
A BILL FOR AN ACT

RELATING TO STATE GOVERNMENT.

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

1 SECTION 1. Section 11-1.55, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§11-1.55[+] **Exemptions.** (a) The office of elections
4 shall be exempt from section [+]26-35(a)(1) [~~7-(4)7~~] and (5) [+]
5 and shall:

6 (1) Make direct communications with the governor and
7 legislature; and

8 [~~(2)~~] ~~Make all decisions regarding employment, appointment,~~
9 ~~promotion, transfer, demotion, discharge, and job~~
10 ~~descriptions of all officers and employees of or under~~
11 ~~the jurisdiction of the office of elections without~~
12 ~~the approval of the comptroller; and~~

13 ~~(3)]~~ (2) Purchase all supplies, equipment, or furniture
14 without the approval of the comptroller.

15 (b) The office of elections shall follow all applicable
16 personnel laws."



1 SECTION 2. Section 11-9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§11-9[+] Exemptions. (a) The elections commission
4 shall be exempt from section [+]26-35(a) (1) [~~7-(4)7~~] and (5) [+]
5 and shall:

- 6 (1) Make direct communications with the governor and
7 legislature; and
8 [~~(2)~~] ~~Make all decisions regarding employment, appointment,~~
9 ~~promotion, transfer, demotion, discharge, and job~~
10 ~~descriptions of all officers and employees of or under~~
11 ~~the jurisdiction of the elections commission without~~
12 ~~the approval of the comptroller; and~~
13 ~~(3)]~~ (2) Purchase all supplies, equipment, or furniture
14 without the approval of the comptroller.

15 (b) The elections commission shall follow all applicable
16 personnel laws."

17 SECTION 3. Section 11-317, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) The commission shall be exempt from section 26-
20 35(a) (1) [~~7-(4)7~~] and (5) and shall:



- 1 (1) Make direct communications with the governor and
2 legislature; and
3 ~~[(2) Make all decisions regarding employment, appointment,~~
4 ~~promotion, transfer, demotion, discharge, and job~~
5 ~~descriptions of all officers and employees of or under~~
6 ~~the jurisdiction of the commission without the~~
7 ~~approval of the comptroller; and~~
8 ~~(3)]~~ (2) Purchase all supplies, equipment, or furniture
9 without the approval of the comptroller."

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

12 "(a) Whenever any board or commission is established or
13 placed within or transferred to a principal department for
14 administrative purposes or subject to the administrative control
15 or supervision of the head of the department, the following
16 provisions shall apply except as otherwise specifically provided
17 by this chapter:

- 18 (1) The head of the department shall represent the board
19 or commission in communications with the governor and
20 with the legislature; unless the legislature or a



1 legislative committee requests to communicate directly
2 with the board or commission;

3 (2) The financial requirements from state funds of the
4 board or commission shall be submitted through the
5 head of the department and included in the budget for
6 the department;

7 (3) All rules adopted by the board or commission shall be
8 subject to the approval of the governor;

9 (4) The employment, appointment, promotion, transfer,
10 demotion, discharge, and job descriptions of all
11 officers and employees of or under the jurisdiction of
12 the board or commission shall be determined by the
13 board or commission subject to ~~[the approval of the~~
14 ~~head of the department and to]~~ applicable personnel
15 laws; provided that the approval of the head of the
16 department shall not be required;

17 (5) All purchases of supplies, equipment, or furniture by
18 the board or commission shall be subject to the
19 approval of the head of the department;

20 (6) The head of the department shall have the power to
21 allocate the space or spaces available to the



1 department and which are to be occupied by the board
2 or commission;

3 (7) Any quasi-judicial functions of the board or
4 commission shall not be subject to the approval,
5 review, or control of the head of the department; and

6 (8) Except as set forth [~~hereinabove,~~] in paragraphs (1)
7 through (7), the head of the department shall not have
8 the power to supervise or control the board or
9 commission in the exercise of its functions, duties,
10 and powers."

11 SECTION 5. Section 201H-2, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) The corporation shall employ, exempt from chapter 76
14 [~~and section 26-35(a)(4)],~~ an executive director and an
15 executive assistant. The executive director shall be paid a
16 salary not to exceed the salary of the director of business,
17 economic development, and tourism. The executive assistant
18 shall be paid a salary not to exceed ninety per cent of the
19 executive director's salary. The corporation may employ,
20 subject to chapter 76, technical experts and officers, agents,
21 and employees, permanent and temporary, as required. The



1 corporation may also employ officers, agents, and employees,
2 prescribe their duties and qualifications, and fix their
3 salaries, not subject to chapter 76, when in the determination
4 of the corporation, the services to be performed are unique and
5 essential to the execution of the functions of the corporation.
6 The corporation may call upon the attorney general for legal
7 services as it may require. The corporation may delegate to one
8 or more of its agents or employees its powers and duties as it
9 deems proper."

