
A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1 SECTION 1. Section 5-7.6, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Honorees shall be selected by an Aloha order of merit
4 committee. The committee shall consist of three members. Each
5 member shall serve for a term of two years. One member of the
6 committee shall be a member of the senate appointed by the
7 president of the senate, one member of the committee shall be a
8 member of the house of representatives appointed by the speaker
9 of the house of representatives, and one member of the committee
10 shall be appointed by the governor[-]; provided that the member
11 appointed by the governor shall not be an officer or employee of
12 the State."

13 SECTION 2. Section 10H-3, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) No later than one hundred eighty days after [+]July
16 6, 2011[+], the governor shall appoint the members of the Native
17 Hawaiian roll commission from nominations submitted by qualified



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Native Hawaiians and qualified Native Hawaiian membership organizations. For the purposes of this subsection, a qualified Native Hawaiian membership organization includes an organization that, on [+]July 6, 2011[+], has been in existence for at least ten years, and whose purpose has been and is the betterment of the conditions of the Native Hawaiian people.

In selecting the five members from nominations submitted by qualified Native Hawaiians and qualified Native Hawaiian membership organizations, the governor shall appoint the members as follows:

- (1) One member shall reside in the county of Hawaii;
- (2) One member shall reside in the city and county of Honolulu;
- (3) One member shall reside in the county of Kauai;
- (4) One member shall reside in the county of Maui; and
- (5) One member shall serve at-large.

No member appointed under this subsection shall be an officer or employee of the State."

SECTION 3. Section 11-41, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:



1 "(a) There shall be four boards of registration: one for
2 the island of Hawaii; one for the islands of Maui, Molokai,
3 Lanai, and Kahoolawe; one for the island of Oahu; and one for
4 the islands of Kauai and Niihau. The boards, which shall be in
5 the department of accounting and general services for
6 administrative purposes, shall consist of three members each and
7 shall be appointed by the governor by and with the advice and
8 consent of the senate; their terms of office shall be four
9 years. No member appointed under this subsection shall be an
10 officer or employee of the State."

11 SECTION 4. Section 26-5, Hawaii Revised Statutes, is
12 amended by amending subsection (c) to read as follows:

13 "(c) There shall be within the department of human
14 resources development a board to be known as the merit appeals
15 board which shall sit as an appellate body on matters set forth
16 in section 76-14. The board shall consist of three members.
17 All members shall have knowledge of public employment laws and
18 prior experience with public employment; provided that at least
19 one member's experience was with an employee organization as a
20 member or an employee of that organization and at least one
21 member's experience was with management. The governor shall



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1 consider the names of qualified individuals submitted by
2 employee organizations or management before appointing the
3 members of the board. No member appointed under this subsection
4 shall be an officer or employee of the State. The chairperson
5 of the board shall be designated as specified in the rules of
6 the board."

7 SECTION 5. Section 26-34, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) The members of each board and commission established
10 by law shall be nominated and, by and with the advice and
11 consent of the senate, appointed by the governor. Unless
12 otherwise provided, no member appointed shall be an officer or
13 employee of the State. Unless otherwise provided by this
14 chapter or by law hereafter enacted, the terms of the members
15 shall be for four years; provided that the governor may reduce
16 the terms of those initially appointed so as to provide, as
17 nearly as can be, for the expiration of an equal number of terms
18 at intervals of one year for each board and commission. Unless
19 otherwise provided by law, each term shall commence on July 1
20 and expire on June 30, except that the terms of the chairpersons
21 of the board of agriculture, the board of land and natural



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1 resources, and the Hawaiian homes commission shall commence on
2 January 1 and expire on December 31. No person shall be
3 appointed consecutively to more than two terms as a member of
4 the same board or commission; provided that membership on any
5 board or commission shall not exceed eight consecutive years."

6 SECTION 6. Section 26-56, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) Pursuant to article XVI, section 3.5, of the
9 Constitution of the State of Hawaii, there is established a
10 commission on salaries within the department of human resources
11 development, for administrative purposes only.

12 The commission shall consist of seven members of whom:

- 13 (1) Two members shall be appointed by the governor;
14 (2) Two members shall be appointed by the president of the
15 senate;
16 (3) Two members shall be appointed by the speaker of the
17 house of representatives; and
18 (4) One member shall be appointed by the chief justice of
19 the supreme court.

