

JAN 17 2014

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# A BILL FOR AN ACT

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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 the last salary recommendations made by the  
6 commission on salaries will remain in effect in the event that  
7 the legislature disapproves the commission's most recent salary  
8 recommendations and that the commission is not authorized to  
9 reconvene to make a second recommendation following the  
10 legislature's disapproval.

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

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

21 The recommended salaries submitted by the commission shall  
22 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.]~~ last salary recommendations of the  
21 commission shall remain in effect until the next time the  
22 commission convenes within its six-year cycle."


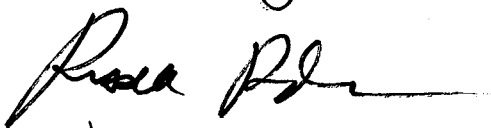
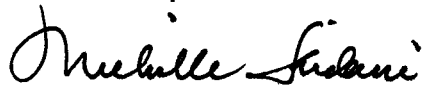



1       SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:



**Report Title:**

Commission on Salaries; Salary Recommendations; Legislative Disapproval

**Description:**

Clarifies that the last salary recommendations made by the commission on salaries will remain in effect in the event that 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.

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