

# PROPOSED

HOUSE OF REPRESENTATIVES  
TWENTY-FOURTH LEGISLATURE, 2007  
STATE OF HAWAII

H.B. NO. 1818  
H.D. 2  
S.D. 1

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## A BILL FOR AN ACT

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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-fifth 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 vacancy shall be filled pursuant to section 26-33. A vacancy  
17 occurring during a term shall be filled for the unexpired  
18 balance of the term, subject to the provisions of [Article]



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1 article V, section 6 of the Constitution of the State. The  
2 governor may remove a single executive from office at any time,  
3 except that the removal of the attorney general shall be subject  
4 to the advice and consent of the senate."

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

7 "§26-33 Performance of duties of vacant office. In the  
8 event of a vacancy in any office for which the governor has the  
9 power of appointment or nomination, the governor may designate  
10 [~~some~~~~other~~] an officer or employee of the State to perform the  
11 duties of the vacant office until the office is filled. The  
12 authority derived from this section shall not continue for a  
13 longer period than sixty days after the vacancy occurs[-];  
14 provided that if the governor does not designate an officer or  
15 employee, or renominate, nominate, or grant a commission to fill  
16 the vacant office, the highest ranking and most senior officer  
17 in a civil service position in the department that has the  
18 vacancy shall perform the duties of the vacant office until the  
19 governor makes a nomination or grants a commission to fill the  
20 vacancy. The renomination or nomination shall be subject to  
21 article V, section 6, of the Constitution of the State of  
22 Hawaii.



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1           An officer or employee designated to perform the duties of  
2 a vacant office shall, so long as the authority continues,  
3 receive the compensation attached to the vacant office, or the  
4 compensation attached to the officer's or employee's regular  
5 office or employment, whichever is the higher."

6           SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

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



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**Report Title:**

Department Heads; Vacancies; Appointments

**Description:**

Clarifies the appointment process for department heads. (SD1)

