

JAN 28 2015

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII TO REPEAL THE ONE-YEAR MINIMUM HAWAII RESIDENCY REQUIREMENT TO QUALIFY FOR APPOINTMENT PURSUANT TO ARTICLE V, SECTION 6, OF THE CONSTITUTION OF THE STATE OF HAWAII.

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 repeal the one-year minimum Hawaii residency
4 requirement to qualify for appointment pursuant to article V,
5 section 6, of the Constitution of the State of Hawaii.

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

8 **"EXECUTIVE AND ADMINISTRATIVE OFFICES**

9 **AND DEPARTMENTS**

10 **Section 6.** All executive and administrative offices,
11 departments and instrumentalities of the state government and
12 their respective powers and duties shall be allocated by law
13 among and within not more than twenty principal departments in
14 such a manner as to group the same according to common purposes
15 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. The term of
18 office and removal of such members shall be as provided by law.
19 Such board, commission or other body may appoint a principal
20 executive officer who, when authorized by law, may be an ex



1 officio, voting member thereof, and who may be removed by a
2 majority vote of the members 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.



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1 Every officer appointed under the provisions of this
2 section shall be a citizen of the United States [~~and shall have~~
3 ~~been a resident of this State for at least one year immediately~~
4 ~~preceding that person's appointment, except that this residency~~
5 ~~requirement shall not apply to the president of the University~~
6 ~~of Hawaii~~]."

7 SECTION 3. The question to be printed on the ballot shall
8 be as follows:

9 "Shall the one-year minimum Hawaii residency requirement to
10 qualify for appointment as an executive of a principal
11 department pursuant to article V, section 6, of the
12 Constitution of the State of Hawaii be repealed?"

13 SECTION 4. Constitutional material to be repealed is
14 bracketed and stricken.

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:

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S.B. NO. 1022

Report Title:

Constitutional Amendment; Residency Requirement; Appointed Officials

Description:

Proposes a constitutional amendment to repeal the minimum one-year Hawaii residency requirement for appointment as an executive of a principal department pursuant to article V, section 6, of the Constitution of the State of Hawaii.

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