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# 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, and to delete the  
17 proxy authorization for quorum and for voting.



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

3 "§138-2 Wireless enhanced 911 board. (a) There is  
4 created within the department of accounting and general  
5 services, for administrative purposes, a wireless enhanced 911  
6 board consisting of eleven voting members; provided that the  
7 membership shall consist of:

- 8 (1) The comptroller or the comptroller's designee;
- 9 (2) Three representatives from wireless providers, who  
10 shall be appointed by the governor as provided in  
11 section 26-34, except as otherwise provided by law;
- 12 (3) One representative each from the public safety  
13 answering points for Oahu, Hawaii, Kauai, Maui, and  
14 Molokai, who shall be appointed by the governor, as  
15 provided in section 26-34, except as otherwise  
16 provided by law, from a list of five names submitted  
17 by each respective public safety answering point;
- 18 (4) The consumer advocate or the consumer advocate's  
19 designee; and
- 20 (5) One representative of the current wireline provider of  
21 enhanced 911.



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

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

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

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

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

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



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

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

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

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

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

18       SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

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

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**Report Title:**

Wireless Enhanced 911 Board; Proxy

**Description:**

Deletes quorum by proxy and authorization for a board member to vote by proxy submitted in writing to the board.

