

ACT 208

H.B. NO. 49

A Bill for an Act Relating to the Membership of Various Boards and Commissions in the Department of Regulatory Agencies.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 438-3, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 438-3 Creation of state board. There shall be a state board of barbers consisting of seven members who shall be appointed and may be removed by the

governor in the manner prescribed in section 26-34. The members shall be citizens of the State and five members must have practiced barbering in the State for at least five consecutive years immediately preceding his appointment and two shall be public members. Three of the members of the board practicing barbering shall be residents of Oahu, and two practicing barbering shall be residents of the outside islands. Each member shall serve for a term of four years, and until his successor is appointed and qualified."

SECTION 2. Section 439-3, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read:

"Sec. 439-3 Cosmetology board; appointment; qualifications; terms.

(a) Appointment and removal. There shall be a board of cosmetology consisting of seven members, who shall be appointed, and may be removed, by the governor in the manner provided in section 26-34.

(b) Qualification of members. Five of the members of the board shall be operators who have been registered to practice in the State for at least five years and have been actively and continuously engaged in either or both of the classified occupations for such period and two shall be public members. None of them shall be members of nor affiliated with any school teaching any of the classified occupations, nor shall more than two members of the board be graduates of the same school or practitioners of the same system or method."

SECTION 3. Section 442-3, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 442-3 Board of examiners. There shall be a board to be known as the "state board of chiropractic examiners," which shall consist of five members, who shall be appointed by the governor, in the manner prescribed in section 26-34. Three members of the board must have pursued a resident course in a regularly incorporated chiropractic school or college and must be graduates thereof and hold a diploma therefrom and two shall be public members.

At least three members of the board shall be licensees hereunder. No person connected with any chiropractic school or college is eligible to appointment as a member of the board. Each member of the board shall serve without pay; provided, that the actual and necessary traveling expenses of the members of the board incurred in connection with the performance of official duties shall be paid by the department of regulatory agencies, upon proper vouchers approved by the department."

SECTION 4. Section 448-5, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 448-5 Board of examiners; appointment. The governor shall appoint, in the manner prescribed in section 26-34, and for neglect of duty, incompetency, or dishonorable conduct, may remove the board of dental examiners, which shall consist of nine members, seven of whom shall be practicing dentists, who have been engaged in the practice of dentistry in the State for a period of five years preceding their several appointments, and two of whom shall be public members. No member shall be in any way connected with, or interested financially in, any

dental supply company. One member in the practice of dentistry shall be appointed from each of the counties of Hawaii, Maui, and Kauai and four members in the practice of dentistry shall be appointed from the city and county of Honolulu. The members of the board shall serve without pay, and each shall serve until his successor is appointed and qualified."

SECTION 5. Section 452-4, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 452-4 Creation of state board. There shall be a state board of massage consisting of five members. The governor shall appoint the members of such board in the manner prescribed in section 26-34. Three members shall have at least three years of practical experience as registered masseurs and shall be American citizens and two shall be public members."

SECTION 6. Section 455-4, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 455-4 State board of examiners in naturopathy. The governor shall appoint in the manner prescribed by section 26-34 the state board of examiners in naturopathy, consisting of three members. Each member shall serve until his successor is appointed and qualified. Two members of the board shall, before appointment, have been licensed to practice naturopathy in the State under the laws thereof in force at the date of the issuance of the license and one shall be a public member."

SECTION 7. Section 457-3, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 457-3 State board of nursing; appointment; term of office; removal from office. There shall be a board of nursing the members of which shall be appointed and may be removed by the governor in the manner prescribed in section 26-34. The board shall consist of nine members, five of whom shall be registered nurses, two of whom shall be licensed practical nurses, and two of whom shall be public members. Both nursing education and nursing service shall be represented on the board. The term of office for members of the board shall be three years. No member shall be appointed to more than two consecutive terms or serve more than six years. Six members of the board shall be residents of the city and county of Honolulu and three shall be residents of counties other than the city and county of Honolulu."

SECTION 8. Section 458-2, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 458-2 Board of examiners; members, qualifications. The governor shall appoint in the manner prescribed in section 26-34 as the board of dispensing opticians (hereinafter in this chapter referred to as the "board") five members.

No member of the board shall be reappointed to succeed himself thereon. Upon the expiration of his term of office a member shall continue to serve until his successor has been appointed and has qualified. A member may be removed by the governor in the manner prescribed in section 26-34. Three members of the board shall be persons engaged in the occupation of dispensing opticians either in

their individual capacity, as members of partnerships or officers of corporations holding certificates under this chapter and two shall be public members. Each member of the board is entitled to necessary travel and other expenses incurred in the discharge of his duties.”

SECTION 9. Section 459-3, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 459-3 Board of examiners; members, appointment, qualifications.

