

JAN 21 2011

S.B. NO. 67

A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS.

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

1 SECTION 1. The legislature finds that "board" as defined
2 in the open meetings law, chapter 92, Hawaii Revised Statutes,
3 includes committees of the board that are also required to
4 comply 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 The student organizations of the University of Hawaii are
10 examples of organizations that function in this way. 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 of regents also authorizes chartered
14 student organizations to set and allocate mandatory student fees
15 to finance operations of their organizations.

16 The legislature finds that these and similar organizations
17 perform a governmental function and should be subject to the
18 open meetings law, which requires public notice of meetings, the



1 keeping of minutes, and the provision of opportunities for
2 public input on decisions.

3 The purpose of this Act is to require organizations that
4 have their charters or constitutions approved by a board to
5 abide by the rules and policies of the charter-approving board
6 and carry out the functions or operations of that board subject
7 to the board's approval, pursuant to the open meetings law.

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

11 "(1) "Board" [means]:

12 (A) Means any agency, board, commission, authority,
13 or committee of the State or its political
14 subdivisions [~~which~~] that is created by
15 constitution, statute, rule, or executive order,
16 to have supervision, control, jurisdiction or
17 advisory power over specific matters and [~~which~~]
18 that is required to conduct meetings and to take
19 official actions [~~-~~]; and

20 (B) Includes any organization or association whose
21 constitution or charter that is approved by a
22 board and meets the following criteria:



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- 1 (i) Receives administrative support from a
- 2 board;
- 3 (ii) Is required by a board to abide by the
- 4 policies and rules of a board; and
- 5 (iii) Carries out functions or operations on
- 6 behalf of a board that are subject to the
- 7 approval of a board, including the setting
- 8 and allocation of any mandatory fees that
- 9 directly finance those functions and
- 10 operations."

11 SECTION 3. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: 

Report Title:

Sunshine Law; Associations and Organizations

Description:

Clarifies the definition of "board" by requiring those organizations that have their charters or constitutions approved by a board to abide by rules and policies of the charter-approving board, and carry out functions or operations of a board subject to the board's approval, pursuant to the open meetings law.

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