

JAN 18 2008

A BILL FOR AN ACT

RELATING TO ADVICE AND CONSENT.

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[~~7~~]; provided that the senate, in its
9 discretion, may limit the advice and consent to a provisional or
10 temporary appointment. Except as otherwise provided by this
11 section, the appointment shall be for a term to expire at the
12 end of the term for which the governor was elected. A vacancy
13 occurring during a term shall be filled for the unexpired
14 balance of the term, subject to the provisions of Article V,
15 section 6 of the Constitution of the State. The governor may
16 remove a single executive from office at any time, except that



1 the removal of the attorney general shall be subject to the
2 advice and consent of the senate."

3 SECTION 2. Section 26-34, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The members of each board and commission established
6 by law shall be nominated and, by and with the advice and
7 consent of the senate, appointed by the governor[-]; provided
8 that the senate, in its discretion, may limit the advice and
9 consent to a provisional or temporary period for the
10 chairpersons of the board of agriculture, the board of land and
11 natural resources, and the Hawaiian homes commission. Unless
12 otherwise provided by this chapter or by law hereafter enacted,
13 the terms of the members shall be for four years; provided that
14 the governor may reduce the terms of those initially appointed
15 so as to provide, as nearly as can be, for the expiration of an
16 equal number of terms at intervals of one year for each board
17 and commission. Unless otherwise provided by law, each term
18 shall commence on July 1 and expire on June 30, except that the
19 terms of the chairpersons of the board of agriculture, the board
20 of land and natural resources, and the Hawaiian homes commission
21 shall commence on January 1 and expire on December 31. No
22 person shall be appointed consecutively to more than two terms



1 as a member of the same board or commission; provided that
2 membership on any board or commission shall not exceed eight
3 consecutive years."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon approval of an
7 amendment to article 5, section 6, of the Constitution of the
8 State of Hawaii, that provides the Hawaii state senate with the
9 authority to provide provisional or temporary advice and consent
10 to gubernatorial nominations of principal department heads.

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Report Title:

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Description:

Authorizes the senate, in its discretion, to limit to a provisional or temporary appointment, the advice and consent of the nomination of any executive of a principal department or the chairpersons of the board of agriculture, board of land and natural resources, or Hawaiian homes commission.

