

JAN 18 2008

A BILL FOR AN ACT

RELATING TO PUBLIC, EDUCATION, AND GOVERNMENT ACCESS
ORGANIZATIONS.

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

1 SECTION 1. The legislature finds that on June 16, 2006,
2 the state procurement office declared that the department of
3 commerce and consumer affairs' contracts for public,
4 educational, and governmental access services were required to
5 be awarded in accordance with the State's procurement code. In
6 response to that determination, the director of commerce and
7 consumer affairs ceased the practice of appointing and removing
8 members of the boards governing the State's four public,
9 education, and governmental access organizations. While state
10 law has never provided the director with direct authority to
11 appoint board members of public, educational, and governmental
12 access organizations, each of these non-profit corporations had
13 previously chosen, until recently, to provide the director with
14 that authority in their bylaws.

15 The purpose of this Act is to clarify that the director of
16 commerce and consumer affairs does not have the statutory



1 authority to select, appoint, and remove members of the State's
2 public, education, and governmental access boards.

3 SECTION 2. Chapter 440G, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§440G- Access organizations; director's authority.


7 The director shall have no authority to, and shall not, appoint
8 board members of any access organization."

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

11

INTRODUCED BY:


Gerald R. Parker



Report Title:

PEG Board; Appointment

Description:

Clarifies that the director of commerce and consumer affairs does not have the authority to appoint public, educational, and governmental corporation board members.

