A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS.

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

- 1 SECTION 1. In expressing the purpose underlying the open
- 2 meetings sunshine law and the uniform information practices act,
- 3 the legislature stated that opening up governmental processes to
- 4 public scrutiny and participation is the only viable and
- 5 reasonable method of protecting the public's interest.
- 6 Therefore, it is the policy of this State that the discussions,
- 7 deliberations, decisions, and actions of governmental agencies
- 8 in formulating and implementing public policy should be
- 9 conducted as openly as possible.
- 10 The foregoing notwithstanding, the judiciary is exempted
- 11 from application of the open meetings sunshine law. This
- 12 exemption extends to the judiciary's adjudicatory functions, as
- 13 well as its nonadjudicatory functions, including, for example,
- 14 the nonadjudicatory, administrative functions relating to task
- 15 forces and working study groups connected to the judiciary.
- 16 In contrast, the judiciary is not entirely exempted from
- 17 application of the uniform information practices act. Instead,

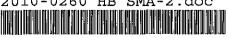


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    in applying that law, a distinction was made between the
    judiciary's adjudicatory, nonadministrative functions and its
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    nonadjudicatory, administrative functions. The uniform
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    information practices act accordingly requires the public
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    disclosure of judiciary records, but limits the disclosure to
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    the judiciary's administrative records.
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         The legislature finds that a similar principle should be
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    employed in applying the open meetings sunshine law to boards
    under the judiciary. The purpose of this Act is to require the
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    open meetings sunshine law to apply to the nonadjudicatory
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    functions of boards under the judiciary.
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         SECTION 2. Section 92-2, Hawaii Revised Statutes, is
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    amended by amending the definition of "board" to read as
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    follows:
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         "(1) "Board" means any agency, board, commission,
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              authority, or committee of the State or its political
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              subdivisions, including the judiciary, which is
              created by constitution, statute, rule, court order,
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              or executive order, to have supervision, control,
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              jurisdiction or advisory power over specific matters
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              and which is required to conduct meetings and to take
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              official actions."
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H.B. NO. 1935

| 1 | SECTION 3. | Section 92-6, Hawaii Revised Statutes, is |
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| 2 | amended by amend | ing subsection (a) to read as follows: |
| 3 | "(a) This | part shall not apply: |
| 4 | (1) To the | adjudicatory functions of the judicial branch. |
| 5 | (2) To adj | udicatory functions exercised by a board and |
| 6 | govern | ed by sections 91-8 and 91-9, or authorized by |
| 7 | other | sections of the Hawaii Revised Statutes. In th |
| 8 | applic | ation of this subsection, boards exercising |
| 9 | adjudi | catory functions include, but are not limited |
| 10 | to, th | e following: |
| 11 | (A) H | awaii labor relations board, chapters 89 and |
| 12 | 3 | 77; |
| 13 | (B) L | abor and industrial relations appeals board, |
| 14 | c | hapter 371; |
| 15 | (C) H | awaii paroling authority, chapter 353; |
| 16 | (D) C | ivil service commission, chapter 26; |
| 17 | (E) B | oard of trustees, employees' retirement system |
| 18 | 0 | f the State of Hawaii, chapter 88; |
| 19 | (F) C | rime victim compensation commission, chapter |
| 20 | 3 | 51; and |
| 21 | (G) S | tate ethics commission, chapter 84." |

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         SECTION 4. Section 92-7, Hawaii Revised Statutes, is
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    amended by amending subsections (b) and (c) to read as follows:
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               The board shall file the notice in the office of the
    lieutenant governor or the appropriate county clerk's office,
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    and in the board's office for public inspection [-]; provided
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    that the notice for a board of the judiciary shall be filed in
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    the office of the supreme court or with the appropriate circuit
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    court clerk in the circuit where the meeting is to be held.
    notice shall be filed at least six calendar days before the
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    meeting.
              The notice shall also be posted at the site of the
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    meeting whenever feasible.
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              If the written public notice under subsection (b) is
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    filed [in the office of the licutenant governor or the
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    appropriate county-clerk's office] less than six calendar days
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    before the meeting, the lieutenant governor or the appropriate
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    county clerk, or in the case of a board of the judiciary, the
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    administrative director of the courts or the appropriate circuit
    court clerk shall immediately notify the chairperson of the
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    board, or the director of the department within which the board
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    is established or placed, of the tardy filing of the meeting
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    notice. The meeting shall be canceled as a matter of law, the
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    chairperson or the director shall ensure that a notice canceling
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H.B. NO. 1935

- 1 the meeting is posted at the place of the meeting, and no
- 2 meeting shall be held."
- 3 SECTION 5. Statutory material to be repealed is bracketed
- 4 and stricken. New statutory material is underscored.
- 5 SECTION 6. This Act shall take effect on July 1, 2010.

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INTRODUCED BY:

JAN 1 5 2010

Report Title:

Judiciary Open Meetings; Nonadjudicatory Functions

Description:

Makes boards of the judicial branch subject to open meetings sunshine law in nonadjudicatory functions.

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