
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.

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

13 The purpose of this Act is to:

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



- 1 (2) Limit holdover appointments to the end of the
2 legislative session following the expiration of the
3 member's term;
- 4 (3) Require department heads to inform the governor of any
5 vacancy in any board or commission;
- 6 (4) Provide for the term expiration of a holdover member
7 of a board or commission at the end of the first
8 regular legislative session following the expiration
9 of the member's term; and
- 10 (5) Authorize the president of the senate to nominate a
11 successor member for a board or commission in the
12 event a holdover member's term is set to expire and
13 the governor fails to nominate a successor.

14 SECTION 2. Section 26-34, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§26-34 Selection and terms of members of boards and
17 commissions. (a) The members of each board and commission
18 established by law shall be nominated and, by and with the
19 advice and consent of the senate, appointed by the governor.
20 The governor shall appoint individuals to fill vacancies
21 occurring in the membership of boards and commissions within one



1 hundred eighty days of the expiration of a member's term.
2 Unless otherwise provided by this chapter or by law hereafter
3 enacted, the terms of the members shall be for four years;
4 provided that the governor may reduce the terms of those
5 initially appointed so as to provide, as nearly as can be, for
6 the expiration of an equal number of terms at intervals of one
7 year for each board and commission. Unless otherwise provided
8 by law, each term shall commence on July 1 and expire on
9 June 30, except that the terms of the chairpersons of the board
10 of agriculture, the board of land and natural resources, and the
11 Hawaiian homes commission shall commence on January 1 and expire
12 on December 31. No person shall be appointed consecutively to
13 more than two terms as a member of the same board or commission;
14 provided that membership on any board or commission shall not
15 exceed eight consecutive years.

16 (b) Any member of a board or commission whose term has
17 expired and who is not disqualified for membership under
18 subsection (a) may continue in office as a holdover member until
19 a successor is nominated and appointed; provided that a holdover
20 member shall not hold office beyond [~~the end~~] adjournment sine
21 die of the [~~second~~] regular legislative session following the



1 expiration of the member's term of office[-] pursuant to
2 subsection (a); provided further that upon the expiration of the
3 holdover member's term, a vacancy is created on the board or
4 commission, which shall be subject to the advice and consent of
5 the senate as provided in subsection (a).

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

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

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

13 (d) If, during a regular legislative session:

14 (1) A board or commission member's allowable term,
15 including any allowable holdover term pursuant to
16 subsection (b), will be expired at adjournment sine
17 die; and

18 (2) The governor has not nominated a successor by the date
19 that the senate, by rule, has established as the
20 deadline to receive a nomination or appointment for
21 consideration during that legislative session,



1 then a successor may be nominated and, by and with the advice
2 and consent of the senate, be appointed by the president of the
3 senate; provided that this subsection shall not apply to members
4 of a board or commission that serves as the head of a principal
5 department of the State as provided in article V, section 6, of
6 the state constitution.

7 ~~[(d)]~~ (e) The governor may remove or suspend for cause any
8 member of any board or commission after due notice and public
9 hearing.

10 ~~[(e)]~~ (f) Except as otherwise provided by this chapter,
11 this section shall apply to every board and commission
12 established by part I, or existing or established after
13 November 25, 1959. All new appointments to any board or
14 commission shall thereafter be made in accordance with this
15 section.

16 ~~[(f)]~~ (g) This section shall not apply to ex officio
17 members of boards and commissions or to the board of trustees of
18 the employees retirement system."

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



1 " ~~[+]§30-4[+]~~ Duties of outgoing governor. It shall be
2 incumbent upon the outgoing governor to:

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

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

6 (B) Effect communication channels with the
7 administration of the governor. The governor-
8 elect may obtain information from the governor's
9 administration by circulating questionnaires or
10 by other means. Information sought may include
11 any questions ~~[which]~~ that will effect the intent
12 of the legislature in enacting this legislation,
13 as expressed in section 30-1. ~~[Such]~~ The
14 contacts may also include inquiries designed to
15 elicit descriptions of programs, recommendations,
16 and justifications for elimination, curtailment,
17 or expansion of services, projections of future
18 developments or needs within program areas,
19 recommendations for administrative changes,
20 comments upon anticipated federal developments
21 ~~[which]~~ that might have program or budgetary



