice shall include an agenda which lists all of the items to be considered at the forthcoming meeting, the date, time and place of the meeting.

(b) The board shall file the notice in the office of the lieutenant governor or the appropriate county clerk's office, and in the board's office for public inspection, at least seventy-two hours before the meeting. The notice shall also be posted at the site of the meeting whenever feasible. No board shall change the agenda, once filed, by adding items thereto without a two-thirds recorded vote of all members to which the board is entitled, provided that no item shall be added to the agenda in the manner provided herein if it is of reasonably major importance and action thereon by the board will affect a significant number of persons.

(c) The board shall maintain a list of names and addresses of persons who request notification of meetings and shall mail a copy of the notice to such persons at their last recorded address no later than the time the agenda is filed under subsection (b)."

SECTION 3. Section 92-21, Hawaii Revised Statutes, is amended to read:

"Sec. 92-21 Copies of records; other costs and fees. Except as otherwise provided by law, a copy of any public document or record, including any map, plan, diagram, photograph, or photostat, which is open to the inspection of the public shall be furnished to any person applying for the same by the public officer having charge or control thereof upon the payment of the reasonable cost of reproducing such copy, which amount shall not be less than 25 cents per page, sheet, or fraction thereof. Such reproduction cost shall include, but shall not be limited to, labor cost for search and actual time for reproducing, material cost, including electricity cost, equipment cost, including rental cost, cost for certification, and other related costs. All such fees shall be paid in by the public officer receiving or collecting the same to the state director of finance or county director of finance or to the agency or department by which the officer is employed as government realizations."

SECTION 4. Section 92-51, Hawaii Revised Statutes, is amended to read:

"Sec. 92-51 Public records; available for inspection. All public records shall be available for inspection by any person during established office hours unless public inspection of such records is in violation of any other state or federal law, provided that, except where such records are open under any rule of court, the attorney general and the responsible attorneys of the various counties may determine which records in their offices may be withheld from public inspection when such records pertain to the preparation of the prosecution or defense of any action or proceeding, prior to its commencement, to which the State or county is or may be a party, or when such records do not relate to a matter in violation of law and are deemed necessary for the protection of a character or reputation of any person."

SECTION 5. Chapter 92, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"Sec. 92- Political subdivision of the State; applicability. The provisions contained in this chapter shall apply to all political subdivisions of the State. Provided, however, in the event that any political subdivision of the State shall provide by charter, ordinance or otherwise, more stringent requirements relating to mandating the openness of meetings, the more stringent provisions of said

charter, ordinance, or otherwise, shall apply.”

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 7. This Act shall take effect on July 1, 1976.

(Approved June 7, 1976.)

*Edited accordingly.