

SENATE FLOOR AMENDMENT

FLOOR AMENDMENT NO. 5 Date APR 14 2009

TO: House Bill No. 1148, H.D. 1

Section 1. House Bill No. 1148, H.D. 1, is amended by amending section 3 to read as follows:

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

"(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 agree that the findings are correct and an emergency exists;
- (3) An emergency agenda and the findings are filed [~~with the office of the lieutenant governor or the appropriate county clerk's office, and in the board's office, and~~] at the locations or in the manner specified for notices in section 92-7; and
- (4) Persons requesting notification on a regular basis are contacted by [~~mail or~~] telephone or their requested method of notification as soon as practicable[-]; provided that the requested method of notification has been established by the board.

(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 agree that the conditions necessary for an emergency meeting under this subsection exist;
- ~~[-(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 filed with the office of the lieutenant governor or the appropriate county clerk's office, and in the board's office,]~~

- (3) An emergency agenda and the findings are filed at the locations or in the manner specified for notices in section 92-7;
- (4) Persons requesting notification on a regular basis are contacted by [~~mail or~~] telephone or their requested method of notification as soon as practicable; provided that the requested method of notification has been established by the board; and
- (5) The board limits its action to only that action which 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."

Offered by:



Carried

Failed to Carry

Withdrawn