10 SECTION 6. Section 205-1, Hawaii Revised Statutes, is
11 amended by amending subsection (d) to read as follows:

12 "(d) Notwithstanding any law to the contrary, the
13 commission shall be exempt from section 26-35 with the exception
14 of section 26-35(a) (2), (3), (4), (7), and (8) [~~7~~] and [~~section~~
15 ~~26-35(b)~~] (b) [~~shall apply~~]."

16 SECTION 7. Section 206M-2.5, Hawaii Revised Statutes, is
17 amended by amending subsection (c) to read as follows:

18 "(c) The board shall be exempt from section [~~26-35(a)(4)~~
19 ~~and (5)~~]. 26-35(a)(5)."

20 SECTION 8. Section 279D-4, Hawaii Revised Statutes, is
21 amended by amending subsection (d) to read as follows:



1 "(d) Notwithstanding any law to the contrary,
2 transportation management area metropolitan planning
3 organizations shall be exempt from section 26-35, except
4 [~~subsections (a) (7)~~] section 26-35(a) (4), (7), and (8) [7] and
5 (b)."

6 SECTION 9. Section 323F-8, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) The corporation board may appoint, by majority vote
9 of its entire membership, a chief executive officer of the
10 corporation whose salary shall be set by the corporation board
11 and who shall be exempt from chapter 76 [~~and section 26-~~
12 ~~35(a) (4)~~]. The chief executive officer may also appoint up to
13 eighteen other personnel, exempt from chapters 76 and 89, to
14 work directly for the chief executive officer and the corporate
15 board."

16 SECTION 10. Section 323F-8.5, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) Upon establishment, a regional system board may
19 appoint a regional chief executive officer whose salary shall be
20 set by the corresponding regional system board and may discharge
21 a regional chief executive officer; provided that the position



1 shall be exempt from chapter 76 [~~and section 26-35(a)(4)~~]. Each
2 regional chief executive officer may also appoint, as necessary,
3 other personnel, exempt from chapters 76 and 89, to work
4 directly for the regional chief executive officer for the
5 regional system and for the corresponding regional system
6 board."

7 SECTION 11. Section 356D-2, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) The authority shall employ, exempt from chapter 76
10 [~~and section 26-35(a)(4)~~], an executive director, an executive
11 assistant, a chief financial management advisor, a property
12 management branch chief, a chief planner, and a redevelopment
13 officer, whose salaries shall be set by the board established
14 under section 356D-3; provided that no salary shall exceed the
15 governor's salary. The authority may employ, subject to chapter
16 76, technical experts and officers, agents, and employees,
17 permanent or temporary, as required. The authority may also
18 employ officers, agents, and employees; prescribe their duties
19 and qualifications; and fix their salaries, not subject to
20 chapter 76, when in the determination of the authority, the
21 services to be performed are unique and essential to the



1 execution of the functions of the authority; provided that if
2 the authority hires an officer, agent, or employee in a capacity
3 not subject to chapter 76, the authority shall include in an
4 annual report to the legislature, to be submitted ~~not~~ no later
5 than twenty days prior to the convening of each regular session,
6 the position descriptions and reasons for hiring the personnel
7 in a civil service exempt capacity. The authority may call upon
8 the attorney general for legal services as it may require. The
9 authority may delegate to one or more of its agents or employees
10 the powers and duties it deems proper."

11 SECTION 12. Section 577E-6, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "~~+~~\$577E-6~~+~~ **Exemption from administrative supervision**
14 **of boards and commissions.** Notwithstanding any law to the
15 contrary, the commission shall be exempt from section 26-35 with
16 the exception of section ~~+~~26-35(a) (2), (3), (4), (7), and
17 (8) ~~+~~."

18 SECTION 13. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 14. This Act shall take effect upon its approval.

21



H.B. NO. 50

Report Title:

State Government; Boards and Commissions; Employment Decisions

Description:

Authorizes boards and commissions to make employment decisions related to its officers and employees without the approval of the head of the department to which the board or commission is administratively attached.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

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