

JAN 21 2022

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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       Hawaii's residents to offer vital input and a means of  
4       influencing decisions that shape the quality of life for the  
5       residents of Hawaii. 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:



(1) Require the governor to appoint an individual to fill a vacancy in any board or commission within one hundred eighty days;

(2) Limit holdover appointments to the end of the legislative session following the expiration of the member's term; and

(3) Require department heads to inform the governor of any vacancy in any board or commission.

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

"(a) The members of each board and commission established by law shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. The governor shall appoint individuals to fill vacancies occurring in the membership of boards and commissions within one hundred eighty days upon the expiration of a member's term. Unless otherwise provided by this chapter or by law hereafter enacted, the terms of the members shall be for four years; provided that the governor may reduce the terms of those initially appointed so as to provide, as nearly as can be, for the expiration of an equal



1 number of terms at intervals of one year for each board and  
2 commission. Unless otherwise provided by law, each term shall  
3 commence on July 1 and expire on June 30, except that the terms  
4 of the chairpersons of the board of agriculture, the board of  
5 land and natural resources, and the Hawaiian homes commission  
6 shall commence on January 1 and expire on December 31. No  
7 person shall be appointed consecutively to more than two terms  
8 as a member of the same board or commission; provided that  
9 membership on any board or commission shall not exceed eight  
10 consecutive years.

11 (b) Any member of a board or commission whose term has  
12 expired and who is not disqualified for membership under  
13 subsection (a) may continue in office as a holdover member until  
14 a successor is nominated and appointed; provided that a holdover  
15 member shall not hold office beyond ~~[end]~~ adjournment sine die  
16 of the ~~[second]~~ regular legislative session following the  
17 expiration of the member's term of office~~[-]~~ pursuant to  
18 subsection (a); provided further that upon the expiration of the  
19 holdover member's term, a vacancy is created on the board or  
20 commission, which shall be subject to the advice and consent of  
21 the senate as provided in subsection (a).



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

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

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

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

"~~{}~~§30-4~~{}~~ **Duties of outgoing governor.** It shall be incumbent upon the outgoing governor to:

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

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

(B) Effect communication channels with the administration of the governor. The governor-elect may obtain information from the governor's administration by circulating questionnaires or by other means. Information sought may include any questions ~~which~~ that will effect the intent



1 of the legislature in enacting this legislation,  
2 as expressed in section 30-1. [~~Such~~] The  
3 contacts may also include inquiries designed to  
4 elicit descriptions of programs, recommendations,  
5 and justifications for elimination, curtailment,  
6 or expansion of services, projections of future  
7 developments or needs within program areas,  
8 recommendations for administrative changes,  
9 comments upon anticipated federal developments  
10 [~~which~~] that might have program or budgetary  
11 implications for state programs, and elaboration  
12 of procedural details[-]; and

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



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

4           SECTION 4. Section 201B-2, Hawaii Revised Statutes, is  
5           amended by amending subsections (b) and (c) to read as follows:

6           "(b) The authority shall be headed by a policy-making  
7           board of directors that shall consist of twelve members;  
8           provided that:

9           (1) The members shall be appointed by the governor as  
10          provided in section 26-34 [~~except as provided by this~~  
11          ~~section~~];

12          (2) The members shall include at least one representative  
13          each from the city and county of Honolulu and the  
14          counties of Hawaii, Kauai, and Maui;

15          (3) Three members shall be appointed by the governor from  
16          a list of three names submitted for each appointment  
17          by the president of the senate, and three members  
18          shall be appointed by the governor from a list of  
19          three names submitted for each appointment by the  
20          speaker of the house of representatives; provided that



1 if fewer than three names are submitted for each

2 appointment, the governor may disregard the list;

3 (4) At least six members shall have knowledge, experience,  
4 and expertise in the area of accommodations,  
5 transportation, retail, entertainment, or attractions,  
6 and at least one member appointed by the governor  
7 shall have knowledge, experience, and expertise in the  
8 area of Hawaiian cultural practices; provided that no  
9 more than three members shall represent, be employed  
10 by, or be under contract to any sector of the industry  
11 represented on the board;

12 (5) The governor shall make appointments to ensure the  
13 fulfillment of all requirements of paragraphs (2) and  
14 (4); provided that upon the occurrence of a vacancy  
15 subject to paragraph (3), the governor shall notify  
16 the president of the senate and the speaker of the  
17 house of representatives of any unfulfilled  
18 requirements pursuant to paragraphs (2) and (4), and  
19 the president of the senate or the speaker of the  
20 house of representatives, as appropriate, shall submit  
21 nominees who fulfill those requirements; and



1           (6) No person who has served as a member of the board of  
2           directors of the Hawaii Visitors and Convention Bureau  
3           shall be eligible to sit as a member of the board of  
4           directors of the Hawaii tourism authority until at  
5           least two years have expired between the person's  
6           termination from service on the Hawaii Visitors and  
7           Convention Bureau board and the person's appointment  
8           to the authority's board of directors.

9           (c) Members shall be appointed by the governor for terms  
10          of four years; provided that membership on the board shall not  
11          exceed eight consecutive years; provided further that each  
12          member shall hold office [~~until the member's successor is~~  
13          ~~appointed, and qualified.~~] as a holdover member subject to  
14          section 26-34."

15          SECTION 5. Statutory material to be repealed is bracketed  
16          and stricken. New statutory material is underscored.

17          SECTION 6. This Act shall take effect upon its approval.

18  
INTRODUCED BY:







# S.B. NO. 2301

**Report Title:**

Boards and Commissions; Vacancy; Holdover Member; Hawaii Tourism Authority; Governor

**Description:**

Requires the governor to appoint an individual to fill a vacancy within all boards and commissions within one hundred eighty days. Limits holdover appointments to the end of the legislative session following the expiration of the member's term. Requires department heads to inform the governor of any vacancy in any board or commission. Conforms requirements regarding holdover members of the Hawaii Tourism Authority to the requirements regarding holdover members of state boards and commissions.

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

