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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. 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; public inspection; notice.

5 At the time the board packet is distributed to the board  
6 members, the board shall file the board packet in the board's  
7 office for public inspection and provide notice that the board  
8 packet is available to persons requesting notification of  
9 meetings pursuant to section 92-7(e). When the board packets  
10 are filed in the board's office, the board shall provide  
11 reasonably prompt access to the board packet to any person upon  
12 request. To the greatest extent feasible, the board shall  
13 accommodate requests for electronic access to the board 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  
17 that this section shall not require public access to license



1 applications or information protected from disclosure under  
2 chapter 92F."

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

5 "§92-3 Open meetings. Every meeting of all boards shall  
6 be open to the public and all persons shall be permitted to  
7 attend any meeting unless otherwise provided in the constitution  
8 or as closed pursuant to sections 92-4 and 92-5; provided that  
9 the removal of any person or persons who wilfully disrupts a  
10 meeting to prevent and compromise the conduct of the meeting  
11 shall not be prohibited. The boards shall afford all interested  
12 persons an opportunity to submit data, views, or arguments, in  
13 writing, on any agenda item. The boards shall also afford all  
14 interested persons an opportunity to present oral testimony on  
15 any agenda item[-]; provided that oral testimony shall be  
16 allowed for each agenda item separately and at the time the item  
17 is first brought up for discussion at the meeting. The boards  
18 may provide for reasonable administration of oral testimony by  
19 rule."

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



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

18       (b) [~~The board shall file the notice in the office of the~~  
19 ~~lieutenant governor or the appropriate county clerk's office,]~~  
20 No less than six calendar days prior to the meeting, the board  
21 shall post the notice on an electronic calendar on a website



1 maintained by the State or the appropriate county and in the  
2 board's office for public inspection[, at least six calendar  
3 days before the meeting]. The notice shall also be posted at  
4 the site of the meeting whenever feasible. The board shall  
5 provide a copy of the notice to the office of the lieutenant  
6 governor or the appropriate county clerk's office at the time  
7 the notice is posted, and the office of the lieutenant governor  
8 or the appropriate clerk's office shall post paper or electronic  
9 copies of all meeting notices in a central location in a public  
10 building; provided that a failure to do so by the board, the  
11 office of the lieutenant governor, or the appropriate county  
12 clerk's office shall not require cancellation of the meeting.

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



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

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

18 (e) The board shall maintain a list of names and postal or  
19 electronic mail addresses of persons who request notification of  
20 meetings and shall mail or electronically mail a copy of the  
21 notice to [~~such~~] the persons by the means chosen by the persons



1 at their last recorded postal or electronic mail address no  
2 later than the time the agenda is [~~filed~~] required to be  
3 electronically posted under subsection (b)."

4 SECTION 4. Section 92-8, Hawaii Revised Statutes, is  
5 amended by amending subsections (a) and (b) to read as follows:

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

- 10 (1) The board states in writing the reasons for its  
11 findings;
- 12 (2) Two-thirds of all members to which the board is  
13 entitled agree that the findings are correct and an  
14 emergency exists;
- 15 (3) An emergency agenda and the findings are [~~filed with~~  
16 ~~the office of the lieutenant governor or the~~  
17 ~~appropriate county clerk's office, and in the board's~~  
18 ~~office; and~~] electronically posted pursuant to section  
19 92-7(b); provided that the six calendar day  
20 requirement for filing and electronic posting shall  
21 not apply; and



1 (4) Persons requesting notification on a regular basis are  
2 contacted by postal or electronic mail or telephone as  
3 soon as practicable.

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

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

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

19 (3) The finding that an unanticipated event has occurred  
20 and that an emergency meeting is necessary and the  
21 agenda for the emergency meeting under this subsection



1 are [~~filed with the office of the lieutenant governor~~  
2 ~~or the appropriate county clerk's office, and in the~~  
3 ~~board's office,]~~ electronically posted pursuant to  
4 section 92-7(b); provided that the six calendar day  
5 requirement for filing and electronic posting shall  
6 not apply;

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

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

14 SECTION 5. Section 92-9, Hawaii Revised Statutes, is  
15 amended by amending subsections (b) and (c) to read as follows:

16 "(b) The minutes shall be made available to the public  
17 [~~records and shall be available]~~ by posting on the board's  
18 website or, if the board does not have a website, on an  
19 appropriate state or county website within [~~thirty]~~ forty days  
20 after the meeting except where such disclosure would be  
21 inconsistent with section 92-5; provided that a written summary





1 shall accompany any minutes that are posted in a digital or  
2 analog recording format and shall include any significant  
3 actions taken by the board including motions and votes made by  
4 the board; provided further that minutes of executive meetings  
5 may be withheld so long as their publication would defeat the  
6 lawful purpose of the executive meeting, but no longer.

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

13 SECTION 6. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act shall take effect on July 1, 2050.

16



**Report Title:**

Sunshine Law; Public Agency Meetings and Records; Electronic Information; Emergency Meetings; Board Packets; Open Meetings

**Description:**

Requires board packets be made available for public inspection and provide notice of the availability of board packets. Requires boards to allow oral testimony to be presented on agenda items separately and at the time the item is first brought up for discussion at the meeting. Establishes notice and disclosure requirements for emergency meetings. Clarifies notice filing requirements, allows electronic mailing of meeting notices, and requires electronic posting of meeting notices, cancellation notices, and meeting minutes. Effective 7/1/2050. (SD1)

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

