
A BILL FOR AN ACT

RELATING TO ELECTRONIC INFORMATION.

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

1 SECTION 1. The legislature finds that under existing law,
2 Hawaii's government agencies, boards, commissions, and
3 committees are required to give written public notice of any
4 regular, special, or rescheduled meeting, including an agenda
5 and the date, time, and place of the meeting. The minutes of
6 the meeting are considered a public record and required to be
7 available to the public within thirty days following the
8 meeting.

9 However, existing law does not require electronic posting
10 of these public notices and records and a recent informal review
11 of state and county agencies found that many do not post their
12 agendas and meeting minutes online, or are inconsistent in the
13 postings.

14 The legislature further finds that technology and
15 electronic posting can help facilitate public access, while at
16 the same time reduce costs associated with the printing and
17 duplication of paper copies of these documents. Efforts are
18 underway throughout state and county government to reduce the



1 use of hard-copy documents, improve public access to government
2 records, and facilitate communication through technology.

3 The purpose of this Act is to support these efforts by:

4 (1) Eliminating the requirement to post hard-copy notices
5 of public meetings with the lieutenant governor's
6 office;

7 (2) Requiring all government agencies, boards,
8 commissions, and committees to post electronic copies
9 of their agendas, minutes, and related documents
10 online, except in situations involving technical
11 difficulties, during which the posting of hard-copy
12 notices is required; and

13 (3) Encouraging state agencies to broadcast their
14 proceedings online.

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

17 "**§92-7 Notice.** (a) The board shall give written public
18 notice of any regular, special, emergency, or rescheduled
19 meeting, or any executive meeting when anticipated in advance.
20 The notice shall include an agenda [~~which~~] that lists all of the
21 items to be considered at the forthcoming meeting, the date,
22 time, and place of the meeting, and in the case of an executive



1 meeting the purpose shall be stated. The means specified by
2 this section shall be the only means required for giving notice
3 under this part, notwithstanding any law to the contrary.

4 (b) The board shall [~~file~~] post the notice [~~in the office~~
5 ~~of the lieutenant governor or the appropriate county clerk's~~
6 ~~office,~~] on the electronic calendar maintained on the State of
7 Hawaii's internet website or on the appropriate county's
8 internet website, on the website of the board or the website of
9 the department within which the board is established if the
10 board does not have a website, and in the board's office for
11 public inspection, at least six calendar days before the
12 meeting. The notice shall also be posted at the [site] location
13 of the meeting whenever feasible. In the event that a board is
14 unable to post its notice on an electronic calendar because of
15 an interruption in service that prevents access to the
16 electronic calendar, the board shall file the notice in the
17 office of the lieutenant governor if a state board, or in the
18 appropriate county clerk's office if a county board. The office
19 of the lieutenant governor or the appropriate county clerk's
20 office shall then post the notice on the state or county
21 electronic calendar as soon as service is restored.



1 (c) If the written public notice is [~~filed in the office~~
2 ~~of the lieutenant governor~~] not posted on the State of Hawaii's
3 internet website or the appropriate [~~county clerk's office less~~
4 ~~than~~] county's internet website at least six calendar days
5 before the meeting, the [~~lieutenant governor or the appropriate~~
6 ~~county clerk shall immediately notify the chairperson of the~~
7 ~~board, or the director of the department within which the board~~
8 ~~is established or placed, of the tardy filing of the meeting~~
9 ~~notice.~~ The] board's electronic notice shall be rejected by the
10 electronic calendar. If there is a dispute as to whether a
11 notice was timely filed on an electronic calendar, a printout of
12 the electronically time-stamped agenda shall be conclusive
13 evidence of the filing date. If a meeting notice is filed late,
14 the meeting shall be canceled as a matter of law, and the
15 chairperson of the board or the department director shall ensure
16 that a notice canceling the meeting is posted in the board's
17 office, and whenever feasible, at the [place] location of the
18 meeting, and no meeting shall be held.

19 (d) No board shall change the agenda, once [~~filed,~~]
20 posted, by adding items thereto without a two-thirds recorded
21 vote of all members to which the board is entitled; provided
22 that no item shall be added to the agenda if it is of reasonably



1 major importance and action thereon by the board will affect a
2 significant number of persons. Items of reasonably major
3 importance not decided at a scheduled meeting shall be
4 considered only at a meeting continued to a reasonable day and
5 time.

6 (e) The board shall maintain a list of names and addresses
7 of persons who request notification of meetings and shall ~~[mail]~~
8 transmit a copy of the notice to ~~[such]~~ these persons at their
9 last recorded mailing or electronic mailing address ~~[no later~~
10 ~~than the time the agenda is filed under subsection (b).]~~ at
11 least six calendar days before the meeting."

