

JAN 27 2021

A BILL FOR AN ACT

RELATING TO BOARDS AND COMMISSIONS.

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

1 SECTION 1. The legislature finds that state boards and
2 commissions provide an opportunity for a cross-section of
3 Hawaii's residents to offer vital input and provide a means of
4 influencing decisions that shape the quality of life for the
5 residents of Hawaii. The governor nominates and appoints more
6 than one hundred and seventy board and commission positions
7 established by the State of Hawaii Constitution, state statutes,
8 and executive orders. While the term for most boards and
9 commissions is four years, some terms vary depending upon the
10 board or commission.

11 The legislature finds that it is imperative that members of
12 boards and commissions are appropriately and timely nominated
13 and appointed to enable the boards and commissions to meet and
14 conduct business. The purpose of this Act is to require the
15 governor to appoint an individual to fill a vacancy in any board
16 or commission within an established period of time.



1 SECTION 2. Section 26-34, Hawaii Revised Statutes, is
2 amended by amending subsections (a) through (c) to read as
3 follows:

4 "(a) The members of each board and commission established
5 by law shall be nominated and, by and with the advice and
6 consent of the senate, appointed by the governor. The governor
7 shall appoint individuals to fill vacancies occurring in the
8 membership of boards and commissions within _____ days upon the
9 expiration of a member's term. Unless otherwise provided by
10 this chapter or by law hereafter enacted, the terms of the
11 members shall be for four years; provided that the governor may
12 reduce the terms of those initially appointed so as to provide,
13 as nearly as can be, for the expiration of an equal number of
14 terms at intervals of one year for each board and commission.
15 Unless otherwise provided by law, each term shall commence on
16 July 1 and expire on June 30, except that the terms of the
17 chairpersons of the board of agriculture, the board of land and
18 natural resources, and the Hawaiian homes commission shall
19 commence on January 1 and expire on December 31. No person
20 shall be appointed consecutively to more than two terms as a
21 member of the same board or commission; provided that membership



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1 on any board or commission shall not exceed eight consecutive
2 years.

3 (b) Any member of a board or commission whose term has
4 expired and who is not disqualified for membership under
5 subsection (a) may continue in office as a holdover member until
6 a successor is nominated and appointed; provided that a holdover
7 member shall not hold office [~~beyond the end of the second~~
8 ~~regular legislative session~~] for a period exceeding _____ days
9 following the expiration of the member's term of office[~~-~~]
10 pursuant to subsection (a); provided further that upon the
11 expiration of the holdover member's term under subsection (a), a
12 vacancy is created on the board or commission that shall be
13 subject to the advice and consent of the senate as provided in
14 subsection (a).

15 (c) A vacancy occurring in the membership of any board or
16 commission during a term shall be [~~filled~~]:

17 (1) Promptly reported to the governor by the head of the
18 department in which the board or commission is placed
19 or administratively attached; and



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1 (2) Filled for the unexpired term thereof, subject to
2 Article V, section 6 of the Constitution of the
3 State."

4 SECTION 3. Section 30-4, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "~~{}~~§30-4~~{}~~ **Duties of outgoing governor.** It shall be
7 incumbent upon the outgoing governor to:

8 (1) Provide channels enabling the governor-elect to:

9 (A) Inform career civil servants of governor-elect's
10 program goals and new policies;

11 (B) Effect communication channels with the
12 administration of the governor. The governor-
13 elect may obtain information from the governor's
14 administration by circulating questionnaires or
15 by other means. Information sought may include
16 any questions ~~which~~ that will effect the intent
17 of the legislature in enacting this legislation,
18 as expressed in section 30-1. ~~Such~~ The
19 contacts may also include inquiries designed to
20 elicit descriptions of programs, recommendations,
21 and justifications for elimination, curtailment,



1 or expansion of services, projections of future
2 developments or needs within program areas,
3 recommendations for administrative changes,
4 comments upon anticipated federal developments
5 which might have program or budgetary
6 implications for state programs, and elaboration
7 of procedural details[-]; and

8 (C) Appoint individuals to fill vacancies occurring
9 in the membership of boards and commissions
10 within _____ days after a member's term has
11 expired. The governor shall provide the
12 governor-elect with an up-to-date list of
13 information on boards' and commissions'
14 memberships, terms of service, and any pending
15 vacancies in accordance with section 27-41; and

16 (2) Direct that official documents, vital information, and
17 procedural manuals be given to the governor-elect upon
18 the governor-elect's request."

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

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

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INTRODUCED BY: *Amor Mercado K.*



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Report Title:

Boards and Commissions; Vacancy; Governor

Description:

Requires the governor to appoint an individual to fill a vacancy within all boards and commissions within an unspecified period of time. Requires that holdover appointments are limited to an unspecified period of time, thereby creating a vacancy at the end of the holdover period. Requires department heads to inform the governor of any vacancy in any 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.

