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# A BILL FOR AN ACT

RELATING TO GOVERNMENT EMPLOYEES.

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

1           SECTION 1. Section 26-31, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "§26-31 Selection and terms of single executives as heads  
4 of departments. Except as otherwise provided by the  
5 Constitution of the State or by this chapter, each principal  
6 department shall be headed by a single executive, who shall be  
7 nominated and, by and with the advice and consent of the senate,  
8 appointed by the governor, for a term to expire at the end of  
9 the term for which the governor was elected. Upon the  
10 expiration of the term of a single executive, there shall be a  
11 vacancy that shall be filled by the renomination or a nomination  
12 by the governor not later than the forty-first day of the  
13 regular session of the legislature immediately following the  
14 expiration of the term creating the vacancy; provided that if  
15 the governor does not renominate or make a nomination, the  
16 single executive whose term has expired shall cease to hold  
17 office, including in the capacity of a holdover, upon the end of  
18 that regular session of the legislature and the vacancy shall be



1 filled pursuant to section 26-33. A vacancy occurring during a  
2 term shall be filled for the unexpired balance of the term,  
3 subject to the provisions of [~~Article~~] article V, section 6 of  
4 the Constitution of the State. The governor may remove a single  
5 executive from office at any time, except that the removal of  
6 the attorney general shall be subject to the advice and consent  
7 of the senate."

8 SECTION 2. Section 26-33, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "§26-33 Performance of duties of vacant office. In the  
11 event of a vacancy in any office for which the governor has the  
12 power of appointment or nomination, the governor [~~may~~] shall  
13 designate some other officer or employee of the State to perform  
14 the duties of the vacant office until the office is filled. The  
15 authority derived from this section shall not continue for a  
16 longer period than sixty days after the vacancy occurs[~~+~~];  
17 provided that if the governor does not designate an officer or  
18 employee, or renominate, nominate, or grant a commission to fill  
19 the vacant office, the following individual in the department  
20 that has the vacancy shall perform the duties of the vacant  
21 office until the governor makes a nomination or grants a  
22 commission to fill the vacancy:



- 1        (1) In the department of the attorney general, the highest  
2        ranking and most senior deputy attorney general;
- 3        (2) In the department of defense, the highest ranking and  
4        most senior general officer serving in the department  
5        on a full-time basis, or, if there is none, then the  
6        highest ranking and most senior field grade officer  
7        serving in the department on full-time basis; or
- 8        (3) In all other departments, the highest ranking and most  
9        senior officer in a civil service position.

10       This section shall not apply to members of a board or  
11       commission unless the chair of a board or commission is the  
12       executive of a department.

13       An officer or employee designated to perform the duties of  
14 a vacant office shall, so long as the authority continues,  
15 receive the compensation attached to the vacant office, or the  
16 compensation attached to the officer's or employee's regular  
17 office or employment, whichever is the higher."

18       SECTION 3. New statutory material is underscored.

19       SECTION 4. This Act shall take effect upon its approval  
20 and shall apply to all positions subject to section 26-31,  
21 Hawaii Revised Statutes, the terms of office of which expired on  
22 or after December 3, 2006.



**Report Title:**

Department Heads; Vacancies; Appointments

**Description:**

Clarifies the appointment process for department heads. (SD1)

