

JAN 23 2015

A BILL FOR AN ACT

RELATING TO THE COMMISSION ON SALARIES.

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

1 SECTION 1. The legislature finds that Act 299, Session
2 Laws of Hawaii 2006, authorized the commission on salaries, upon
3 legislative disapproval of the commission's most recent
4 recommendation, to reconvene to review the legislature's reasons
5 for disapproval and to submit a new salary recommendation at the
6 next regular session. However, the attorney general posited in
7 2007 that this authorization is invalid because it conflicts
8 with article XVI, section 3.5, of the Hawaii State Constitution,
9 which states, "Not later than the fortieth legislative day of
10 the 2007 regular legislative session and every six years
11 thereafter, the commission shall submit to the legislature its
12 recommendations and then dissolve." According to the attorney
13 general, the wording of the constitutional amendment is clear
14 and unambiguous in requiring the commission to dissolve upon
15 submission of its recommendations and does not contemplate the
16 submission of recommendations outside of the six-year cycle;
17 rather, if the commission's recommendations are disapproved by



1 the legislature, the last salary recommendations of the
2 commission should remain in effect.

3 The purpose of this Act is to align the law relating to the
4 commission on salaries with its constitutional authority by
5 clarifying that in the event the legislature disapproves the
6 commission's most recent salary recommendations, the last salary
7 recommendations made by the commission on salaries shall remain
8 in effect until the commission reconvenes within its six-year
9 cycle.

10 SECTION 2. Section 26-56, Hawaii Revised Statutes, is
11 amended by amending subsection (d) to read as follows:

12 "(d) The commission shall convene in the month of November
13 2006, and every six years thereafter. Not later than the
14 fortieth legislative day of the regular session of 2007, and
15 every six years thereafter, the commission shall submit a report
16 of its findings and its salary recommendations to the
17 legislature, through the governor. The commission may include
18 incremental increases that take effect prior to the convening of
19 the next salary commission.

20 The recommended salaries submitted by the commission shall
21 become effective July 1 of the next fiscal year unless the



1 legislature disapproves the recommended salaries submitted by
2 the commission through the adoption of a concurrent resolution,
3 which shall be approved by a simple majority of each house of
4 the legislature, prior to adjournment sine die of the
5 legislative session in which the recommended salaries are
6 submitted; provided that any change in salary which becomes
7 effective shall not apply to the legislature to which the
8 recommendation for the change in salary was submitted.

9 The governor shall include the salary amounts recommended
10 by the commission and approved by the legislature for employees
11 of the executive branch in the executive budget. If the salary
12 amounts recommended by the commission are disapproved by the
13 legislature, [~~the commission shall reconvene in the November~~
14 ~~next following the legislative disapproval to review the~~
15 ~~legislature's reasons for disapproving its salary~~
16 ~~recommendation. The commission may submit a report of its~~
17 ~~findings and submit a new salary recommendation to the~~
18 ~~legislature at the next regular session. The commission's~~
19 ~~reconvening following a legislative disapproval shall not toll~~
20 ~~the six year cycle.] the last salary recommendations of the~~



1 commission shall remain in effect until the next time the
2 commission convenes within its six-year cycle."

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

5 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *[Signature]*
[Signature]



S.B. NO. 239

Report Title:

Commission on Salaries; Salary Recommendations; Legislative Disapproval

Description:

Conforms the salary commission statute to the state constitution by clarifying that the last salary recommendations made by the commission on salaries will remain in effect if and when the legislature disapproves the commission's most recent salary recommendations, and that the commission is not authorized to reconvene to make a second recommendation following the legislature's disapproval outside of the six-year cycle.

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