## \_\_.B. NO.\_\_\_\_\_

## A BILL FOR AN ACT

RELATING TO MEETINGS.

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

SECTION 1.  Section 92-7, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d)  No board shall change the agenda, less than six calendar days prior to the meeting, by adding items thereto without a two-thirds recorded vote of [~~all~~] the members [~~to which the board is entitled;~~] present; provided that the affirmative vote constitutes a majority of the members to which the board is entitled; and provided further that [~~no~~] an item [~~shall~~] may be added to the agenda [~~if it~~] only when:

1. It is not of reasonably major importance and action thereon by the board will not affect a significant number of persons[~~.~~]; or
2. An imminent peril to the public health, safety, or welfare requires the item to be added to the agenda as permitted by section 92-8(e).

Items of reasonably major importance not decided at a scheduled meeting shall be considered only at a meeting continued to a reasonable day and time."

SECTION 2. Section 92-8, Hawaii Revised Statutes, is amended to read as follows:

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

1. The board states in writing the reasons for its findings;
2. Two-thirds of all members [~~to which the board is entitled~~] currently appointed to the board agree that the findings are correct and an emergency exists[~~;~~], provided that the board may use telephone, electronic, or other forms of communication and shall not be required to meet to obtain its members' agreement;
3. An emergency agenda and the findings are electronically posted pursuant to section 92-7(b); provided that the six calendar day requirement for filing and electronic posting shall not apply; and
4. Persons requesting notification on a regular basis are contacted by postal or electronic mail or telephone as soon as practicable.

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

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

(2) Two-thirds of all members [~~to which the board is entitled~~] currently appointed to the board agree that the conditions necessary for an emergency meeting under this subsection exist[~~;~~], provided that the board may use telephone, electronic, or other forms of communication and shall not be required to meet to obtain its members' agreement;

(3) The finding that an unanticipated event has occurred and that an emergency meeting is necessary and the agenda for the emergency meeting under this subsection are electronically posted pursuant to section 92-7(b); provided that the six calendar day requirement for filing and electronic posting shall not apply;

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

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

(c) For purposes of this part, an "unanticipated event" means:

(1) An event which members of the board did not have sufficient advance knowledge of or reasonably could not have known about from information published by the media or information generally available in the community;

(2) A deadline established by a legislative body, a court, or a federal, state, or county agency beyond the control of a board; or

(3) A consequence of an event for which reasonably informed and knowledgeable board members could not have taken all necessary action.

(d) If electronic posting pursuant to section 92-7(b) is not possible because of a condition for which the governor has declared a state of emergency, a board may use an alternative filing method, with the concurrence of the attorney general, to give the notice required by this section.

(e) An imminent peril to the public health, safety, or welfare, that occurs after public notice of a meeting has been issued but before the scheduled meeting, may be the subject of discussion at the scheduled meeting if timely action on the matter is necessary for public health, safety, or welfare, even if the imminent peril was not on the agenda. The board may take action on the imminent peril to the same extent as permitted for an emergency meeting under this section."

SECTION 3. Section 92-83, Hawaii Revised Statutes, is repealed.

["**~~[§92-83]  Neighborhood board meeting; unanticipated events; public interest.~~**~~An unanticipated event that occurs after public notice of a neighborhood board meeting has been issued, but before the scheduled meeting, may be the subject of discussion at the scheduled meeting if timely action on the matter is necessary for public health, welfare, and safety.  At a duly noticed meeting, a board may take action on an unanticipated event in the public interest that is not on the agenda in the same manner as if the board had held an emergency meeting to take action on the issue, pursuant to section 92-8.~~"]

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

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

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

BY REQUEST