

JAN 21 2010

A BILL FOR AN ACT

RELATING TO THE PUBLIC AGENCY MEETINGS AND RECORDS.

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

1 SECTION 1. The legislature finds that boards as defined in
2 the open meetings law, chapter 92, Hawaii Revised Statutes,
3 include committees of the board that are also required to comply
4 with the law. However, organizations that carry out the
5 functions and operations of a board in compliance with the
6 policies and rules of the board, including the setting of
7 mandatory fees to finance those functions and operations, are
8 not subject to the open meetings law.

9 One set of organizations that functions in this way are the
10 student organizations of the University of Hawaii. These
11 organizations are required to have their charters approved by
12 the board of regents, as well as abide by all policies and rules
13 of the board. The board also authorizes chartered student
14 organizations to set and allocate mandatory student fees to
15 finance operations of their organizations.

16 The legislature further finds that these and similar
17 organizations perform a governmental function and should be



1 subject to the open meetings law, which requires public notice
2 of meetings, the keeping of minutes, and opportunity for public
3 input on decisions.

4 The purpose of this Act is to clarify the definition of
5 "board" by making subject to the open meetings law those
6 organizations that have their charters or constitutions approved
7 by a board, are required to abide by rules and policies of the
8 charter-approving board, and carry out functions or operations
9 of the board subject to its approval, including the setting and
10 allocating of mandatory fees that directly finance those
11 functions and operations.

12 SECTION 2. Section 92-2, Hawaii Revised Statutes, is
13 amended by amending the definition of "board" to read as
14 follows:

15 "(1) "Board" [~~means~~]:
16 (A) Means any agency, board, commission, authority,
17 or committee of the State or its political
18 subdivisions [~~which~~] that is created by
19 constitution, statute, rule, or executive order,
20 to have supervision, control, jurisdiction or
21 advisory power over specific matters and [~~which~~]



1 that is required to conduct meetings and to take
2 official actions.

3 (B) Includes any organization or association whose
4 constitution or charter is approved by a board
5 and that meets the following criteria:

6 (i) Receives administrative support from a
7 board;

8 (ii) Is required by a board to abide by the
9 policies and rules of a board; and

10 (iii) Carries out functions or operations on
11 behalf of a board and subject to the
12 approval of a board, including the setting
13 and allocating of any mandatory fees that
14 directly finance those functions and
15 operations."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.


19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:



Michelle R. Sudani



Report Title:

Sunshine Law; Associations and Organizations

Description:

Amends the definition of "board" under the "Sunshine" law to include organizations or associations that receive administrative support from a board, whose constitution or charter are approved by a board, that abide by all rules and policies of a board, and that carry out functions or operations on behalf of a board and subject to the approval of a board.

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