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Testimony of Eric Barsatan
Boards and Commission Manager
Office of the Governor

Before the

Senate Committee on Tourism and Government Operations

Tuesday, February 5, 2008, 1:15 p.m.
State Capitol, Conference Room 229

SB 2252 Relating to Boards and Commissions

Chair Nishihara, Vice Chair Kim, and Members of the Committee:

The Administration wishes to voice our strong opposition to SB 2252 that would prohibit members of the Governor's Cabinet from serving as the Chair of a Board or Commission.

First, we believe the premises of this bill are not correct. Boards and Commissions are established to serve as extensions of Cabinet departments in carrying out the breath of public functions under the jurisdiction of the State. It is important that there be working relationships between Boards and their responsive agencies so that policies can be carried out in a coordinated fashion with ample public input.

Second, the continuity and efficient operations of Boards is assisted by departmental staff that provide logistical support, administrative guidance, and technical expertise to these Boards. The Attorney General's office also helps provide for continuity by providing legal assistance and guidance to our Boards and Commissions. The fact that a Chair may be an interim appointee should not be considered a liability. Chairs are frequently selected by the members of the Board or Commission. We believe the Legislature should not interfere in the democratic process of how a Chair is selected.

Third, we believe this bill raises governance concerns, particularly since several department Directors chair Boards as a result of State law – most notably the Chair of the Board of Agriculture and the Chair of the Land Board. These two department Directors are by statute dual-appointed to serve both as a department Director and Chair of the main Board that serves their agency.

Finally, we must ask why this bill is being proposed at this time. For over forty years under prior governors interim appointees and ex-officio members have been permitted to serve as Chairs of Boards and Commissions.

The operations of Boards and Commissions are subject to the provisions of the sunshine law. Members of the public and members of the Legislature have the opportunity to watch and to question the activities of any member, including the Chairs. We believe the current system has served the public well and should be retained.

We respectfully ask that this bill be held in committee.