

JAN 21 2022

A BILL FOR AN ACT

RELATING TO BOARDS AND COMMISSIONS.

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

SECTION 1. Section 26-34, Hawaii Revised Statutes, is amended to read as follows:

"§26-34 Selection and terms of members of boards and commissions. (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. 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 number of terms at intervals of one year for each board and commission. Unless otherwise provided by law, each term shall commence on July 1 and expire on June 30, except that the terms of the chairpersons of the board of agriculture, the board of land and natural resources, and the Hawaiian homes commission shall commence on January 1 and expire on December 31. No person shall be appointed consecutively to



1 more than two terms as a member of the same board or commission;
2 provided that membership on any board or commission shall not
3 exceed eight consecutive years.

4 (b) Any member of a board or commission whose term has
5 expired and who is not disqualified for membership under
6 subsection (a) may continue in office as a holdover member until
7 a successor is nominated and appointed; provided that a holdover
8 member shall not hold office beyond the end of the ~~[second]~~
9 first regular legislative session following the expiration of
10 the member's term of office.

11 (c) A vacancy occurring in the membership of any board or
12 commission during a term shall be filled for the unexpired term
13 thereof, subject to Article V, section 6 of the Constitution of
14 the State.

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

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

20 (2) The governor has not nominated a successor by the date
21 that the senate, by rule, has established as the



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

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

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

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



SECTION 2. This Act shall preempt any other law governing the term of a holdover member of a state board or commission that was in effect prior to the effective date of this Act, to the extent that those laws are inconsistent with this Act.

SECTION 3. Notwithstanding any other law to the contrary, the term of any member of a board or a commission who:

- (1) Is a holdover member whose term has expired;
- (2) Has not been disqualified for membership pursuant to section 26-34(a), Hawaii Revised Statutes;
- (3) Has held office beyond the end of the first regular legislative session following the expiration of that member's term of office; and
- (4) Is not a member of a board or commission that serves as the head of a principal department of the State as provided in article V, section 6, of the state constitution,

shall expire on the effective date of this Act.

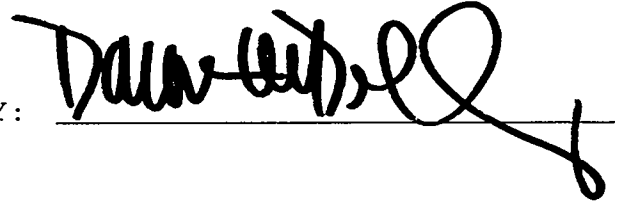
SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.



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

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Dan Claitor", is written over a horizontal line.



S.B. NO. 2477

Report Title:

Governor; Senate; Boards and Commissions; Holdover Members; Appointment; Vacancies; Advise and Consent

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. Provides that the provisions of section 26-34, HRS, shall prevail over other inconsistent laws. If a holdover member's term is set to expire and the Governor fails to nominate a successor, authorizes the President of the Senate to nominate a successor for that board or commission.

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

