

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO STATE BOARDS AND COMMISSIONS.

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

1           SECTION 1. The legislature finds that existing law permits  
2 a member of a state board or commission to continue as a  
3 holdover member until a successor is nominated and appointed.  
4 However, clarification in the law is needed to address  
5 situations where a board or commission member's nomination for  
6 reappointment is withdrawn by the governor, before the senate  
7 has an opportunity to complete the advise and consent process.  
8 In these situations, if a member's nomination for reappointment  
9 has been withdrawn by the governor for cause, that nominee  
10 should not then be able to continue as a holdover member on a  
11 board or commission.

12           Accordingly, the purpose of this Act is to clarify that any  
13 member of a state board or commission, whose nomination for  
14 reappointment is withdrawn by the governor for cause prior to  
15 the senate's action to advise and consent or not advise and  
16 consent, the member shall be considered disqualified and



1 ineligible to continue to serve as a holdover member beyond the  
2 member's most recent term of appointment.

3 SECTION 2. Section 26-34, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5 "(b) Any member of a board or commission whose term has  
6 expired and who is not disqualified for membership under  
7 subsection (a) may continue in office as a holdover member until  
8 a successor is nominated and appointed; provided that a holdover  
9 member shall not hold office beyond the end of the second  
10 regular legislative session following the expiration of the  
11 member's term of office[-]; provided further that any member  
12 whose nomination for appointment or reappointment is withdrawn  
13 by the governor for cause prior to being voted on by the senate  
14 to advise and consent or not advise and consent, that member  
15 shall be considered disqualified and in the case of the  
16 nomination for reappointment be ineligible to continue to serve  
17 as a holdover member beyond the member's most recent term of  
18 appointment."

19 SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

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S.B. NO. 533

1 SECTION 4. This Act shall take effect on July 1, 2019.

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INTRODUCED BY:

Resulyn H. Bell

BTSS

Kurt Ferrell

Clarence K. Richman

Neil

Paul Howard

Wanda M. L.

~~Wanda M. L.~~ Richman

Lorraine G. Prange

Lorraine G. Prange

Bob

Bob



# S.B. NO. 533

**Report Title:**

Boards and Commissions; Holdover Members; Qualifications

**Description:**

Clarifies that any member of a state board or commission, whose nomination for appointment or reappointment is withdrawn by the governor for cause prior to the senate's action to advise and consent or not advise and consent, shall be considered disqualified and in the case of the nomination for reappointment be ineligible to continue to serve as a holdover member beyond the member's most recent term of appointment.

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