1 implications for state programs, and elaboration
 2 of procedural details[-]; and
 3 (C) Appoint individuals to fill vacancies occurring
 4 in the membership of boards and commissions
 5 within one hundred eighty days after a member's
 6 term has expired. The governor shall provide the
 7 governor-elect with an up-to-date list of
 8 information on boards' and commissions'
 9 memberships, terms of service, and any pending
 10 vacancies; and

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

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

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

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



- 1 (2) The members shall include at least one representative
2 each from the city and county of Honolulu and the
3 counties of Hawaii, Kauai, and Maui;
- 4 (3) Three members shall be appointed by the governor from
5 a list of three names submitted for each appointment
6 by the president of the senate, and three members
7 shall be appointed by the governor from a list of
8 three names submitted for each appointment by the
9 speaker of the house of representatives; provided that
10 if fewer than three names are submitted for each
11 appointment, the governor may disregard the list;
- 12 (4) At least six members shall have knowledge, experience,
13 and expertise in the area of accommodations,
14 transportation, retail, entertainment, or attractions,
15 and at least one member appointed by the governor
16 shall have knowledge, experience, and expertise in the
17 area of Hawaiian cultural practices; provided that no
18 more than three members shall represent, be employed
19 by, or be under contract to any sector of the industry
20 represented on the board;



1 (5) The governor shall make appointments to ensure the
2 fulfillment of all requirements of paragraphs (2) and
3 (4); provided that upon the occurrence of a vacancy
4 subject to paragraph (3), the governor shall notify
5 the president of the senate and the speaker of the
6 house of representatives of any unfulfilled
7 requirements pursuant to paragraphs (2) and (4), and
8 the president of the senate or the speaker of the
9 house of representatives, as appropriate, shall submit
10 nominees who fulfill those requirements; and

11 (6) No person who has served as a member of the board of
12 directors of the Hawaii Visitors and Convention Bureau
13 shall be eligible to sit as a member of the board of
14 directors of the Hawaii tourism authority until at
15 least two years have expired between the person's
16 termination from service on the Hawaii Visitors and
17 Convention Bureau board and the person's appointment
18 to the authority's board of directors.

19 (c) Members shall be appointed by the governor for terms
20 of four years; provided that membership on the board shall not
21 exceed eight consecutive years; provided further that each



1 member shall hold office [~~until the member's successor is~~
2 ~~appointed and qualified.~~] as a holdover member subject to
3 section 26-34."

4 SECTION 5. This Act shall preempt any other law governing
5 the term of a holdover member of a state board or commission
6 that was in effect prior to the effective date of this Act, to
7 the extent that those laws are inconsistent with this Act.

8 SECTION 6. Notwithstanding any other law to the contrary,
9 the term of any member of a board or a commission who:

- 10 (1) Is a holdover member whose term has expired;
- 11 (2) Has not been disqualified for membership pursuant to
12 section 26-34(a), Hawaii Revised Statutes;
- 13 (3) Has held office beyond the end of the first regular
14 legislative session following the expiration of that
15 member's term of office; and
- 16 (4) Is not a member of a board or commission that serves
17 as the head of a principal department of the State as
18 provided in article V, section 6, of the state
19 constitution,
- 20 shall expire on the effective date of this Act.



1 SECTION 7. If any provision of this Act, or the
2 application thereof to any person or circumstance, is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 8. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 9. This Act shall take effect upon its approval.



Report Title:

Advise and Consent; Boards and Commissions; Appointment;
Vacancy; Holdover Member; Hawaii Tourism Authority; Governor

Description:

Provides for the term expiration of a holdover member of a board or commission at the end of the first regular legislative session following the expiration of the member's term. Requires the Governor to appoint an individual to fill all board and commission vacancies within one hundred eighty days. Authorizes the President of the Senate to nominate a successor member for a board or commission in certain circumstances. Limits holdover appointments in certain respects. Requires department heads to inform the Governor of any vacancy in any board or commission. Makes conforming amendments. (SD1)

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