

---

---

# A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE PROCEDURE.

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

1           SECTION 1. The legislature finds that current law requires  
2 that there be a "quorum" to do business and to vote on official  
3 business. In practice a quorum means there must be a majority  
4 of the membership present at the meeting to transact business.  
5 Such a practice does not allow for unfilled vacancies, which  
6 means the board cannot meet at all if there are too many  
7 vacancies, and it hinders voting.

8           Some boards and commissions run into difficulties making  
9 quorum when they have too many unfilled vacancies. This  
10 occasionally happens with neighborhood boards when people  
11 elected to the board resign, and it takes several meetings  
12 before a replacement can be chosen. During this period, no  
13 meetings can be held and no business transacted.

14           The purpose of this Act is to define a quorum to hold a  
15 meeting and to take a vote to exclude vacancies.

16           SECTION 2. Section 92-15, Hawaii Revised Statutes, is  
17 amended to read as follows:



1           " ~~[§92-15]~~ **Boards and commissions; quorum; number of**  
2 **votes necessary to validate acts.** Whenever the number of  
3 members necessary to constitute a quorum to do business, or the  
4 number of members necessary to validate any act, of any board or  
5 commission of the State or of any political subdivision thereof,  
6 is not specified in the law or ordinance creating the same or in  
7 any other law or ordinance, ~~[a majority of]~~ all the members to  
8 which the board or commission is statutorily entitled minus  
9 vacancies shall constitute a quorum to do business, and the  
10 concurrence of a majority of all the members to which the board  
11 or commission is statutorily entitled minus vacancies shall be  
12 necessary to make any action of the board or commission valid;  
13 provided that due notice shall have been given to all members of  
14 the board or commission or a bona fide attempt shall have been  
15 made to give the notice to all members to whom it was reasonably  
16 practicable to give the notice. This section shall not  
17 invalidate any act of any board or commission performed prior to  
18 April 20, 1937, which, under the general law then in effect,  
19 would otherwise be valid."

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 Statutory material to be repealed is bracketed  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



1 SECTION 4. This Act shall take effect upon its approval.

2 INTRODUCED BY: *He [Signature]*

# SB. NO. 2712

**Report Title:**

Public Meetings; Quorum

**Description:**

Clarifies quorum requirement under sunshine law to allow for action to be taken by majority of members who have been appointed.

