



GOV. MSG. NO. 660

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

April 22, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB868 SD2, without my approval, and with the statement of objections relating to the measure.

SB868 SD2

A BILL FOR AN ACT RELATING TO BOARDS AND
COMMISSIONS.

Sincerely,

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

April 22, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 868

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 868, entitled "A Bill for an Act Relating to Boards and Commissions."

The purpose of this bill is to expressly except communications to state boards and commissions initiated by the Legislature and its committees from the requirement in section 26-35(a)(1), Hawaii Revised Statutes, that boards and commissions communicate with the Governor and the Legislature only through the head of the department to which the board or commission is administratively attached.

I believe communication between persons at all levels of the legislative and executive branches is vital to our ability to fulfill the responsibilities each of us is assigned by the Constitution and laws of the State.

It is my understanding that individual members of boards and commissions and their staffs testify regularly and respond to requests from individual members and committees of the Legislature in order to formulate state policy and enact laws to effectuate them. Boards and commissions also take official positions on bills pending before the Legislature and, when doing so, coordinate this testimony through the appropriate department and agency to which they are attached. Inasmuch as the means for the Legislature and executive branch boards and

STATEMENT OF OBJECTIONS

SENATE BILL NO. 868

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commissions to communicate with each other are already in place and, more importantly, are being used regularly, this bill is not needed.

For the foregoing reasons, I am returning Senate Bill No. 868 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE
Governor of Hawaii

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

