

ACT 124

H.B. NO. 2613

A Bill for an Act Relating to the Board of Supervisors.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 46-72, Hawaii Revised Statutes, is amended to read as follows:

“**§46-72 Liability for damages; notice of injuries.** Before the county shall be liable for damages to any person for injuries to person or property received upon any of the streets, avenues, alleys, sidewalks, or other public places of the county, or on account of any negligence of any official or employee of the county, the person so injured, or the owner or person entitled to the possession, occupation, or use of the property so injured, or someone in [his] the person’s behalf, shall, within six months after the injuries are received, give the [chairman] chairperson of the [board of supervisors] council of the county or the city clerk of Honolulu notice in writing of the injuries and the specific damages resulting, stating fully in the notice when, where, and how the injuries occurred, the extent thereof, and the amount claimed therefor.”

SECTION 2. Section 54-52, Hawaii Revised Statutes, is amended to read as follows:

“**§54-52 Appointment.** The eight appointive members of the board of water supply shall be appointed by the chairperson of the [board of supervisors] council of the county, with the approval of the [board of supervisors.] council. The chairperson shall likewise designate the chairperson of the board of water supply from among the appointive members. The members of the board shall serve without pay, but shall be reimbursed for their reasonable expenses. Each member of the board [must] shall be, at the time of the member’s appointment, an elector of the county of Hawaii and [must] shall have been such for at least three years next preceding the member’s appointment. Any member of the board may be removed from office by the chairperson of the [board of supervisors,] council of the county, with the approval of the [board of supervisors.] council.

Membership of the board shall include four members who are residents of the district of North or South Hilo; one of the four members shall be the person who for the time being shall be the legal incumbent of the office of the chief engineer of the department of public works of the county. In addition, one member shall be a resident of the district of North Kona or South Kona, one member shall be a resident of the district of North Kohala or South Kohala, one member shall be a resident of the district of Hamakua, one member shall be a resident of the district of Puna, and one member shall be a resident of the district of Kau.

The term of office of the appointive members of the board shall be five years from and after the date of their respective appointments. Any vacancy occurring on the board shall be filled by appointment. The one appointed to fill the vacancy shall serve only for the unexpired term of the person whom the appointive member succeeds. Officers and employees of the county of Hawaii shall not be eligible for appointive membership on the board.”

SECTION 3. Section 54-54, Hawaii Revised Statutes, is amended to read as follows:

“**§54-54 General management.** The board of water supply shall, with the advice and consent of the [board of supervisors] council of the county, appoint a manager who shall have [such] qualifications [as] that the board deems necessary, and who shall have full power to administer the affairs of the waterworks and the water systems [which] that are by this part placed under the control of the board. The manager shall be known as the manager of the board of water supply of the county of Hawaii, shall serve at the pleasure of the board, and shall be subject to the direction of the board.

The manager shall be subject to chapter 77.

The manager shall appoint [such] subordinates, assistants, and employees [as] that may be necessary for the proper conduct of the business of the board and the subordinates, assistants, and employees shall be subject to chapters 76 and 77.

The board may require a bond in [such] an amount [as] that it deems proper from any employee, which bond shall be duly conditioned for the faithful performance of the duties of the employee, and the board may provide that the premium on any bond be paid out of the revenues of the waterworks and water systems under the jurisdiction of the board.

The manager at [such] a time [as] that may be prescribed by the board, shall present to the board full annual reports of the principal transactions of the water supply system during the last completed year; which reports together with [such] any recommendations [as] that the board may think proper, shall be presented to the chairperson and executive officer of the [board of supervisors] council of the county and the [board of supervisors.] council.”

SECTION 4. Section 54-59, Hawaii Revised Statutes, is amended to read as follows:

“**§54-59 Audits.** The auditor of the county shall make an annual audit of the accounts and financial status of the board of water supply and shall file a copy of the audit report with the [board of supervisors.] council of the county. The board may, whenever necessary in connection with the issuance of any bonds, employ a certified public accountant to make audits.”

