

ACT 13

H.B. NO. 1863

A Bill for an Act Relating to Public Agency Meetings.

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

SECTION 1. The legislature finds that, during each month, a number of notices of public agency meetings are filed late under the Hawaii Sunshine Law, part I of chapter 92, Hawaii Revised Statutes. Section 92-7, Hawaii Revised Statutes, provides that a "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 six calendar days before the meeting." Emergency meetings are exempt under section 92-8, Hawaii Revised Statutes, when "an imminent peril to the public health, safety, or welfare requires a meeting in less time than" the six calendar days. When a notice, other than a notice for an emergency meeting, is filed late, the meeting must be rescheduled. However, section 92-7 does not expressly provide for notification of a tardy filing of a public agency meeting notice. Consequently, boards may hold meetings which cannot be held under the Sunshine Law.

The purpose of this Act is to ensure that meetings are not held without proper notice.

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

"§92-7 Notice. (a) The board shall give written public notice of any regular, special, or rescheduled meeting, or any executive meeting when anticipated in advance. 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, and in the case of an executive meeting the purpose shall be stated.

(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 six calendar days before the meeting. The notice shall also be posted at the site of the meeting whenever feasible.

(c) If the written public notice is filed in the office of the lieutenant governor or the appropriate county clerk's office less than six calendar days before the meeting, the lieutenant governor or the appropriate county clerk shall immediately notify the chairperson of the board, or the director of the department within which the board is established or placed, of the tardy filing of the meeting notice. The meeting shall be canceled as a matter of law, the chairperson or the director shall ensure that a notice canceling the meeting is posted at the place of the meeting, and no meeting shall be held.

(d) 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 if it is of reasonably major importance and action thereon by the board will affect a significant number of persons. 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.

[(c)] (e) 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. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 1995.

(Approved April 7, 1995.)