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# 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 [~~r~~]  
7 and in the board's office for public inspection [~~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. The board shall provide a copy of the time stamp  
13 upon request.

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



1 shall be considered only at a meeting continued to a reasonable  
2 day and time.

3 (e) The board shall maintain a list of names and postal or  
4 electronic mail addresses of persons who request notification of  
5 meetings and shall mail or electronically mail a copy of the  
6 notice to such persons by the means chosen by such persons at  
7 their last recorded postal or electronic mail address no later  
8 than the time the agenda is filed or electronically posted under  
9 subsection (b) [-]; provided that the board shall allow a person  
10 to continue to receive a copy of the notice via postal mail  
11 rather than electronic mail upon request of the person.

12 (f) If, between the time that a notice is filed and posted  
13 by the board and the commencement of the meeting, a board packet  
14 is distributed to board members, the board shall file the board  
15 packet in the board's office for public inspection and provide  
16 copies to persons requesting notification pursuant to section  
17 92-7(e).

18 For the purposes of this subsection, "board packet" means  
19 documents subject to disclosure under chapter 92F, that are  
20 compiled by the board and distributed to the board members  
21 before a meeting for use at that meeting."



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

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

7 (1) The board states in writing the reasons for its  
8 findings;

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

12 (3) An emergency agenda and the findings are filed [~~with~~  
13 ~~the office of the lieutenant governor or the~~  
14 ~~appropriate county clerk's office, and in the board's~~  
15 ~~office;~~] and electronically posted pursuant to section  
16 92-7(b), excluding the six calendar day filing and  
17 electronic posting requirement; and

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



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

8 (1) The board states in writing the reasons for its  
9 finding that an unanticipated event has occurred and  
10 that an emergency meeting is necessary and the  
11 attorney general concurs that the conditions necessary  
12 for an emergency meeting under this subsection exist;

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

16 (3) The finding that an unanticipated event has occurred  
17 and that an emergency meeting is necessary and the  
18 agenda for the emergency meeting under this subsection  
19 are filed [~~with the office of the lieutenant governor~~  
20 ~~or the appropriate county clerk's office, and in the~~  
21 ~~board's office,~~] and electronically posted pursuant to



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

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

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

10          SECTION 3. Section 92-9, Hawaii Revised Statutes, is  
11          amended by amending subsections (b) and (c) to read as follows:

12          "(b) The minutes shall be public records and shall be  
13          available within thirty days after the meeting except where such  
14          disclosure would be inconsistent with section 92-5; provided  
15          that minutes of executive meetings may be withheld so long as  
16          their publication would defeat the lawful purpose of the  
17          executive meeting, but no longer. Minutes from a meeting shall  
18          be publicly posted on the board's website, or if the board does  
19          not have a website, an appropriate state or county website.

20          (c) All or any part of a meeting of a board may be  
21          recorded by any person in attendance by [~~means of a tape~~



1 ~~recorder or~~ any [~~other~~] means of [~~some~~] reproduction, except  
2 when a meeting is closed pursuant to section 92-4; provided that  
3 the recording does not actively interfere with the conduct of  
4 the meeting."

5 SECTION 4. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Public Agency Meetings; Meeting Notice; Emergency Meetings

**Description:**

Allows the electronic mailing of meeting notices; requires the posting of the notice on the state or appropriate county's electronic calendar; and clarifies potential posting disputes. Adds emergency meetings to the public meeting notice requirements. (SB475 HD1)

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

