

JAN 24 2007

A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS.

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

1 SECTION 1. Chapter 92, Hawaii Revised Statutes, is amended
2 by adding a new section to part I to be appropriately designated
3 and to read as follows:

4 "§92- Conduct of meetings. (a) A board, established
5 for the purpose of allowing the public to submit extemporaneous
6 testimony relating to matters not specifically on an agenda, may
7 receive testimony under a broad agenda item; provided that the
8 board minutes are recorded; and provided further that there
9 shall be no deliberation and no vote taken on the matter not
10 included on the agenda at that meeting.

11 (b) A board under subsection (a) may verbally amend a
12 notice of a meeting at that same meeting to add an item to the
13 agenda for action, by a unanimous vote of the members present,
14 if:

15 (1) The public interest requires immediate action so that
16 the matter cannot await the next meeting, including



1 but not limited to, matters concerning health and
2 safety; and

3 (2) The board was not reasonably able to place the item on
4 the board's noticed agenda.

5 (c) Two or more members of a board, but less than a
6 majority of all the members to which a board is entitled, may
7 attend meetings held by other organizations; provided that the
8 board members shall not deliberate on those matters discussed in
9 other meetings that may come before the board for action."

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

12 "[-]§92-15[+] **Boards and commissions; quorum; number of**
13 **votes necessary to validate acts.** (a) Whenever the number of
14 members necessary to constitute a quorum to do business, or the
15 number of members necessary to validate any act, of any board or
16 commission of the State or of any political subdivision thereof,
17 is not specified in the law or ordinance creating the same or in
18 any other law or ordinance, a majority of all the members to
19 which the board or commission is entitled shall constitute a
20 quorum to do business, and the concurrence of a majority of all
21 the members to which the board or commission is entitled shall
22 be necessary to make any action of the board or commission



1 valid; provided that due notice shall have been given to all
2 members of the board or commission or a bona fide attempt shall
3 have been made to give the notice to all members to whom it was
4 reasonably practicable to give the notice. This section shall
5 not invalidate any act of any board or commission performed
6 prior to April 20, 1937, which, under the general law then in
7 effect, would otherwise be valid.

8 (b) If a duly noticed meeting pursuant to section 92-7 is
9 held, and if a quorum is not present for the meeting under
10 section 92-15, a meeting may nonetheless proceed; provided that
11 the board minutes are recorded; and provided further that there
12 shall be no deliberation and no vote shall be taken on matters
13 presented at that meeting."

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

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

17

INTRODUCED BY: 

Report Title:

Sunshine Law; Meeting Requirements

Description:

Enacts new provisions in the open meetings law to facilitate the transacting of business.

