

JAN 26 2009

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**A BILL FOR AN ACT**

RELATING TO PUBLIC AGENCY MEETINGS.

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

1           SECTION 1. Section 92-8, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

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

10           (1) The board states in writing the reasons for its  
11 finding that an unanticipated event has occurred and  
12 that an emergency meeting is necessary and the  
13 ~~[attorney general]~~ director of the office of  
14 information practices concurs that the conditions  
15 necessary for an emergency meeting under this  
16 subsection exist;

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- 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;
- 10 (4) Persons requesting notification on a regular basis are
- 11 contacted by [~~mail or~~] telephone or their requested
- 12 method of notification as soon as practicable; and
- 13 (5) The board limits its action to only that action which
- 14 must be taken on or before the date that a meeting
- 15 would have been held, had the board noticed the
- 16 meeting pursuant to section 92-7."

17 SECTION 2. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 3. This Act shall take effect upon its approval.

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21 INTRODUCED BY: \_\_\_\_\_

22 BY REQUEST

**Report Title:**

Public Meetings; Emergency Meetings; Information Practices

**Description:**

Requires that, in order for a board to hold an emergency meeting, the board must obtain concurrence from the Director of the Office of Information Practices to the board's finding that the conditions necessary for an emergency meeting exist.

JUSTIFICATION SHEET

DEPARTMENT: OFFICE OF THE LIEUTENANT GOVERNOR,  
OFFICE OF INFORMATION PRACTICES

TITLE: A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS.

PURPOSE: The purpose of this bill is to require boards to obtain concurrence from the Director of the Office of Information Practices (OIP) in order to hold emergency meetings concerning unanticipated events and to transfer the responsibility for issuing concurrence from the Attorney General to the OIP Director.

MEANS: Amend section 92-8, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Currently, under the Sunshine Law, which is part I of chapter 92, HRS, a board is authorized to hold an emergency meeting when it finds an emergency meeting is necessary to respond to either: (1) an imminent peril to the public health, safety, or welfare, or (2) an unanticipated event. In order to hold an emergency meeting in response to an unanticipated event, a board currently must obtain the concurrence of the Attorney General that the prerequisites for an emergency meeting exist. The OIP Director is currently responsible for providing concurrence when a board finds it necessary to hold a limited meeting. Transferring to the OIP Director the responsibility for providing concurrence for emergency meetings will avoid any possible confusion as to which official has this responsibility for either emergency meetings or limited meetings, and is consistent with the OIP Director's responsibility to administer the Sunshine Law.

Impact on the general public: There will no longer be possible confusion as to which

official has the authority to concur with a board's finding that an emergency meeting is necessary.

Impact on the department and other agencies:  
The Attorney General will be relieved of the responsibility of concurrence under the emergency meetings section of the Sunshine Law. Responsibility is transferred to OIP, consistent with its administration of the Sunshine Law.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: LTG-105.

OTHER AFFECTED  
AGENCIES: All state and county boards and commissions.

EFFECTIVE DATE: Upon approval.