
A BILL FOR AN ACT

VETO OVERRIDE

ACT No. 60

Approved: [Signature]

Dated: May 1, 2008

RELATING TO BOARDS AND COMMISSIONS.

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

1 SECTION 1. The legislature finds that paragraph
2 26-35(a)(1), Hawaii Revised Statutes, allows a department
3 director to represent the boards and commissions established or
4 placed in the department when communicating with the
5 legislature. For many boards and commissions, the executive
6 director, board chair, or commission chair submits testimony or
7 communications to the legislature.

8 There have been times when a board or commission may have
9 views or opinions that differ from the department director or
10 governor. At these times, the director may not be the
11 appropriate representative for the board or commission,
12 particularly if paragraph 26-35(a)(1), Hawaii Revised Statutes,
13 is being invoked.

14 The legislature further finds that boards and commissions
15 often provide valuable information in policy discussions. The
16 purpose of this Act is to maintain open communications with



1 boards and commissions when a director is considering invoking
2 paragraph 26-35(a)(1), Hawaii Revised Statutes.

3 SECTION 2. Section 26-35, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Whenever any board or commission is established or
6 placed within or transferred to a principal department for
7 administrative purposes or subject to the administrative control
8 or supervision of the head of the department, the following
9 provisions shall apply except as otherwise specifically provided
10 by this chapter:

11 (1) The head of the department shall represent the board
12 or commission in communications with the governor and
13 with the legislature[-]; unless the legislature or a
14 legislative committee requests to communicate directly
15 with the board or commission;

16 (2) The financial requirements from state funds of the
17 board or commission shall be submitted through the
18 head of the department and included in the budget for
19 the department [-];

20 (3) All rules [~~and regulations~~] adopted by the board or
21 commission shall be subject to the approval of the
22 governor [-];



- 1 (4) The employment, appointment, promotion, transfer,
2 demotion, discharge, and job descriptions of all
3 officers and employees of or under the jurisdiction of
4 the board or commission shall be determined by the
5 board or commission subject to the approval of the
6 head of the department and to applicable personnel
7 laws [---];
- 8 (5) All purchases of supplies, equipment, or furniture by
9 the board or commission shall be subject to the
10 approval of the head of the department [---];
- 11 (6) The head of the department shall have the power to
12 allocate the space or spaces available to the
13 department and which are to be occupied by the board
14 or commission [---];
- 15 (7) Any quasi-judicial functions of the board or
16 commission shall not be subject to the approval,
17 review, or control of the head of the department [---];
18 and
- 19 (8) Except as set forth hereinabove, the head of the
20 department shall not have the power to supervise or
21 control the board or commission in the exercise of its
22 functions, duties, and powers."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2008.



THE SENATE OF THE STATE OF HAWAII

Date: May 1, 2008
Honolulu, Hawaii

We hereby certify that, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Senate of the State of Hawaii, on this date reconsidered Senate Bill No. 868, S.D. 2, heretofore vetoed as contained in a Governor's Message dated April 22, 2008, and approved said bill by an affirmative vote of two-thirds of all members to which the Senate of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, is entitled.



President of the Senate



Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2008
Honolulu, Hawaii

We hereby certify that, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the House of Representatives of the State of Hawaii, on this date reconsidered Senate Bill No. 868, S.D. 2, heretofore vetoed as contained in a Governor's Message dated April 22, 2008, and approved said bill by an affirmative vote of two-thirds of all members to which the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, is entitled.



Speaker, House of Representatives



Chief Clerk, House of Representatives