

JAN 17 2014

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# A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1           SECTION 1. Section 26-34, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:  
3           "(a) The members of each board and commission established  
4 by law shall be nominated and, by and with the advice and  
5 consent of the senate, appointed by the governor. If nominees  
6 for appointment to a board or commission are provided to the  
7 governor by an appointing or nominating authority or by any  
8 group or organization, the governor shall disclose the names of  
9 the nominees, pursuant to section 92F-12. Each appointing or  
10 nominating authority shall be deemed to have fulfilled its  
11 obligation under this section upon confirmation of the nominee  
12 by the senate. Unless otherwise provided by this chapter or by  
13 law hereafter enacted, the terms of the members shall be for  
14 four years; provided that the governor may reduce the terms of  
15 those initially appointed so as to provide, as nearly as can be,  
16 for the expiration of an equal number of terms at intervals of  
17 one year for each board and commission. Unless otherwise  
18 provided by law, each term shall commence on July 1 and expire



1 on June 30, except that the terms of the chairpersons of the  
2 board of agriculture, the board of land and natural resources,  
3 and the Hawaiian homes commission shall commence on January 1  
4 and expire on December 31. No person shall be appointed  
5 consecutively to more than two terms as a member of the same  
6 board or commission; provided that membership on any board or  
7 commission shall not exceed eight consecutive years."

8 SECTION 2. Section 92F-12, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§92F-12 Disclosure required.** (a) Any other provision in  
11 this chapter to the contrary notwithstanding, each agency shall  
12 make available for public inspection and duplication during  
13 regular business hours:

14 (1) Rules of procedure, substantive rules of general  
15 applicability, statements of general policy, and  
16 interpretations of general applicability adopted by  
17 the agency;

18 (2) Final opinions, including concurring and dissenting  
19 opinions, as well as orders made in the adjudication  
20 of cases, except to the extent protected by section  
21 92F-13(1);



- 1           (3) Government purchasing information, including all bid
- 2           results, except to the extent prohibited by section
- 3           92F-13;
- 4           (4) Pardons and commutations, as well as directory
- 5           information concerning an individual's presence at any
- 6           correctional facility;
- 7           (5) Land ownership, transfer, and lien records, including
- 8           real property tax information and leases of state
- 9           land;
- 10          (6) Results of environmental tests;
- 11          (7) Minutes of all agency meetings required by law to be
- 12          public;
- 13          (8) Name, address, and occupation of any person borrowing
- 14          funds from a state or county loan program, and the
- 15          amount, purpose, and current status of the loan;
- 16          (9) Certified payroll records on public works contracts
- 17          except social security numbers and home addresses;
- 18          (10) Regarding contract hires and consultants employed by
- 19          agencies:
- 20                (A) The contract itself, the amount of compensation;
- 21                (B) The duration of the contract; and



- 1           (C) The objectives of the contract, except social  
2                   security numbers and home addresses;
- 3       (11) Building permit information within the control of the  
4           agency;
- 5       (12) Water service consumption data maintained by the  
6           boards of water supply;
- 7       (13) Rosters of persons holding licenses or permits granted  
8           by an agency that may include name, business address,  
9           type of license held, and status of the license;
- 10       (14) The name, compensation (but only the salary range for  
11           employees covered by or included in chapter 76, and  
12           sections 302A-602 to 302A-639, and 302A-701, or  
13           bargaining unit (8)), job title, business address,  
14           business telephone number, job description, education  
15           and training background, previous work experience,  
16           dates of first and last employment, position number,  
17           type of appointment, service computation date,  
18           occupational group or class code, bargaining unit  
19           code, employing agency name and code, department,  
20           division, branch, office, section, unit, and island of  
21           employment, of present or former officers or employees  
22           of the agency; provided that this paragraph shall not



1           require the creation of a roster of employees; and  
2           provided further that this paragraph shall not apply  
3           to information regarding present or former employees  
4           involved in an undercover capacity in a law  
5           enforcement agency;

6           (15) Information collected and maintained for the purpose  
7           of making information available to the general public;  
8           and

9           (16) Information contained in or compiled from a  
10          transcript, minutes, report, or summary of a  
11          proceeding open to the public.

12          (b) Any provision to the contrary notwithstanding, each  
13          agency shall also disclose:

14          (1) Any government record, if the requesting person has  
15          the prior written consent of all individuals to whom  
16          the record refers;

17          (2) Government records which, pursuant to federal law or a  
18          statute of this State, are expressly authorized to be  
19          disclosed to the person requesting access;

20          (3) Government records pursuant to a showing of compelling  
21          circumstances affecting the health or safety of any  
22          individual;



1           (4) Government records requested pursuant to an order of a  
2           court;

3           (5) Government records pursuant to a subpoena from either  
4           house of the state legislature; and

5           (6) Information from the motor vehicle registration files,  
6           provided that the person requesting such files shall  
7           have a legitimate reason as determined by rules.

