

Honolulu, Hawaii

March 2, 2006

RE: H.B. No. 2454
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committees on Judiciary and Legislative Management, to which was referred H.B. No. 2454 entitled:

"A BILL FOR AN ACT RELATING TO LEGISLATIVE VACANCIES,"

beg leave to report as follows:

The purpose of this bill is to clarify the laws pertaining to vacancies for the United States Senate and Hawaii State Legislature by requiring:

- (1) The Governor to select a temporary appointment from a list of five prospective appointees submitted by the same political party as the vacator;
- (2) The appointee to be a registered member of the same political party as the vacator for an unspecified period of time immediately prior to the appointment;
- (3) For state legislative vacancies, the political party to submit the list of prospective appointees to the Governor within an unspecified period of time following the first day of the vacancy; and
- (4) The Governor, if the vacator is not a member of any political party, to appoint within 60 calendar days following the first day of the vacancy, a person who has not been a member of any political party for an



unspecified period of time immediately prior to the appointment.

Americans for Democratic Action/Hawaii and several concerned individuals supported this bill and suggested amendments. The Oahu County Committee of the Hawaii Democratic Party offered comments.


Your Committees have amended this bill by:

- (1) Changing the term "vacator" to "prior incumbent";
- (2) Specifying that:
 - (A) In the case of prior incumbents who were members of a political party, prospective appointees must be and must have been, for at least six months immediately prior to the appointment, a registered member of the same political party as the prior incumbent; and
 - (B) In the case of prior incumbents who were not members of any political party, prospective appointees must not be and must not have been, for at least six months immediately prior to the appointment, a registered member of any political party;
- (3) Changing the effective date to July 1, 2096, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, style, and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Legislative Management that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2454, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2454, H.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Legislative Management,


MICHAEL Y. MAGAOAY, Chair


SYLVIA LUKE, Chair



