

JAN 18 2008

A BILL FOR AN ACT

RELATING TO BOARDS AND COMMISSIONS.

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

1 SECTION 1. The legislature finds that an irreconcilable
2 conflict of interest exists when an ex officio member of a board
3 or commission, who is usually a department director, is also the
4 chair of that board or commission. A board or commission should
5 act independently of any department.

6 The legislature also finds that interim appointees to
7 boards and commissions should not serve as a chair, since doing
8 so may disrupt the continuity and efficient operation of the
9 board or commission.

10 The purpose of this Act is to prohibit an ex officio member
11 or an interim appointee of a board or commission from serving as
12 chair of that board or commission.

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

15 "(a) Whenever any board or commission is established or
16 placed within or transferred to a principal department for
17 administrative purposes or subject to the administrative control



1 or supervision of the head of the department, the following
2 provisions shall apply except as otherwise specifically provided
3 by this chapter:

4 (1) The head of the department shall represent the board
5 or commission in communications with the governor and
6 with the legislature[-];i

7 (2) The financial requirements from state funds of the
8 board or commission shall be submitted through the
9 head of the department and included in the budget for
10 the department[-];i

11 (3) All rules [~~and regulations~~] adopted by the board or
12 commission shall be subject to the approval of the
13 governor[-];i

14 (4) The employment, appointment, promotion, transfer,
15 demotion, discharge, and job descriptions of all
16 officers and employees of or under the jurisdiction of
17 the board or commission shall be determined by the
18 board or commission subject to the approval of the
19 head of the department and to applicable personnel
20 laws[-];i



- 1 (5) All purchases of supplies, equipment, or furniture by
- 2 the board or commission shall be subject to the
- 3 approval of the head of the department[-];i
- 4 (6) The head of the department shall have the power to
- 5 allocate the space or spaces available to the
- 6 department and which are to be occupied by the board
- 7 or commission[-];i
- 8 (7) Any quasi-judicial functions of the board or
- 9 commission shall not be subject to the approval,
- 10 review, or control of the head of the department[-];i
- 11 (8) Except as set forth hereinabove, the head of the
- 12 department shall not have the power to supervise or
- 13 control the board or commission in the exercise of its
- 14 functions, duties, and powers[-]; and
- 15 (9) An ex officio member or an interim appointee of a
- 16 board or commission shall not serve as head of that
- 17 board or commission."

18 SECTION 3. Statutory material to be repealed is bracketed
 19 and stricken. New statutory material is underscored.

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

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Report Title:

Boards and Commissions

Description:

Prohibits ex-officio members and interim appointments of boards and commissions from appointment as chair of the board or commission.

