



GOV. MSG. NO. 646

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

April 18, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on April 18, 2008, the following bill was signed into law:

SB2258 SD1

A BILL FOR AN ACT RELATING TO THE WIRELESS
ENHANCED 911 BOARD.
(ACT 22)

Sincerely,

JAMES R. AIONA, JR.
Acting Governor

A BILL FOR AN ACT

RELATING TO THE WIRELESS ENHANCED 911 BOARD.

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

1 SECTION 1. The legislature finds that the wireless
2 enhanced 911 board is unique among state boards and commissions
3 by allowing a quorum to be established either in person or by
4 proxy, and allowing a member to vote by written proxy submitted
5 to the board. According to the posted minutes for the monthly
6 meetings held from January through November 2007, proxy
7 designations were assigned at all eleven meetings. The
8 legislature further finds that of the six members required for a
9 quorum, three of the six members are statutorily required to be
10 representatives of the wireless providers and three are
11 statutorily required to be representatives of public safety
12 answering points. Allowing a vote by proxy, while requiring
13 specific representation, is contrary to the intent of
14 representation.

15 The purpose of this Act is to require that quorum be met by
16 a member's physical presence at a meeting, to permit quorum to



1 be met by the physical presence of any six members of the board,
2 and to delete the proxy authorization for quorum and for voting.

3 SECTION 2. Section 138-2, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§138-2 Wireless enhanced 911 board.** (a) There is
6 created within the department of accounting and general
7 services, for administrative purposes, a wireless enhanced 911
8 board consisting of eleven voting members; provided that the
9 membership shall consist of:

- 10 (1) The comptroller or the comptroller's designee;
- 11 (2) Three representatives from wireless providers, who
12 shall be appointed by the governor as provided in
13 section 26-34, except as otherwise provided by law;
- 14 (3) One representative each from the public safety
15 answering points for Oahu, Hawaii, Kauai, Maui, and
16 Molokai, who shall be appointed by the governor, as
17 provided in section 26-34, except as otherwise
18 provided by law, from a list of five names submitted
19 by each respective public safety answering point;
- 20 (4) The consumer advocate or the consumer advocate's
21 designee; and



1 (5) One representative of the current wireline provider of
2 enhanced 911.

3 (b) Six members [~~either in person or by proxy, pursuant to~~
4 ~~subsection (g),~~] shall constitute a quorum, whose affirmative
5 vote shall be necessary for all actions by the board[~~, provided~~
6 ~~that three of the six members constituting a quorum shall be~~
7 ~~representatives of the wireless providers and three shall be~~
8 ~~representatives of public safety answering points, except as~~
9 ~~provided in section 138-8(e)~~].

10 (c) The chairperson of the board shall be elected by the
11 members of the board by simple majority and shall serve a term
12 of one year.

13 (d) The board shall meet upon the call of the chairperson,
14 but not less than quarterly.

15 (e) The members representing wireless providers shall be
16 appointed by the governor for terms of two years, except that
17 terms of the two members initially appointed shall be for
18 eighteen months.

19 (f) Each member shall hold office until the member's
20 successor is appointed and qualified. Section 26-34 shall apply
21 only insofar as it relates to succession, vacancies, and
22 suspension of board members, and as provided in subsection (a).



1 ~~[(g)] A member may vote by proxy submitted in writing to~~
2 ~~the board.~~

3 ~~(h)]~~ (g) The members shall serve without compensation.
4 Members shall be entitled to reimbursements from the wireless
5 enhanced 911 fund for reasonable traveling expenses incurred in
6 connection with the performance of board duties.

7 ~~[(i)]~~ (h) The board or its chairperson, with the approval
8 of the board, may retain independent, third-party accounting
9 firms, consultants, or other third party to:

10 (1) Create reports, make payments into the fund, process
11 checks, and make distributions from the fund, as
12 directed by the board and as allowed by this chapter;
13 and

14 (2) Perform administrative duties necessary to administer
15 the fund or oversee operations of the board, including
16 providing technical advisory support.

17 ~~[(j)]~~ (i) The board shall develop reasonable procedures to
18 ensure that all wireless providers receive adequate notice of
19 board meetings and information concerning board decisions."

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

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



S.B. NO. 2258
S.D. 1

APPROVED this 18 day of APR, 2008



JAMES R. AIONA JR.

~~ACTING GOVERNOR~~

GOVERNOR OF THE STATE OF HAWAII