

JAN 21 2010

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# A BILL FOR AN ACT

RELATING TO EMERGENCY MEETINGS.

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

1           SECTION 1. The legislature finds that timely notice of  
2 public agency board meetings is imperative for transparency and  
3 citizen participation in government. At the same time, the  
4 legislature recognizes that boards often need to submit comments  
5 or written testimony on proposed legislation while the  
6 legislature is in session. Legislative deadlines sometimes  
7 require quick input, making it difficult if not impossible to  
8 comply with the meeting notice requirements.

9           Chapter 92, Hawaii Revised Statutes, also known as the  
10 sunshine law, currently allows a board to hold an emergency  
11 meeting to deliberate upon unanticipated and time-sensitive  
12 matters, including a situation in which a board needs to take a  
13 position on proposed legislation before its next regularly  
14 scheduled meeting, if the attorney general reviews and concurs  
15 with the board's request for an emergency meeting. This step  
16 can be cumbersome in a time-sensitive matter because of the  
17 attorney general's large area of responsibility. The



1 legislature finds that, as the office of information practices  
2 specializes in public agency law, it is better equipped to  
3 quickly evaluate sunshine law issues in time-sensitive  
4 situations.

5 The purpose of this Act is to expedite the process by which  
6 a board may hold emergency meetings by requiring concurrence of  
7 the office of information practices rather than the attorney  
8 general. With enactment of this Act, the legislature finds that  
9 Act 24, Session Laws of Hawaii 2009, which amended section  
10 302A-1106, Hawaii Revised Statutes, by establishing an exception  
11 to the sunshine law for the board of education to hold emergency  
12 meetings regarding legislation without requiring written  
13 findings or the attorney general's concurrence, is no longer  
14 needed and should be repealed.

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

17 "(b) If an unanticipated event requires a board to take  
18 action on a matter over which it has supervision, control,  
19 jurisdiction, or advisory power, within less time than is  
20 provided for in section 92-7 to notice and convene a meeting of  
21 the board, the board may hold an emergency meeting to deliberate



1 and decide whether and how to act in response to the  
2 unanticipated event; provided that:

3 (1) The board states in writing the reasons for its  
4 finding that an unanticipated event has occurred and  
5 that an emergency meeting is necessary and the  
6 [~~attorney general~~] office of information practices  
7 concurs that the conditions necessary for an emergency  
8 meeting under this subsection exist;

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

12 (3) The finding that an unanticipated event has occurred  
13 and that an emergency meeting is necessary and the  
14 agenda for the emergency meeting under this subsection  
15 are filed with the office of the lieutenant governor  
16 or the appropriate county clerk's office, and in the  
17 board's office;

18 (4) Persons requesting notification on a regular basis are  
19 contacted by mail or telephone as soon as practicable;  
20 and

21 (5) The board limits its action to only that action which  
22 must be taken on or before the date that a meeting



1           would have been held, had the board noticed the  
2           meeting pursuant to section 92-7."

3           SECTION 3. Section 302A-1106, Hawaii Revised Statutes, is  
4 amended to read as follows:

5           "**§302A-1106 Organization; quorum; meetings.** [~~(a)~~] The  
6 board shall elect from its own membership a chairperson and a  
7 vice-chairperson. A majority of all members to which the board  
8 is entitled shall constitute a quorum to do business and the  
9 concurrence of a majority of all members to which the board is  
10 entitled shall be necessary to make any action of the board  
11 valid; provided that due notice shall have been given to all  
12 members of the board or a bona fide attempt shall have been made  
13 to give due notice to all members of the board to whom it was  
14 reasonably practicable to give due notice. Meetings shall be  
15 called and held, at the call of the chairperson or by a quorum,  
16 as often as may be necessary for the transaction of the  
17 department's business.

18           ~~[(b) Chapter 92 notwithstanding, from the convening of the~~  
19 ~~legislature in regular session to adjournment sine die of each~~  
20 ~~regular session, and during each special session of the~~  
21 ~~legislature, the board may file any notice that specifies only~~



1 ~~legislation or legislation related agenda items, no fewer than~~  
2 ~~two calendar days before the meeting.] "~~

3 SECTION 4. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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**Report Title:**

Emergency Meeting Notices; Boards

**Description:**

Requires concurrence from office of information practices rather than attorney general for board to hold emergency meeting for unanticipated event.

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

