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# A BILL FOR AN ACT

RELATING TO BOARDS AND COMMISSIONS.

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

1       SECTION 1. The legislature finds that state boards and  
2 commissions provide an opportunity for a cross-section of  
3 Hawai'i's residents to offer vital input and a means of  
4 influencing decisions that shape the quality of life for the  
5 residents of Hawai'i. The governor nominates and appoints more  
6 than one hundred and seventy board and commission positions  
7 established by the Hawaii State Constitution, Hawaii Revised  
8 Statutes, and executive orders. While the term for most board  
9 and commission members is four years, some terms vary depending  
10 upon the board or commission.

11       The legislature further finds that it is imperative that  
12 members of boards and commissions are appropriately and timely  
13 nominated and appointed to enable the boards and commissions to  
14 meet and conduct business.

15       The purpose of this Act is to require the governor to  
16 appoint an individual to fill a vacancy in any board or  
17 commission within one hundred eighty days.



1       SECTION 2. Section 26-34, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) through (c) to read as  
3 follows:

4       "(a) The members of each board and commission established  
5 by law shall be nominated and, by and with the advice and  
6 consent of the senate, appointed by the governor. The governor  
7 shall appoint individuals to fill vacancies occurring in the  
8 membership of boards and commissions within one hundred eighty  
9 days upon the expiration of a member's term. Unless otherwise  
10 provided by this chapter or by law hereafter enacted, the terms  
11 of the members shall be for four years; provided that the  
12 governor may reduce the terms of those initially appointed so as  
13 to provide, as nearly as can be, for the expiration of an equal  
14 number of terms at intervals of one year for each board and  
15 commission. Unless otherwise provided by law, each term shall  
16 commence on July 1 and expire on June 30, except that the terms  
17 of the chairpersons of the board of agriculture, the board of  
18 land and natural resources, and the Hawaiian homes commission  
19 shall commence on January 1 and expire on December 31. No  
20 person shall be appointed consecutively to more than two terms  
21 as a member of the same board or commission; provided that



1 membership on any board or commission shall not exceed eight  
2 consecutive years.

3 (b) Any member of a board or commission whose term has  
4 expired and who is not disqualified for membership under  
5 subsection (a) may continue in office as a holdover member until  
6 a successor is nominated and appointed; provided that a holdover  
7 member shall not hold office [~~beyond the end of the second~~  
8 ~~regular legislative session~~] for a period exceeding one hundred  
9 eighty days following the expiration of the member's term of  
10 office[-] pursuant to subsection (a); provided further that upon  
11 the expiration of the holdover member's term under subsection  
12 (a), a vacancy is created on the board or commission that shall  
13 be subject to the advice and consent of the senate as provided  
14 in subsection (a).

15 (c) A vacancy occurring in the membership of any board or  
16 commission during a term shall be [~~filled~~]:

17 (1) Promptly reported to the governor by the head of the  
18 department in which the board or commission is placed  
19 or administratively attached; and



1       (2) Filled for the unexpired term thereof, subject to  
2           Article V, section 6 of the Constitution of the  
3           State."

4       SECTION 3. Section 30-4, Hawaii Revised Statutes, is  
5 amended to read as follows:

6       "~~[§]30-4[§]~~ **Duties of outgoing governor.** It shall be  
7 incumbent upon the outgoing governor to:

8       (1) Provide channels enabling the governor-elect to:

9           (A) Inform career civil servants of governor-elect's  
10           program goals and new policies;

11          (B) Effect communication channels with the  
12           administration of the governor. The governor-  
13           elect may obtain information from the governor's  
14           administration by circulating questionnaires or  
15           by other means. Information sought may include  
16           any questions ~~[which]~~ that will effect the intent  
17           of the legislature in enacting this legislation,  
18           as expressed in section 30-1. ~~[Such]~~ The  
19           contacts may also include inquiries designed to  
20           elicit descriptions of programs, recommendations,  
21           and justifications for elimination, curtailment,



1 or expansion of services, projections of future  
2 developments or needs within program areas,  
3 recommendations for administrative changes,  
4 comments upon anticipated federal developments  
5 ~~[which]~~ that might have program or budgetary  
6 implications for state programs, and elaboration  
7 of procedural details~~[-]~~; and

8 (C) Appoint individuals to fill vacancies occurring  
9 in the membership of boards and commissions  
10 within one hundred eighty days after a member's  
11 term has expired. The governor shall provide the  
12 governor-elect with an up-to-date list of  
13 information on boards' and commissions'  
14 memberships, terms of service, and any pending  
15 vacancies; and

16 (2) Direct that official documents, vital information, and  
17 procedural manuals be given to the governor-elect upon  
18 the governor-elect's request."

19 SECTION 4. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

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



# S.B. NO. 1395 S.D. 2

**Report Title:**

Boards and Commissions; Vacancy; Governor

**Description:**

Requires the governor to appoint an individual to fill a vacancy within all boards and commissions within one hundred eighty days. Requires that holdover appointments are limited to one hundred eighty days, thereby creating a vacancy at the end of the holdover period. Requires department heads to inform the governor of any vacancy in any board or commission. (SD1)

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

