

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 1196  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.  
No. 1196, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that board and commission holdover members shall not hold office beyond the end of the second regular legislative session following the expiration of the member's term of office regardless of any conflicting statutes.

Your Committee did not receive testimony for this measure.

Your Committee finds that when a member's seat on a state board or commission has expired, current law allows for the member to act as a holdover member until a successor is nominated and appointed, unless the holdover member is disqualified from serving by either not receiving the advice and consent of the Senate or by exceeding term limits. However, holdover members have argued that certain statutory provisions allow them to continue to hold office indefinitely until the governor appoints a replacement, even if they have exceeded statutory term limits. This measure makes clear that a holdover member shall not hold office beyond the end of the second regular legislative session following the expiration of the member's term of office and that this interpretation of the



law shall take precedence over all conflicting statutes concerning holdover members.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1196, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes  
 Committee on Judiciary  
 JDC**

Bill / Resolution No.:* <b>SB 1196 JDI</b>	Committee Referral: <b>GVD, JDC</b>	Date: <b>3/1/23</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312       Pass, with amendments 2311       Hold 2310       Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton				✓
<b>TOTAL</b>	<b>4</b>	<b>—</b>	<b>—</b>	<b>1</b>

Recommendation:       Adopted       Not Adopted

Chair's or Designee's Signature:  


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**\*Only one measure per Record of Votes**