There shall be a board to be known as the board of examiners in optometry, for the State. The board shall consist of five members, three of whom shall possess sufficient knowledge of theoretical and practical optics to practice optometry and who have been residents of the State actually engaged in the practice of optometry for at least one year and two shall be public members. The board shall be appointed by the governor in accordance with section 26-34. No member of the board shall be a stockholder, member of the faculty, or on a board of trustees of any school of optometry.”

SECTION 10. Section 460-4, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 460-4 Board; appointment, powers and duties. The governor shall appoint and may remove in the manner prescribed in section 26-34 a board of osteopathic examiners, consisting of five persons, three of whom shall be osteopathic physicians or surgeons licensed under the laws of the State and two shall be public members.

The board shall examine all applicants for licenses to practice as osteopathic physicians or as osteopathic physicians and surgeons. Examinations shall be held quarterly at a time and a place to be fixed by the board, of which examinations all applicants shall be notified in writing. Subject to chapter 91 and with the approval of the governor and the director of regulatory agencies, the board may make, amend, and repeal all necessary rules and regulations relating to the enforcement of this chapter and not inconsistent therewith. The members of the board shall serve without pay.”

SECTION 11. Section 461-2, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 461-2 Board of pharmacy; appointment; qualifications. There shall be a board of pharmacy of seven members who shall be appointed by the governor in the manner prescribed by section 26-34.

Five members of the board shall be graduates of a school or college of pharmacy and shall have been licensed as pharmacists and actively engaged in the practice of pharmacy in the State for at least five years prior to their appointment and two shall be public members. Four members of the board shall be residents of the city and county of Honolulu and three shall be residents of counties other than the city and county of Honolulu.”

SECTION 12. Section 464-6, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 464-6 Board of registration of professional engineers, etc., members; appointment, tenure; qualifications. There shall be a state board of registration of professional engineers, architects, and surveyors hereinafter called "the board", to be appointed by the governor in the manner prescribed in section 26-34. The board shall consist of fourteen members, including at least three professional engineers, three professional architects, three professional surveyors, two professional landscape architects and three public members. Each county shall be represented by at least one member who is a resident of the county. Each member shall hold over after the expiration of his term until his successor is duly appointed and qualified.

Each member shall have been a resident of the State for at least three years. A member representing the profession shall have been engaged in the practice of his profession for at least nine years immediately preceding the date of his appointment. Members of the board shall serve without pay, except the secretary, who shall be allowed such compensation as the board may fix with the approval of the governor. Any member of the board, however, who incurs expenses in connection with the preparation and grading of examination papers shall be reimbursed for such expenses with the approval of the board.

The department of regulatory agencies shall employ, subject to chapters 76 and 77, a secretary and such other clerical help as are necessary for the proper performance of the board's work and may make any reasonable expenditures which are necessary to carry out the functions of the board."

SECTION 13. Section 466-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Members. There shall be a board of public accountancy to be known as the state board of public accountancy, which shall consist of nine members appointed by the governor in the manner prescribed in section 26-34. All members of the board shall be citizens of the United States and residents of this State. Five members thereof shall be certified public accountants in active practice holding current certificates as such and current permits to practice public accountancy, issued under this chapter. Two members thereof shall be public accountants in active practice holding current registrations as such and current permits to practice public accountancy issued under this chapter and two shall be public members."

SECTION 14. Section 467-3, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 467-3 Commission, appointments, qualifications, tenure. There shall be appointed in the manner provided by section 26-34, a commission to be known as the real estate commission, and to consist of nine members, at least four of whom shall be licensed real estate brokers who have been engaged in business as licensed real estate brokers or salesmen for three years immediately preceding their appointments, each of whom shall be a citizen of the United States and shall have resided in the State for at least three years preceding his appointment, and one of whom shall be designated by the appointing power as chairman. Four members shall be residents of the city and county of Honolulu, one shall be a

resident of the county of Hawaii, one shall be a resident of the county of Maui, and one shall be a resident of the county of Kauai and two members shall be public members.

Appointments shall be made for a term of four years, commencing from the date of expiration of the last preceding term and shall be made to expire on December 31. Appointments shall be made so that at least one appointment shall be required each year.

Any vacancy shall be filled by appointment for the unexpired term. The members of the commission shall serve without pay. All expenses shall be paid out of the special fund provided in section 467-11.

Any four members shall constitute a quorum to do business.”

SECTION 15. Section 471-3, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 471-3 Board of examiners; appointment and removal; qualifications.

A board of veterinary examiners, consisting of seven members, four of whom shall be residents of the city and county of Honolulu and three of whom shall be residents of counties other than the city and county of Honolulu, shall be appointed, and may be removed, by the governor in the manner provided in section 26-34.

Five of the members of the board shall be veterinarians who have been licensed to practice in the State for at least five years and shall be actively engaged in the practice of veterinary medicine or, if not active at the time of appointment, shall have been previously so engaged for ten years and two shall be public members.”

SECTION 16. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 17. This Act shall take effect upon its approval.

(Approved June 3, 1978.)

*Edited accordingly.