20 Vacancies in these positions shall be filled in the same
21 manner. No member appointed under this subsection shall be an



1 officer or employee of the State. The members of the commission
2 shall serve without compensation but shall be reimbursed for
3 expenses, including travel expenses, necessary for the
4 performance of their duties."

5 SECTION 7. Section 28-152, Hawaii Revised Statutes, is
6 amended by amending subsection (d) to read as follows:

7 "(d) Unless otherwise provided, the members of the board
8 shall be appointed by the attorney general. No member appointed
9 under this section shall be an officer or employee of the
10 State."

11 SECTION 8. Section 84-21, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) There is established within the office of the auditor
14 for administrative purposes only a commission to be known as the
15 state ethics commission. The commission shall consist of five
16 members appointed by the governor from a panel of ten persons
17 nominated by the judicial council. Each member of the
18 commission shall be a citizen of the United States and a
19 resident of the State. Members of the commission shall hold no
20 other public office[+] and shall not be an employee of the
21 State."



SECTION 9. Section 87A-5, Hawaii Revised Statutes, is amended to read as follows:

§87A-5 Composition of board. The board of trustees of the employer-union health benefits trust fund shall consist of ten trustees appointed by the governor in accordance with the following procedure:

(1) Five trustees, one of whom shall represent retirees, to represent employee-beneficiaries and to be selected as follows:

(A) Three trustees shall be appointed from a list of two nominees per trustee selected by each of the three exclusive representative organizations that have the largest number of employee-beneficiaries;

(B) One trustee shall be appointed from a list of two nominees selected by mutual agreement of the remaining exclusive employee representative organizations; and

(C) One trustee representing retirees shall be appointed from a list of two nominees selected by



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1 mutual agreement of all eligible exclusive
2 representatives; and

3 (2) Five trustees to represent public employers.

4 Section 26-34 shall not apply to board member selection and
5 terms. No trustee appointed under this subsection shall be an
6 officer or employee of the State. Notwithstanding any other
7 provision of this section, no exclusive representative of a
8 bargaining unit that sponsors or participates in a voluntary
9 employee beneficiary association shall be eligible to select
10 nominees or to be represented by a trustee on the board.

11 As used in this section, the term "exclusive
12 representative" shall have the same meaning as in section 89-2."

13 SECTION 10. Section 103F-202, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) Voting members shall be appointed by the governor and
16 serve for four years. No member appointed under this section
17 shall be an officer or employee of the State. Each voting
18 member shall serve until the member's successor is appointed.
19 Section 26-34 shall apply insofar as it relates to the number of
20 terms and consecutive number of years a member may serve on the
21 council."



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SECTION 11. Section 163D-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The board of directors of the corporation shall consist of eleven voting members, of whom eight shall be appointed by the governor. The terms of these eight members shall be four years; provided that, commencing on July 1, 2005, the governor shall reduce the terms of those initially appointed so as to provide, as nearly as can be, for the expiration of an equal number of terms at intervals of one year. The eight members shall be selected on the basis of their knowledge, experience, and proven expertise in small and large businesses within the agricultural industry, agricultural economics, banking, real estate, finance, promotion, marketing, and management. Of these eight members, one shall be from the city and county of Honolulu, one shall be from the county of Hawaii, one shall be from the county of Maui, one shall be from the county of Kauai, and four shall be appointed at-large. No member appointed under this subsection shall be an officer or employee of the State. The director of business, economic development, and tourism; the chairperson of the board of agriculture; and the chairperson of the board of land and



1 natural resources, or their designated representatives, shall be
2 ex-officio, voting members of the board. All members shall
3 continue in office until their respective successors have been
4 appointed and qualified. The board shall annually elect its
5 chairperson from among its members; provided that the
6 chairperson shall not be an ex-officio member."

7 SECTION 12. Section 171-4.5, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) The committee shall consist of eight members
10 appointed by the governor and confirmed by the senate from a
11 list of nominations submitted by the aha moku councils of each
12 island. No member appointed under this subsection shall be an
13 officer or employee of the State. Oversight of the aha moku
14 advisory committee shall be by the chairperson of the board of
15 land and natural resources. The committee members shall select
16 the committee chairperson from among the members."

