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March 15, 2021

TO: The Honorable Representative Angus L.K. McKelvey, Chair  
House Committee on Government Reform

FROM: Cathy Betts, Director

SUBJECT: **SB1395 SD 2 - RELATING TO BOARDS AND COMMISSIONS.**

Hearing: March 17, 2021, 10:00 a.m.  
Via videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) provides comments.

The Senate Committee on Government Operations amended the measure by making technical amendments. The Senate Committee on the Judiciary further amended the measure by,

- (1) Requiring the Governor to appoint an individual to fill a vacancy within all boards and commissions within one hundred eighty days;
- (2) Requiring that holdover appointments are limited to one hundred eighty days; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

**PURPOSE:** The purposes of the bill is to: (1) Require the Governor to appoint an individual to fill a vacancy within all boards and commissions within an unspecified period of time; (2) Require that holdover appointments are limited to an unspecified period of time, thereby creating a vacancy at the end of the holdover period; and (3) Require department heads to inform the Governor of any vacancy on any board or commission.

DHS provides the following comments. It is unclear whether the issues identified in previously submitted testimony are widespread, or whether the issues occur more frequently in particular boards or commissions.

To implement the proposal in Section 2, (a) assumes that there is a ready supply of qualified candidates available to fill vacancies and that the Governor's office has the required resources to vet all applicants for all vacancies in a timely manner given the wide variety of subject matters that boards and commissions are tasked to address.

Concerning the proposed amendment to (b) regarding holdover members, this also relies on the assumptions that there is a ready supply of qualified candidates to fill vacancies and that the Governor's office has the requisite resources to vet all applicants. The 180 day time frame on holdover members may impact boards' or commissions' ability to function as there may be a number of pending vacancies to be filled. A member willing to holdover after their term is complete may serve an important role in terms of knowledge, continuity, and leadership, and may be vital in maintaining the board's or commission's ability to conduct business and make decisions, especially if the holdover member is required for quorum. This would be especially true for volunteer commissions without staff.

As the definition of "quorum" varies depending upon the entity's establishing statute, this proposal may have a wide variety of consequences, and may discourage members of the public from participating on boards and commissions if leadership transitions are chaotic or if the continuity of business is interrupted with expiring memberships.

Thank you for the opportunity to provide comments on this measure.

DAVID Y. IGE  
GOVERNOR



**TESTIMONY BY:**

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March 17, 2021  
10:00 A.M.  
State Capitol, Teleconference

**S.B 1395, S.D. 2**  
**RELATING TO BOARDS AND COMMISSIONS**

House Committee on Government Reform

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The Department of Transportation (DOT) **supports with amendments** S.B. 1395, S.D. 2, which requires the governor to appoint an individual to fill a vacancy within all boards and commissions within 180 days. It also requires that holdover appointments are limited to one hundred eighty days, thereby creating a vacancy at the end of the holdover period, and requires department heads to inform the governor of any vacancy in any board or commission.

Based on our previous experience, we have often had issues finding suitable new members for the Medical Advisory Board and the State Highway Safety Council. As such, the DOT recommends that more time should be allowed to fill vacancies within boards and commissions. SECTION 2, Page 3, Subsection (b) should not be amended by this bill and left in its original form:

“(b) Any member of a board or commission whose term has expired and who is not disqualified for membership under subsection (a) may continue in office as a holdover member until a successor is nominated and appointed; provided that a holdover member shall not hold office beyond the end of the second regular legislative session.”

As the legislature meets annually, this will provide for the board appointment to be confirmed at the next legislative session if the confirmation deadline cannot be met in a timely manner for the current session. This will provide for the best opportunity for the board to meet its quorum to conduct business.

Thank you for the opportunity to provide testimony.

**SB-1395-SD-2**

Submitted on: 3/14/2021 9:13:43 AM

Testimony for GVR on 3/17/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leimomi Khan	Individual	Support	No

Comments:

Aloha, I continue to support SB1395 SD2 for the same reasons as submitted for SB1395 in its original form.