SECTION 5. Section 54-61, Hawaii Revised Statutes, is amended to read as follows:

“**§54-61 Bond sales.** The sale of bonds for purposes of the board of water supply shall be subject to the approval of the [board of supervisors] council of the county; when approved by the [board of supervisors.] council, the treasurer of the county shall sell [such] any bonds [as] that are authorized for the acquisition, construction, replacement, extension, or completion of any of the waterworks and water systems under the jurisdiction of the board of water supply; provided that [such] the sales shall otherwise be conducted in accordance with the procedure specified by law for the sale of [such] the bonds. The proceeds from the sales shall be kept by the county treasurer in a special fund to be used only for the purpose or purposes for which the bonds are sold.”

SECTION 6. Section 54-64, Hawaii Revised Statutes, is amended to read as follows:

“**§54-64 Acquisition of lands.** The board of water supply may, in the name of the county, subject to the approval of the [board of supervisors.] council of the county, acquire and take by purchase, lease, or otherwise, all property situated within the limits of the county that it may determine necessary for the construction,

maintenance, extension, or operation of any of the waterworks and water systems under its jurisdiction and control.”

SECTION 7. Section 88-182, Hawaii Revised Statutes, is amended to read as follows:

“**§88-182 Members: appointment, terms, removals.** Except in the counties of Hawaii and Maui, each pension board shall consist of five members to be appointed for terms of five years. The original members shall be appointed for staggered terms so that one shall expire on June 30 of each year. All vacancies occurring otherwise than by expiration of the term shall be filled by appointment for the remainder of the unexpired term. One of the members shall be named by the appointing power as [chairman.] chairperson. The members shall be appointed by the mayor, or [chairman] chairperson of the [board of supervisors,] council of the county, as the case may be, with the approval of the [board of supervisors or] council, and the members may be removed by the appointing power with the approval of the following number of other members of the [board of supervisors or] council: in the city and county of Honolulu, five; in the county of Kauai, three.

The pension board for the county of Maui and the county of Hawaii shall consist of the [chairman] chairperson of the [board of supervisors,] council of the county, the county auditor, and the county treasurer.”

SECTION 8. Section 88-185, Hawaii Revised Statutes, is amended to read as follows:

“**§88-185 Assistants; county clerk, attorney, and treasurer.** The county clerk shall [ex officio] be the ex officio secretary of the pension board of [his] the clerk’s county and shall keep in a separate book a true and correct account of the proceedings of the board. The county attorney shall be the legal advisor of the board of [his] the attorney’s county; provided that the board, with the approval of the [board of supervisors,] council of the county, may employ private legal counsel. The county treasurer shall [ex officio] be the ex officio treasurer of the board of [his] the treasurer’s county. The county auditor shall audit all accounts of the pension fund of [such] the county and the county auditor shall draw all warrants payable therefrom, which warrants shall be drawn only upon a voucher certified by the [chairman,] chairperson, or acting [chairman,] chairperson, and one other member of the board. The county treasurer shall collect all moneys belonging to the fund, have the custody of all its notes, bonds, and other securities, if any, and collect the principal and interest of the same, and [he] the treasurer shall be liable on [his] the treasurer’s bond as treasurer for the faithful accounting of all moneys [which] that may come into [his] the treasurer’s hands belonging to the pension fund. The treasurer shall, upon the expiration of [his] the treasurer’s term of office, account to the board for all moneys, notes, bonds, and other securities coming into [his] the treasurer’s hands and the proceeds of the same, and turn over to [his] the treasurer’s successor all moneys, notes, and other securities remaining in [his] the treasurer’s hands and belonging to the pension fund.”

SECTION 9. Section 105-7, Hawaii Revised Statutes, is amended to read as follows:

“**§105-7 Inscription on county motor vehicles.** Unless excepted every motor vehicle owned or controlled by any county shall bear on both sides thereof the following inscription: “For Official Use Only.” Underneath the inscription shall be the name or title of the county and the name of the department, commission, board,

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bureau, officer, agency, or instrumentality thereof controlling or possessing [such] the motor vehicle; except that every motor vehicle owned or controlled by the board of water supply of the city and county of Honolulu shall bear on both sides thereof the following inscription: "Board of Water Supply - Conserve Water." This section shall not apply to [such] motor vehicles [as] that are furnished to the mayor of the city and county of Honolulu or to the chairperson and executive officer of the [board of supervisors] council of any county, or to the chief of police and deputy chief of police of the city and county and counties or manager of the board of water supply of the city and county of Honolulu."

SECTION 10. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 11. This Act shall take effect upon its approval.

(Approved June 22, 1998.)