A BILL FOR AN ACT

RELATING TO GOVERNMENT EMPLOYEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

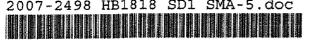
1	SECTION 1. Section 26-31, Hawaii Revised Statutes, is
2	amended to read as follows:
3	"§26-31 Selection and terms of single executives as heads
4	of departments. Except as otherwise provided by the
5	Constitution of the State or by this chapter, each principal
6	department shall be headed by a single executive, who shall be
7	nominated and, by and with the advice and consent of the senate,
8	appointed by the governor, for a term to expire at the end of
9	the term for which the governor was elected. Upon the
10	expiration of the term of a single executive, there shall be a
11	vacancy that shall be filled by the renomination or a nomination
12	by the governor not later than the forty-first day of the
13	regular session of the legislature immediately following the
14	expiration of the term creating the vacancy; provided that if
15	the governor does not renominate or make a nomination, the
16	single executive whose term has expired shall cease to hold
17	office, including in the capacity of a holdover, upon the end of
18	that regular session of the legislature and the vacancy shall be

- 1 filled pursuant to section 26-33. A vacancy occurring during a
- 2 term shall be filled for the unexpired balance of the term,
- 3 subject to the provisions of [Article] article V, section 6 of
- 4 the Constitution of the State. The governor may remove a single
- 5 executive from office at any time, except that the removal of
- 6 the attorney general shall be subject to the advice and consent
- 7 of the senate."
- 8 SECTION 2. Section 26-33, Hawaii Revised Statutes, is
- 9 amended to read as follows:
- 10 "\$26-33 Performance of duties of vacant office. In the
- 11 event of a vacancy in any office for which the governor has the
- 12 power of appointment or nomination, the governor [may] shall
- 13 designate some other officer or employee of the State to perform
- 14 the duties of the vacant office until the office is filled. The
- 15 authority derived from this section shall not continue for a
- 16 longer period than sixty days after the vacancy occurs [-];
- 17 provided that if the governor does not designate an officer or
- 18 employee, or renominate, nominate, or grant a commission to fill
- 19 the vacant office, the following individual in the department
- 20 that has the vacancy shall perform the duties of the vacant
- 21 office until the governor makes a nomination or grants a
- 22 commission to fill the vacancy:

2007-2498 HB1818 SD1 SMA-5.doc



1	(1)	In the department of the attorney general, the highest	
2		ranking and most senior deputy attorney general;	
3	(2)	In the department of defense, the highest ranking and	
4		most senior general officer serving in the department	
5		on a full-time basis, or, if there is none, then the	
6		highest ranking and most senior field grade officer	
7		serving in the department on full-time basis; or	
8	(3)	In all other departments, the highest ranking and most	
9		senior officer in a civil service position.	
10	<u>This</u>	section shall not apply to members of a board or	
11	commission	unless the chair of a board or commission is the	
12	executive	of a department.	
13	An of	ficer or employee designated to perform the duties of	
14	a vacant office shall, so long as the authority continues,		
15	receive the compensation attached to the vacant office, or the		
16	compensation attached to the officer's or employee's regular		
17	office or employment, whichever is the higher."		
18	SECTION 3. New statutory material is underscored.		
19	SECTI	ON 4. This Act shall take effect upon its approval	
20	and shall	apply to all positions subject to section 26-31,	
21	Hawaii Rev	rised Statutes, the terms of office of which expired or	
22	or after D	December 3, 2006.	



Report Title:

Department Heads; Vacancies; Appointments

Description:

Clarifies the appointment process for department heads. (SD1)