17 SECTION 13. Section 226-55, Hawaii Revised Statutes, is
18 amended by amending subsection (c) to read as follows:

19 "(c) For each functional plan, the lead state agency, with
20 the concurrence of the governor, shall establish an advisory
21 committee, where an advisory body [~~which~~] that meets the



1 criteria set out hereunder is not already in existence, whose
2 membership shall be composed of at least one public official
3 from each county; members of the public; experts in the field
4 for which a functional plan is being prepared; and state
5 officials. Except as provided in this subsection, no member
6 appointed shall be an employee of the State. The advisory
7 committee shall advise the lead state agency in preparing,
8 implementing, monitoring, and updating the functional plan to be
9 in conformance with the overall theme, goals, objectives,
10 policies, and priority guidelines contained within this chapter.
11 The draft functional plan shall be submitted to relevant
12 federal, state, and county agencies for review and input. The
13 advisory committee shall serve as a temporary advisory body to
14 the state agency responsible for preparing each respective
15 functional plan. The terms of members from the public and
16 experts in the field for which a functional plan is prepared
17 shall be for four years. Each term shall commence on July 1 and
18 expire on June 30. No member from the public or expert in the
19 field shall be appointed consecutively to more than two terms.
20 These appointments shall not be subject to senate confirmation,



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1 and shall be exempt from sections 26-34(a) and 78-4(a) regarding
2 the appointment to boards and commissions."

3 SECTION 14. Section 227D-2, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) The governing body of the authority shall consist of
6 a board of directors having twelve voting members. Three
7 members from the general public shall be appointed by the
8 governor for staggered terms pursuant to section 26-34, except
9 that one of these members shall be a resident of the county of
10 Hawaii. The members shall be selected on the basis of their
11 knowledge, interest, and proven expertise in, but not limited
12 to, one or more of the following fields: finance, commerce and
13 trade, corporate management, marketing, economics, engineering,
14 energy management, real estate development, property management,
15 aquaculture, and ocean science. The chairperson and secretary
16 of the research advisory committee shall serve on the board.
17 The director of business, economic development, and tourism, the
18 chairperson of the board of land and natural resources, the
19 president of the University of Hawaii, the mayor of the county
20 of Hawaii, and an appointed member from the board of the Hawaii
21 technology development corporation, or their designated



1 representatives, shall serve as ex officio, voting members of
2 the board. The tenants of the authority shall elect two members
3 to the board from among the tenants of the authority, of which
4 one member shall serve a two-year term, and one member shall
5 serve a four-year term. In electing the tenant members, each
6 tenant shall be entitled to cast one vote for each member
7 position. The tenant members shall be recused from voting on
8 setting lease rents, water rates, or utility rates, but may
9 participate in discussions. The director of business, economic
10 development, and tourism shall serve as the chairperson until
11 such time as a chairperson is elected by the board from the
12 membership. The board shall elect other officers as it deems
13 necessary. Except as provided in this subsection, no member
14 appointed or elected shall be an officer or employee of the
15 State."

16 SECTION 15. Section 232E-1, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§232E-1 Establishment of the commission.** There shall be
19 a tax review commission, hereinafter called the commission. The
20 commission shall consist of seven members who shall be appointed
21 by the governor with the advice and consent of the senate and



1 shall be in the department of taxation for administrative
2 purposes. No member appointed under this section shall be an
3 officer or employee of the State. The commission shall elect
4 its chairperson from one of its members. The members shall
5 receive no compensation for their services, but shall be
6 reimbursed for actual expenses incurred in the performance of
7 their duties.

8 The commission may enter into contracts with consultants
9 and engage employees necessary to perform its duties without
10 regard to chapter 76. Departments of the state government shall
11 make available to the commission [~~such~~] data and facilities as
12 are necessary for it to perform its duties."