12 SECTION 3. Section 92-8, Hawaii Revised Statutes, is
13 amended by amending subsections (a) and (b) to read as follows:

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

18 (1) The board states in writing the reasons for its
19 findings;

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



1 (3) An emergency agenda and the findings are [~~filed with~~
2 ~~the office of the lieutenant governor or the~~
3 ~~appropriate county clerk's office, and in the board's~~
4 ~~office,~~] posted as required for notices under section
5 92-7; and

6 (4) Persons requesting notification on a regular basis are
7 contacted by mail, electronic mail, or telephone as
8 soon as practicable.

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

16 (1) The board states in writing the reasons for its
17 finding that an unanticipated event has occurred and
18 that an emergency meeting is necessary and the
19 attorney general if a state board, or the county
20 counsel if a county board, concurs that the conditions
21 necessary for an emergency meeting under this
22 subsection exist;



- 1 (2) Two-thirds of all members to which the board is
2 entitled agree that the conditions necessary for an
3 emergency meeting under this subsection exist;
- 4 (3) The finding that an unanticipated event has occurred
5 and that an emergency meeting is necessary and the
6 agenda for the emergency meeting under this subsection
7 are [~~filed with the office of the lieutenant governor~~
8 ~~or the appropriate county clerk's office, and in the~~
9 ~~board's office;~~] posted as required for notices under
10 section 92-7;
- 11 (4) Persons requesting notification on a regular basis are
12 contacted by mail, electronic mail, or telephone as
13 soon as practicable; and
- 14 (5) The board limits its action to only that action which
15 must be taken on or before the date that a meeting
16 would have been held, had the board noticed the
17 meeting pursuant to section 92-7."

18 SECTION 4. Section 92-9, Hawaii Revised Statutes, is
19 amended by amending subsections (a) and (b) to read as follows:

20 "(a) The board shall keep written minutes of all meetings.
21 Unless otherwise required by law, neither a full transcript nor
22 a recording of the meeting is required, but the written minutes



1 shall give a true reflection of the matters discussed at the
2 meeting and the views of the participants. The minutes shall
3 include~~[r]~~ but ~~[need]~~ not be limited to:

- 4 (1) The date, time and ~~[place]~~ location of the meeting;
- 5 (2) The members of the board recorded as either present or
6 absent;
- 7 (3) The substance of all matters proposed, discussed, or
8 decided; and a record, by individual member, of any
9 votes taken; ~~[and]~~
- 10 (4) Any other information that any member of the board
11 requests be included or reflected in the minutes~~[r]~~;
12 and
- 13 (5) For a state board, any written materials distributed
14 to the board at the meeting, to the extent that such
15 materials would be required to be disclosed under part
16 II of chapter 92F and that physical copies of such
17 materials shall not be required if they are
18 electronically posted on the website as required under
19 subsection (b).

20 (b) The minutes shall be public records and for state
21 boards, shall be [available] posted on the website of the board
22 or the website of the department within which the board is

1 established if the board does not have a website, within thirty
 2 days after the meeting except where such disclosure would be
 3 inconsistent with section 92-5; provided that minutes of
 4 executive meetings may be withheld so long as their publication
 5 would defeat the lawful purpose of the executive meeting, but no
 6 longer."

7 SECTION 5. Section 92-41, Hawaii Revised Statutes, is
 8 amended to read as follows:

9 "**§92-41 Giving public notices.** Notwithstanding any law to
 10 the contrary, all governmental agencies scheduling a public
 11 hearing shall [~~give~~] post public notice [~~in~~] on the website of
 12 the county affected by the proposed action, to inform the public
 13 of the date, time, [~~place,~~] location, and subject matter of the
 14 public hearing. This requirement shall prevail whether or not
 15 the governmental agency giving notice of public hearing is
 16 specifically required by law, and shall be in addition to other
 17 procedures required by law."

18 SECTION 6. Statutory material to be repealed is bracketed
 19 and stricken. New statutory material is underscored.

20 SECTION 7. This Act shall take effect on July 1, 2050;
 21 provided that section 4 shall take effect on July 1, 2012.



Report Title:

Public Meetings; Electronic Posting of Agendas and Minutes

Description:

Eliminates the requirement to file hard-copy notices of public meetings with the office of the lieutenant governor or county clerk; requires the notice to be posted on the electronic calendar maintained on the State of Hawaii's internet website or appropriate county's internet website, on the website of the board or the website of the department within which the board is established if the board does not have a website; requires all government agencies, boards, commissions, and committees to post electronic copies of their agendas and minutes online, and for a state board, any written materials distributed to the board at the meeting, to the extent that such materials would be required to be disclosed, and transmit electronic copies or hard copies, of meeting notices to persons who request notification.
Effective 7/1/2050. (SD1)

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