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## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 6 OF THE HAWAII  
CONSTITUTION REQUIRING THAT THE GOVERNOR DISCLOSE, AT THE  
TIME OF EACH NOMINATION, NAMES OF ALL PERSONS NOMINATED TO  
SERVE IN EXECUTIVE AND ADMINISTRATIVE OFFICES AND  
DEPARTMENTS.

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

1           SECTION 1. The legislature finds that Hawaii's citizens  
2 have been demanding more government transparency in recent  
3 years. At the state and national levels, governments have  
4 increasingly enacted "sunshine laws" to promote greater openness  
5 and transparency in government processes, and to restore public  
6 confidence in the integrity of government. The legislature also  
7 finds that increasing the transparency of gubernatorial  
8 appointments to executive and administrative offices and  
9 departments is consistent with these general principles. The  
10 purpose of this Act is to propose an amendment to article V,  
11 section 6 of the Constitution of the State of Hawaii requiring  
12 that the governor publicly announce the names of all persons  
13 nominated to serve in executive and administrative offices and  
14 departments, at the time each nomination is made, regardless of  
15 whether the nominee is ultimately appointed.



1 SECTION 2. Article V, section 6 of the Constitution of the  
2 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 purposes  
10 and related functions. Temporary commissions or agencies for  
11 special purposes may be established by law and need not be  
12 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 single  
16 executive shall be nominated and, by and with the advice and  
17 consent of the senate, appointed by the governor. That person  
18 shall hold office for a term to expire at the end of the term  
19 for which the governor was elected, unless sooner removed by the  
20 governor; except that the removal of the chief legal officer of  
21 the State shall be subject to the advice and consent of the  
22 senate.



1           Except as otherwise provided in this constitution, whenever  
2 a board, commission or other body shall be the head of a  
3 principal department of the state government, the members  
4 thereof shall be nominated and, by and with the advice and  
5 consent of the senate, appointed by the governor. The term of  
6 office and removal of such members shall be as provided by law.  
7 Such board, commission or other body may appoint a principal  
8 executive officer who, when authorized by law, may be an ex  
9 officio, voting member thereof, and who may be removed by a  
10 majority vote of the members appointed by the governor.

11           The governor shall nominate and, by and with the advice and  
12 consent of the senate, appoint all officers for whose election  
13 or appointment provision is not otherwise provided for by this  
14 constitution or by law. If the manner of removal of an officer  
15 is not prescribed in this constitution, removal shall be as  
16 provided by law.

17           The governor shall publicly announce the names of all  
18 persons nominated to serve in executive and administrative  
19 offices and departments pursuant to this section, at the time  
20 each nomination is made, regardless of whether the nominee is  
21 ultimately appointed.



1           When the senate is not in session and a vacancy occurs in  
2 any office, appointment to which requires the confirmation of  
3 the senate, the governor may fill the office by granting a  
4 commission which shall expire, unless such appointment is  
5 confirmed, at the end of the next session of the senate. The  
6 person so appointed shall not be eligible for another interim  
7 appointment to such office if the appointment failed to be  
8 confirmed by the senate.

9           No person who has been nominated for appointment to any  
10 office and whose appointment has not received the consent of the  
11 senate shall be eligible to an interim appointment thereafter to  
12 such office.

13           Every officer appointed under the provisions of this  
14 section shall be a citizen of the United States and shall have  
15 been a resident of this State for at least one year immediately  
16 preceding that person's appointment, except that this residency  
17 requirement shall not apply to the president of the University  
18 of Hawaii. "

19           SECTION 3. The question to be printed on the ballot shall  
20 be as follows:

21           "Shall the Governor be required to publicly announce the  
22 names of all persons nominated to serve in executive and



# H.B. NO. 2214

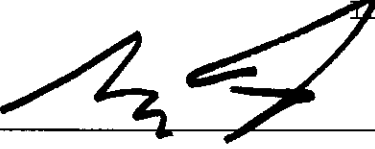

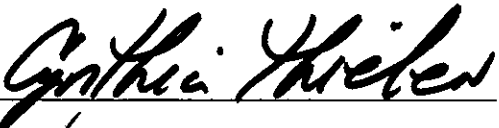
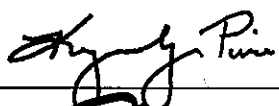

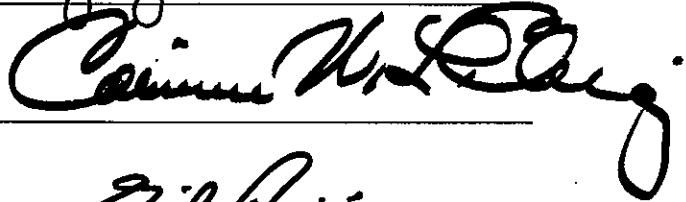

1 administrative offices and departments, at the time each  
 2 nomination is made, regardless of whether the nominee is  
 3 ultimately appointed?"

4 SECTION 4. New constitutional material is underscored.

5 SECTION 5. This amendment shall take effect upon  
 6 compliance with Article XVII, section 3 of the Constitution of  
 7 the State of Hawaii.

8

INTRODUCED BY:

JAN 20 2012



# H.B. NO. 2214

**Report Title:**

Constitutional amendment; Disclosure of gubernatorial nominees

**Description:**

Proposes amending article V, section 6 of the State Constitution to require that the governor disclose, at the time of each nomination, the names of all persons nominated to serve in executive and administrative offices and departments, regardless of whether the nominee is ultimately appointed.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

