
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO PERMIT THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES TO APPOINT MEMBERS TO A BOARD, COMMISSION, OR OTHER BODY THAT IS THE HEAD OF A PRINCIPAL EXECUTIVE DEPARTMENT.

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

1 SECTION 1. The purpose of this Act is to propose an
2 amendment to article V, section 6 of the Constitution of the
3 State of Hawaii to permit the president of the senate and
4 speaker of the house of representatives to appoint members to a
5 board, commission, or other body that is the head of a principal
6 executive department, as provided by law.

7 SECTION 2. Article V, section 6, of the Constitution of
8 the State of Hawaii is amended to read as follows:

9 **"EXECUTIVE AND ADMINISTRATIVE OFFICES**

10 **AND DEPARTMENTS**

11 **Section 6.** All executive and administrative offices,
12 departments and instrumentalities of the state government and
13 their respective powers and duties shall be allocated by law
14 among and within not more than twenty principal departments in
15 such a manner as to group the same according to common purposes
16 and related functions. Temporary commissions or agencies for



1 special purposes may be established by law and need not be
2 allocated within a principal department.

3 Each principal department shall be under the supervision of
4 the governor and, unless otherwise provided in this constitution
5 or by law, shall be headed by a single executive. Such single
6 executive shall be nominated and, by and with the advice and
7 consent of the senate, appointed by the governor. That person
8 shall hold office for a term to expire at the end of the term
9 for which the governor was elected, unless sooner removed by the
10 governor; except that the removal of the chief legal officer of
11 the State shall be subject to the advice and consent of the
12 senate.

13 Except as otherwise provided in this constitution, whenever
14 a board, commission or other body shall be the head of a
15 principal department of the state government, the members
16 thereof shall be nominated and, by and with the advice and
17 consent of the senate, appointed by the governor[-], president
18 of the senate, or speaker of the house of representatives, as
19 provided by law. The term of office and removal of such members
20 shall be as provided by law. Such board, commission or other
21 body may appoint a principal executive officer who, when
22 authorized by law, may be an ex officio, voting member thereof,



1 and who may be removed by a majority vote of the members
2 [~~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 of 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 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 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 office.

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



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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 3. The question to be printed on the ballot shall
6 be as follows:

7 "Shall the President of the Senate and Speaker of the House
8 of Representatives, in addition to the Governor, be permitted to
9 appoint members, as provided by law, to a board, commission, or
10 other body that is the head of a principal executive
11 department?"

12 SECTION 4. Constitutional material to be repealed is
13 bracketed and stricken. New constitutional material is
14 underscored.

15 SECTION 5. This amendment shall take effect upon
16 compliance with article XVII, section 3, of the Constitution of
17 the State of Hawaii.

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INTRODUCED BY: *Deane Smith*

JAN - 8 2014



H.B. NO. 1510

Report Title:

Constitutional Amendment; Legislative Appointment; Boards and Commissions

Description:

Proposes an amendment to Article V, Section 6 of the Hawaii State Constitution to permit legislative appointment to a board, commission, or other body that is the head of a principal executive department.

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