

# PROPOSED

THE SENATE  
TWENTY-FOURTH LEGISLATURE, 2007  
STATE OF HAWAII

S.B. NO. 868  
S.D. 2  
DRAFT

---

---

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



# PROPOSED

S.B. NO. 868  
S.D. 2  
DRAFT

**Report Title:**

Boards and Commissions

**Description:**

Maintains open communications with boards and commissions when a director is considering invoking paragraph 26-35(a)(1), Hawaii Revised Statutes. (SD2-DRAFT)

