

STAND. COM. REP. NO.

2026

Honolulu, Hawaii

Feb. 13

, 2006

RE: S.B. No. 2712
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committees on Transportation and Government Operations and Intergovernmental Affairs, to which was referred S.B. No. 2712 entitled:

"A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE,"

beg leave to report as follows:

The purpose of this measure is to clarify the quorum requirement under the sunshine law to allow for convening a board meeting by a majority of the members to which a board is entitled, minus vacancies.

Your Committees received comments from the Attorney General and the Honolulu Corporation Counsel.

Current law requires that there be a "quorum" to do business and to vote on official business. In practice a quorum means there must be a majority of the membership present at the meeting to transact business. Such a practice does not allow for unfilled vacancies, which means the board cannot meet at all if there are too many vacancies.

This measure addresses the problem in which some boards and commissions run into difficulty making quorum as they have too many vacancies. This occasionally happens with neighborhood boards when people elected to the board resign, and it takes several meetings before a replacement can be chosen. During this period, no meetings can be held and no business transacted.



Your Committees have amended this measure by clarifying that a majority of the members to which a board is entitled, minus vacancies, is necessary to conduct business.

As affirmed by the records of votes of the members of your Committees on Transportation and Government Operations and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2712, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2712, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committees on Transportation
and Government Operations and
Intergovernmental Affairs,



DAVID Y. IGE, Chair



LORRAYNE R. INOUE, Chair



