

STAND. COM. REP. NO.

2795

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 868
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 868, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS,"

begs leave to report as follows:

The purpose of this measure is to prohibit an ex-officio
member or an interim appointee of a board or commission from
serving as chair of that board or commission.

Prior to the hearing on this measure, your Committee
circulated a proposed draft that deleted the contents of the
measure and inserted provisions that maintain a policy of open
communications with boards and commissions when a department
director is considering invoking their rights under section 26-
35(a) (1), Hawaii Revised Statutes.

Specifically, the proposed draft provides that a board or
commission may communicate directly with the Legislature or a
legislative committee at the request of the Legislature or
legislative committee.

Testimony in support of the proposed draft was submitted by
the Policy Advisory Board for Elder Affairs.

Your Committee finds that boards and commissions often
provide valuable information or insight in policy discussions that
is different from the views or opinions of a department director.
Thus, your Committee finds that a practice of open communications

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with boards and commissions must be maintained when a department director is considering invoking section 26-35(a)(1), Hawaii Revised Statutes, which requires a department director to represent boards or commissions administratively attached to a department when communicating with the Legislature.

Your Committee has amended the proposed draft by making technical, nonsubstantive amendments for the purpose of clarity.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 868, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 868, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 868 SDI	Committee Referral: TSG, JDL	Date: 2-26-07
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)	✓			
HEE, Clayton (VC)				✓
GABBARD, Mike	✓			
KOKUBUN, Russell S.	✓			✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam			✓	
TOTAL	3		1	2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes