



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

S.B. NO. 2055, RELATING TO THE EXECUTIVE BRANCH.

BEFORE THE:

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

DATE: Thursday, February 8, 2018 **TIME:** 3:15 p.m.

LOCATION: State Capitol, Room 224

TESTIFIER(S): Russell A. Suzuki, Acting Attorney General, or
Robyn Chun, Deputy Attorney General

Chair Kim and Members of the Committee:

The Department of the Attorney General has concerns about this bill.

This bill requires the Governor to submit for confirmation, the names of nominees for executive branch positions, within the first forty-one days of a regular session.

Nominations submitted later than the first forty-one days will not be considered “unless otherwise allowed by [Senate] rules”.

This bill improperly encroaches on the Governor’s appointment authority.

Where a position does not become vacant (e.g. due to death or illness) until late in a legislative session (on or after the forty-one day deadline) the bill may lead to situations where qualified nominees are not confirmed and under article V, section 6 of the Hawaii Constitution, will not be eligible for an interim appointment thereafter.

In addition, this bill is unclear with respect to the practical consequences if the forty-one day deadline is not met because the bill only provides that the Senate shall not consider the Governor’s nominee “unless otherwise allowed by its rules.”

In light of the foregoing concerns, the Department of the Attorney General respectfully asks the Committee to hold this bill.