

JAN 19 2018

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6 reappointment is withdrawn by the governor, before the senate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9 has been withdrawn by the governor for cause, that nominee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14 reappointment is withdrawn by the governor for cause prior to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12 whose nomination for reappointment is withdrawn by the governor
13 for cause prior to being voted on by the senate to advise and
14 consent or not advise and consent, that member shall be
15 considered disqualified and ineligible to continue to serve as a
16 holdover member beyond the member's most recent term of
17 appointment."

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 Statutory material to be repealed is bracketed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

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1 SECTION 4. This Act shall take effect on July 1, 2018.

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S.B. NO. 2300

Report Title:

Boards and Commissions; Holdover Members; Qualifications

Description:

Clarifies that any member of a state board or commission, whose nomination for 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 ineligible to continue to serve as a holdover member beyond the member's most recent term of appointment.

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