

JAN 18 2008

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 6, OF THE HAWAII CONSTITUTION TO AUTHORIZE THE SENATE TO LIMIT ITS ADVICE AND CONSENT OF THE NOMINATION OF ANY EXECUTIVE OR CHAIRPERSON OF A PRINCIPAL DEPARTMENT TO A PROVISIONAL OR TEMPORARY APPOINTMENT.

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

1 SECTION 1. Article 5, section 6, of the Constitution of
2 the State of Hawaii is amended to read as follows:

3 **"EXECUTIVE AND ADMINISTRATIVE OFFICES**

4 **AND DEPARTMENTS**

5 **Section 6.** All executive and administrative offices,
6 departments and instrumentalities of the state government and
7 their respective powers and duties shall be allocated by law
8 among and within not more than twenty principal departments in
9 [~~such~~] a manner as to group the same according to common
10 purposes and related functions. Temporary commissions or
11 agencies for special purposes may be established by law and need
12 not be allocated within a principal department.

13 Each principal department shall be under the supervision of
14 the governor and, unless otherwise provided in this constitution
15 or by law, shall be headed by a single executive. [~~Such~~] A



1 single executive shall be nominated and, by and with the advice
2 and consent of the senate, appointed by the governor[~~—That~~];
3 provided that the senate, in its discretion, may limit its
4 advice and consent to a provisional or temporary appointment.
5 Except in the case of a provisional or temporary advice and
6 consent by the senate, the person shall hold office for a term
7 to expire at the end of the term for which the governor was
8 elected, unless sooner removed by the governor; except that the
9 removal of the chief legal officer of the State shall be subject
10 to the advice and consent of the senate.

11 Except as otherwise provided in this constitution, whenever
12 a board, commission or other body shall be the head of a
13 principal department of the state government, the members
14 thereof shall be nominated and, by and with the advice and
15 consent of the senate, appointed by the governor[~~—~~]; provided
16 that, for nominations of chairpersons of these principal
17 departments, the senate, in its discretion, may limit its advice
18 and consent to a temporary or provisional appointment. The term
19 of office and removal of [~~such~~] members shall be as provided by
20 law. [~~Such~~] A board, commission or other body may appoint a
21 principal executive officer who, when authorized by law, may be



1 an ex officio, voting member thereof, and who may be removed by
2 a majority vote of the members appointed by the governor.

3 The governor shall nominate and, by and with the advice and
4 consent of the senate, appoint all officers for whose election
5 or appointment provision is not otherwise provided for by this
6 constitution or by law. If the manner or removal of an officer
7 is not prescribed in this constitution, removal shall be as
8 provided by law.

9 When the senate is not in session and a vacancy occurs in
10 any office, appointment to which requires the confirmation of
11 the senate, the governor may fill the office by granting a
12 commission which shall expire, unless [~~such~~] the appointment is
13 confirmed, at the end of the next session of the senate. The
14 person so appointed shall not be eligible for another interim
15 appointment to [~~such~~] the office if the appointment failed to be
16 confirmed by the senate.

17 No person who has been nominated for appointment to any
18 office and whose appointment has not received the consent of the
19 senate shall be eligible to an interim appointment thereafter to
20 [~~such~~] the office.

21 Every officer appointed under [~~the provisions of~~] this
22 section shall be a citizen of the United States and shall have



1 been a resident of this State for at least one year immediately
2 preceding that person's appointment, except that this residency
3 requirement shall not apply to the president of the University
4 of Hawaii."

5 SECTION 2. The question to be printed on the ballot shall
6 be as follows:

7 "Shall the Senate have the authority, in its discretion, to
8 limit its confirmation, by advice and consent, of the
9 nomination of any executive or chairperson of a principal
10 department to a provisional or temporary appointment?"

11 SECTION 3. Constitutional material to be repealed is
12 bracketed and stricken. New constitutional material is
13 underscored.

14 SECTION 4. This amendment shall take effect upon
15 compliance with article XVII, section 3, of the Constitution of
16 the State of Hawaii.

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Report Title:

Executive Department Directors; Advice and Consent

Description:

Amends the constitution to authorize the senate, in its discretion, to limit the advice and consent of the nomination of any executive or chairperson of a principal department to a provisional or temporary appointment.

