

STAND. COM. REP. NO.

543

Honolulu, Hawaii

FEB 28 2013

RE: S.B. No. 858
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 858 entitled:

"A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify the
Legislature's intent that no board or commission member who has
failed to receive the advice and consent of the Senate shall
continue in office as a holdover member.

Your Committee received testimony in support of this measure
from the Sierra Club and two individuals. The Department of the
Attorney General submitted comments on this measure.

Your Committee finds that existing law provides that no
person shall be appointed consecutively to more than two terms as
a member of the same board or commission, provided that membership
on any board or commission must not exceed eight consecutive
years. This measure clarifies that it is the Legislature's intent
that no person who has failed to receive the advice and consent of
the Senate shall continue in office as a holdover member.

Your Committee notes the concerns raised by the Department of
the Attorney General that the language in this measure could leave
a board without its full complement of members for the balance of
the legislative session during which a holdover member's
confirmation is rejected.

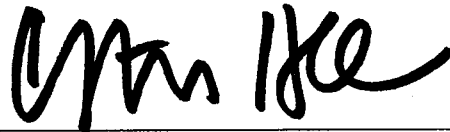


Your Committee has amended this measure by:

- (1) Adopting the language proposed by the Department of the Attorney General that allows a person whose reappointment to a second consecutive term fails to receive the consent of the Senate to continue in office as a holdover member only until the Senate adjourns sine die;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 858, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 858, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB858	Committee Referral: JDL	Date: 2/20/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam				✓
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

***Only one measure per Record of Votes**