

ACT 151

H.B. NO. 929

A Bill for an Act Relating to the Commission on the Status of Women.

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

SECTION 1. The legislature finds that the present placement of the Hawaii state commission on the status of women within the department of human services is inappropriate. The legislature finds that the broad scope of responsibilities assigned to the commission under chapter 367, Hawaii Revised Statutes (HRS), exceed the statutory mandate of the department of human services as defined in chapters 26 and 346, HRS. Moreover, the legislature is well aware of the tremendous workload and budget constraints within the department of human services. In view of these considerations, the legislature finds that housing the commission on the status of women elsewhere would help to alleviate some of these concerns by eliminating the need for the department to oversee an office whose function and focus is frequently outside the scope of the department's mandate.

The legislature further finds that, for the purposes of Article V, section 6, of the State Constitution, the Hawaii state commission on the status of women is a unique statewide temporary agency created for the special purpose of developing long-range goals and coordinating research, planning, programming, and action on the opportunities, needs, problems, and contributions of women in Hawaii. The special purpose of the commission is confirmed by its broad interdepartmental nature, which is recognized in its statute through the representation of: the office of the attorney general; the governor's committee on children and youth; the superintendent of education; the president of the University of Hawaii; the director of labor and industrial relations; the director of the human resources development; and the director of human services on the commission as ex officio members. As chapter 367-3, HRS, indicates, the duties of the commission are broad and involve coordination with a number of different state departments, none of which is complementary with the mission of the commission, which is to improve the education, social, legal, political, and employment status of Hawaii's women. Therefore, the governor has

indicated that the office of the lieutenant governor is the appropriate administrative location for the commission.

Accordingly, the purpose of this Act is to transfer the Hawaii state commission on the status of women to the office of the lieutenant governor.

SECTION 2. Section 26-1, Hawaii Revised Statutes, is amended to read as follows:

“§26-1 Office of the lieutenant governor. (a) Except as otherwise provided by law, the lieutenant governor is designated the secretary of State for intergovernmental relations and shall perform the duties and functions heretofore exercised by the secretary of Hawaii. The duties and functions shall include, but not be limited to, supervision of elections, recordation of all legislative and gubernatorial acts, certification of state documents, and maintenance of an official file of rules [and regulations promulgated] adopted by state departments as provided in chapter 91. The lieutenant governor may employ staff as necessary without regard to the provisions of chapters 76 and 77, except for six permanent election positions pursuant to section 11-5.

(b) The lieutenant governor, with the approval of the governor, may designate some other officer of the government of the State to authenticate documents on behalf of the lieutenant governor during the lieutenant governor’s temporary absence [without] outside the State or during the lieutenant governor’s illness whenever the documents require the signature of the lieutenant governor. The person shall affix the person’s own signature to the document with the words, “for the lieutenant governor” following and the signature shall be deemed to satisfy the requirement of the lieutenant governor’s signature on the document. The designation and approval shall be in writing and shall be filed in the office of the governor and a copy thereof, certified by the governor, shall be filed with the public archives. The person so designated shall serve without additional compensation and the lieutenant governor shall be responsible and liable on the lieutenant governor’s official bond for all acts done by the person so designated in the performance of the duties on behalf of the lieutenant governor.

Nothing in this section shall be construed to authorize the person to exercise and discharge the powers and duties of the office of the governor as provided by the first paragraph of Article V, section 4, of the Constitution of the State. The person shall not be authorized to exercise any powers whenever a successor to the lieutenant governor assumes the duties of the lieutenant governor pursuant to Article V, section 4, of the Constitution.

(c) In addition to the functions and duties provided by law, the lieutenant governor shall assume administrative responsibility for the Hawaii state commission on the status of women.”

SECTION 3. Section 367-2, Hawaii Revised Statutes, is amended to read as follows:

“§367-2 State commission on status of women: membership. (a) There is created a temporary state commission on the status of women for a special purpose within the [department of human services] office of the lieutenant governor for administrative purposes.

(b) The commission shall consist of [not fewer than fifteen nor more than twenty-five] thirteen members[. The membership], which shall include:

- (1) Ex officio, [the director of the office of children and youth,] the superintendent of education, the president of the University of Hawaii, the director of labor and industrial relations, the director of human

resources development, the director of human services, and the director of health[.]; and

(2) The remaining seven members shall be appointed by the governor in accordance with section 26-34.

(c) Of the appointed seven members there shall be [at least] one member from each of the counties of Hawaii, Maui, and Kauai[.], and four members from Oahu.

(d) The members shall be selected on the basis of their interests and knowledge in, and their ability to make contributions to, the solution of problems relating to the status of women. The chairperson shall be elected annually from the nongovernmental members of the commission as defined in subsection (b)(2).”

SECTION 4. Section 367-2.5, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§367-2.5]]~~ **Executive [secretary.] director.** The commission shall appoint an executive [secretary] director for the proper administration and enforcement of this chapter without regard to chapters 76 and 77.”

SECTION 5. Section 367-4, Hawaii Revised Statutes, is amended to read as follows:

“**§367-4 County committees on status of women, membership, organization, etc.** The mayor of each county shall appoint a county committee on the status of women charged with the duty and responsibility of developing [such] information as the state commission on the status of women requires or as [such] the committee deems advisable concerning the status of women within the respective counties; and [such] other appropriate duties and responsibilities as may be deemed necessary by each county. The committees shall submit to the state commission, plans and proposals affecting the status of women in the several counties. Each county committee shall endeavor to secure the widest possible citizen participation in its efforts and, for this purpose, may utilize existing public or private organizations. The membership of each county committee shall include, ex officio, the county attorney or corporation counsel; the senior county representative of the office of children and youth; and the county representative of the commission on the status of women. The other members shall be selected on the basis of their interest and knowledge in, and their ability to make contributions to, the solution of problems relating to the status of women within the county and their knowledge of local conditions. The [chairman] chairperson shall be elected annually from the nongovernmental members of the committee. [One-third of the nongovernmental members of the county committees shall be appointed initially for the term of four years, one-third for the term of three years, and one-third for the term of two years, and thereafter the] The terms of office of each member shall be four years. Each county committee shall meet at least four times a year. The members of the county committees shall receive no compensation for their services. The respective county legislative bodies are authorized to make appropriations to meet the necessary expenses of [such] the committees.”

SECTION 6. All rights, powers, functions, and duties of the department of human services, relating to the commission on the status of women, are transferred to the office of the lieutenant governor with the exception of the functions of the secretary I position.

All officers and employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this Act.

SECTION 7. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the department of human services, relating to the commission on the status of women shall be transferred with the functions to which they relate.

SECTION 8. All rules, policies, procedures, guidelines, and other material adopted or developed by the agency transferred under this Act to implement provisions of the Hawaii Revised Statutes which are reenacted or made applicable to the office of the lieutenant governor by this Act, shall remain in full force and effect until amended or repealed by the office of the lieutenant governor pursuant to chapter 91.

All deeds, leases, contracts, loans, agreements, permits, or other documents executed or entered into by or on behalf of the agency transferred under this Act pursuant to the provisions of the Hawaii Revised Statutes, which are reenacted or made applicable to the office of the lieutenant governor by this Act, shall remain in full force and effect.

SECTION 9. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 10. This Act shall take effect on July 1, 1995.

(Approved June 13, 1995.)