



TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-SEVENTH LEGISLATURE, 2013

ON THE FOLLOWING MEASURE:

S.B. NO. 858, S.D.1, H.D.1, RELATING TO BOARDS AND COMMISSIONS.

BEFORE THE:

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

DATE: Wednesday, March 27, 2013 **TIME:** 4:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): David M. Louie, Attorney General, or
Charleen M. Aina, Deputy Attorney General or
Stella M.L. Kam, Deputy Attorney General

Chair McKelvey and Members of the Committee:

The Department of the Attorney General testifies only to suggest that this bill be revised as specified below, if the Committee intends to approve its passage.

This bill amends subsection (a) of section 26-34, Hawaii Revised Statutes (HRS), to prohibit a holdover member of a board whose reappointment to that board is not confirmed by the Senate, from continuing to serve as a holdover member.

Because article V, section 6, of the State Constitution precludes interim appointments being made while the Senate is in session, we recommend that the prohibition this bill adds to subsection (a) of section 26-34 be re-worded as follows, to avoid leaving a board without its full complement of members for the balance of the session during which a holdover member's confirmation is rejected:

A person whose reappointment to a second consecutive term fails to receive the consent of the senate may continue in office as a holdover member only until the senate adjourns sine die.

Again, however, the Department takes no position on amending section 26-34(a), HRS, as this bill proposes.