
A BILL FOR AN ACT

RELATING TO EMERGENCY RULES BY AGENCIES.

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

1 SECTION 1. Periodically, changes to controlling law may
2 require immediate alterations to long-standing statutes,
3 regulations, or agency practices. The issuance of federal
4 decisions may affect any regulated area, at any time, including
5 when the legislature is not in session, and require both
6 specialized skill in interpretation of Hawaii law, and rapidity
7 of response on an emergency basis to prevent impairment of
8 important rights.

9 The purpose of this Act is to allow agencies to adopt
10 emergency rules for immediate adaptation of Hawaii law to
11 federal law, or other overarching Hawaii law, while preserving
12 unmodified values and goals of Hawaii law. The language is
13 intended to be broad enough to allow agencies to react rapidly
14 to any federal or Hawaii case or statute affecting any aspect of
15 the agency's jurisdiction or administered statutes. The
16 enactment of emergency regulations may stabilize the situation



1 sufficiently for the agency or the legislature to pursue more
2 enduring solutions with appropriate deliberation.

3 SECTION 2. Section 91-3, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) Notwithstanding the foregoing, if an agency finds
6 that an imminent peril to the public health, safety, or morals,
7 to livestock and poultry health, or to natural resources
8 requires adoption, amendment, or repeal of a rule upon less than
9 thirty days' notice of hearing, and states in writing its
10 reasons for such finding, it may proceed without prior notice or
11 hearing or upon such abbreviated notice and hearing, including
12 posting the abbreviated notice and hearing on the Internet as
13 provided in section 91-2.6, as it finds practicable to adopt an
14 emergency rule to be effective for a period of not longer than
15 one hundred twenty days without renewal. An agency also may, in
16 a similar manner, adopt emergency rules, where new federal or
17 state legislation or court decisions disrupt prior practice
18 under the administered statute, and adoption of an emergency
19 rule is urgently needed to:

20 (1) Conform existing statutes and rules to new
21 requirements;



- 1 (2) Implement newly-established rights;
- 2 (3) Clarify existing statutes and prevent confusion among
- 3 those regulated;
- 4 (4) Stabilize the regulated industry or endeavor;
- 5 (5) Avoid disruption of governmental or industrial
- 6 operations;
- 7 (6) Facilitate orderly agency or legislative study of the
- 8 consequences;
- 9 (7) Reinforce or preserve the unmodified goals of the
- 10 administered statute; or
- 11 (8) At least temporarily resolve some practical problem
- 12 created by the new federal or state legislation or
- 13 court decisions."

14 SECTION 3. Section 91-4, Hawaii Revised Statutes, is
 15 amended by amending subsection (b) to read as follows:

16 "(b) Each rule hereafter adopted, amended, or repealed
 17 shall become effective ten days after filing with the lieutenant
 18 governor in the case of the State, or with the respective county
 19 clerks in the case of the counties; provided that:

- 20 (1) If a later effective date is required by statute or
- 21 specified in the rule, the later date shall be the



1 effective date; provided further that no rule shall
2 specify an effective date in excess of thirty days
3 after the filing of the rule as provided herein; and
4 (2) An emergency rule shall become effective upon filing
5 with the lieutenant governor in the case of the State,
6 or with the respective county clerks in the case of
7 the counties, for a period of not longer than one
8 hundred twenty days without renewal unless extended in
9 compliance with section 91-3(b) if the agency finds
10 that immediate adoption of the rule is necessary
11 [~~because of imminent peril to the public health,~~
12 ~~safety, or morals, or to natural resources~~]. The
13 agency's finding and brief statement of the reasons
14 therefor shall be incorporated in the rule as filed.
15 The agency shall make an emergency rule known to
16 persons who will be affected by it by publication at
17 least once in a newspaper of general circulation in
18 the State for state agencies and in the county for
19 county agencies within five days from the date of
20 filing of the rule."



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

3 SECTION 5. This Act shall take effect on January 1, 2050.



Report Title:

Emergency Rules; Public Proceedings and Records

Description:

Authorizes agencies to adopt specified emergency rules to lessen disruptions to prior practices caused from changes to federal or Hawaii legislation or court decisions. (HB1932 HD1)

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