8           (c) Any provision to the contrary notwithstanding, the  
9 governor shall disclose the names of all nominees for  
10 appointment to a board or commission provided to the governor by  
11 any appointing or nominating authority or by any group or  
12 organization."

13           SECTION 3. Section 103D-201, Hawaii Revised Statutes, is  
14 amended by amending subsection (b) to read as follows:

15           "(b) The policy board shall consist of seven members.  
16 Notwithstanding the limitations of section 78-4, the members of  
17 the board shall include:

18           (1) The comptroller;

19           (2) A county employee with significant high-level  
20           procurement experience; and

21           (3) Five persons who shall not otherwise be full-time  
22           employees of the State or any county; provided that at



1 least one member shall be a certified professional in  
2 the field of procurement, at least one member shall  
3 have significant high-level, federal procurement  
4 experience, and at least two members shall have  
5 significant experience in the field of health and  
6 human services.

7 Each appointed member shall have demonstrated sufficient  
8 business or professional experience to discharge the functions  
9 of the policy board. The initial and subsequent members of the  
10 policy board, other than the comptroller, shall be appointed by  
11 the governor from a list of three individuals for each vacant  
12 position, submitted by a nominating committee composed of four  
13 individuals chosen as follows: two persons appointed by the  
14 governor; one person appointed by the president of the senate;  
15 and one person appointed by the speaker of the house. Except as  
16 provided in this section, the selection and terms of the policy  
17 board members shall be subject to the requirements of section  
18 26-34. The nominating committee shall be deemed to have  
19 fulfilled its obligation under this section upon confirmation by  
20 the senate of a nominee to fill each vacant position on the  
21 policy board. No member of the policy board shall act  
22 concurrently as a chief procurement officer. The members of the



1 policy board shall devote such time to their duties as may be  
2 necessary for the proper discharge thereof."

3 SECTION 4. Section 174C-7, Hawaii Revised Statutes, is  
4 amended by amending subsection (d) to read as follows:

5 "(d) In appointing a member to the commission, the  
6 governor shall select from a list submitted by a nominating  
7 committee. The nominating committee shall be composed of four  
8 individuals chosen as follows: two persons appointed by the  
9 governor; one person appointed by the president of the senate;  
10 and one person appointed by the speaker of the house. The  
11 committee shall solicit applications and send to the governor  
12 the names of at least three individuals for each open position.  
13 The nominating committee shall be deemed to have fulfilled its  
14 obligation under this section upon confirmation by the senate of  
15 a nominee to fill each vacant position on the commission."

16 SECTION 5. Section 304A-104.6, Hawaii Revised Statutes, is  
17 amended by amending subsection (c) to read as follows:

18 "(c) The candidate advisory council shall initiate the  
19 recruitment and evaluation of candidates for each vacancy on the  
20 board of regents within:

21 (1) Sixty days of a vacancy; or





1           (2) At least one hundred twenty days prior to the  
2                   expiration of a regent's term.

3           The candidate advisory council shall be deemed to have  
4 fulfilled its obligation under this section upon confirmation by  
5 the senate of a nominee to fill each vacancy."

6           SECTION 6. Section 353-61, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) to read as follows:

8           "(a) Members of the paroling authority shall be nominated  
9 by a panel composed of the chief justice of the Hawaii supreme  
10 court, the director, the president of the Hawaii State Bar  
11 Association, a representative designated by the head of the  
12 Interfaith Alliance Hawaii, a member from the general public to  
13 be appointed by the governor, and the president of the Hawaii  
14 chapter of the National Association of Social Workers. The  
15 panel shall submit to the governor the names of not less than  
16 three persons, designated as the nominees, for chairperson or as  
17 a member, for each vacancy. The panel shall be deemed to have  
18 fulfilled its obligation under this section upon confirmation by  
19 the senate of a nominee to fill each vacancy. The requirement  
20 for nomination by the panel established under this section shall  
21 only apply to a nominee's nomination by the governor to an  
22 initial term on the paroling authority and not to any subsequent



1 consecutive term of a sitting paroling authority member or  
 2 chairperson whose initial appointment to office was made  
 3 pursuant to a nomination by the panel."

4 SECTION 7. New statutory material is underscored.

5 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY: Gene Merando

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# S.B. NO. 2281

**Report Title:**

Boards and Commissions; Open Records; Procurement Policy Board; Commission on Water Resource Management; Candidate Advisory Council for the Board of Regents of the University of Hawaii; Hawaii Paroling Authority

**Description:**

Requires the disclosure of all names submitted to the governor as nominees for appointment to a board or commission by any appointing or nominating authority or by any group or organization. Clarifies that the duties of an appointing or nominating authority, including committees or panels for the procurement policy board, commission on water resource management, candidate advisory council for the board of regents of the University of Hawaii, and Hawaii paroling authority are not terminated until a nominee has been confirmed by the senate to fill each vacancy.

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

