

JAN 28 2009

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 be appropriately designated and to
3 read as follows:

4 "§92- Attendance of members at meetings other than board
5 meetings; legislative hearings. (a) A member of a board may
6 attend a meeting (other meeting) of any other board, commission,
7 agency, or department, where a subject is discussed that may be
8 on the agenda of a future board meeting of the member's board;
9 provided that less than a quorum of the board members attend the
10 other meeting; and provided further that the member does not
11 participate in discussions in the other meeting. No private
12 discussion among attending board members shall be allowed at the
13 other meeting. The board member shall report the attendance at
14 the other meeting at next board meeting of the member's board,
15 and the minutes shall note the attendance.

16 (b) A member of a board may attend a hearing of the
17 legislature and may submit testimony; provided that the member



1 shall report the attendance at the next board meeting and noted
2 in the minutes accordingly.

3 (c) A member of a board may attend meetings or events that
4 do not involve a subject under the purview of the member's board
5 and are not likely to be considered in the future by the
6 member's board."

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

9 " [+] §92-15 [>] Boards and commissions; quorum; number of
10 votes necessary to validate acts. (a) Whenever the number of
11 members necessary to constitute a quorum to do business, or the
12 number of members necessary to validate any act, of any board or
13 commission of the State or of any political subdivision thereof,
14 is not specified in the law or ordinance creating the same or in
15 any other law or ordinance, a majority of all the members to
16 which the board or commission is entitled shall constitute a
17 quorum to do business[-] except as provided in subsection (b),
18 and the concurrence of a majority of all the members to which
19 the board or commission is entitled shall be necessary to make
20 any action of the board or commission valid; provided that due
21 notice shall have been given to all members of the board or
22 commission or a bona fide attempt shall have been made to give



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1 the notice to all members to whom it was reasonably practicable
2 to give the notice.

3 (b) If no quorum is present, a board or commission may
4 nonetheless meet for a duly-noticed meeting; provided that the
5 board or commission may take no action; and further that minutes
6 of the meeting are taken nonetheless.

7 (c) This section shall not invalidate any act of any board
8 or commission performed prior to April 20, 1937, which, under
9 the general law then in effect, would otherwise be valid."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: _____

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By Request

Will Eyo

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David Ydye

John H.

Suzanne Chuan Oakland

By _____

per _____



Report Title:

Public Agency Meetings; Board Members

Description:

Clarifies permissible attendance and procedures for board members to attend meetings of other boards, departments, agencies, and hearings of the legislature.