13 SECTION 16. Section 286-5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§286-5 State highway safety council.** There is
16 established the Hawaii highway safety council. The director of
17 transportation shall serve as its chairperson. The following or
18 their designated representatives shall be members of the
19 council: the chief justice, the attorney general, the director
20 of health, the superintendent of education, the president of the
21 University of Hawaii, the chairperson of each of the county



1 highway safety councils established under section 286-6, and
2 ~~[not]~~ no more than twenty other persons who shall be appointed
3 by the governor on the basis of their interest in highway
4 safety. No member appointed under this section shall be an
5 officer or employee of the State.

6 The state highway safety council shall advise the governor
7 on matters relating to the programs and activities of the State
8 in the field of highway safety.

9 The members of the council shall serve without pay but
10 shall be entitled to reimbursement for necessary expenses while
11 attending meetings and while in discharge of their duties."

12 SECTION 17. Section 286-6, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§286-6 County traffic or highway safety councils.** There
15 is established in each county a county traffic or highway safety
16 council. The respective county councils may make appropriations
17 to meet the necessary expenses of their respective traffic or
18 highway safety councils.

19 The following or their designated representatives shall be
20 members of a county traffic or highway safety council: the
21 mayor; the chief of police; the prosecuting attorney,



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1 corporation counsel, or county attorney; the traffic engineer,
2 chairperson of the traffic commission, or safety program
3 coordinator; and ~~not~~ no more than fifteen other persons
4 residing in the county who shall be appointed by the mayor on
5 the basis of their interest in highway safety and their
6 knowledge of local conditions. No member appointed under this
7 section shall be an officer or employee of the State.

8 The county traffic or highway safety council shall advise
9 the mayor on matters relating to highway safety."

10 SECTION 18. Section 304A-104.6, Hawaii Revised Statutes,
11 is amended by amending subsection (e) to read as follows:

12 "(e) The candidate advisory council shall consist of seven
13 voting members to be appointed without regard to section 26-34
14 as follows:

15 (1) One member who shall be appointed by the president of
16 the senate;

17 (2) One member who shall be appointed by the speaker of
18 the house of representatives; and

19 (3) Five members who shall be appointed by the governor.

20 A member of the Association of Emeritus Regents of the
21 University of Hawaii, appointed by the chair of the Association



1 of Emeritus Regents of the University of Hawaii, shall serve as
2 an ex officio, nonvoting member of the candidate advisory
3 council, for a term not to exceed two years; provided that the
4 appointment shall run concurrently with the term of the
5 appointing chair.

6 The president of the senate, speaker of the house of
7 representatives, and governor are encouraged to appoint full-
8 time students of the university, university faculty, university
9 staff, or university alumni to the candidate advisory council;
10 provided that if a full-time student is appointed to the
11 candidate advisory council, the student shall have been enrolled
12 as a full-time student for at least three consecutive semesters
13 and shall serve for a term of two years.

14 Except as provided in this subsection, no member shall be
15 an officer or employee of the State."

16 SECTION 19. Section 302A-122, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[~~§~~§302A-122~~§~~] **Board of education; eligibility.** Except
19 as otherwise provided by law, state officers shall be eligible
20 for appointment and membership to the board. Employees of the
21 State shall not be eligible for appointment and membership to



1 the board. No person shall be eligible for appointment to the
2 board:

3 (1) Under section 302A-121(a)(1) through (4) unless the
4 person is a resident of the county from which the
5 person is to be appointed; or

6 (2) Under section 302A-121(a)(5) unless the person is a
7 resident of the State."

8 SECTION 20. Section 302A-1303.5, Hawaii Revised Statutes,
9 is amended by amending subsection (b) to read as follows:

10 "(b) The composition of the committee on weights shall be
11 determined by the board of education based on recommendations
12 from the superintendent of education and dean of the University
13 of Hawaii at Manoa college of education and include principals,
14 teachers, and other members with the appropriate professional
15 skills, experiences, and qualifications needed to facilitate the
16 work of the committee. Except as provided in this subsection,
17 no member shall be an officer or employee of the State. The
18 superintendent or the superintendent's designee shall chair the
19 committee on weights."

20 SECTION 21. Section 302D-3, Hawaii Revised Statutes, is
21 amended by amending subsection (c) to read as follows:



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1 "(c) The commission shall consist of nine members to be
2 appointed by the board. The board shall appoint members who
3 will be tasked with authorizing public charter schools that
4 serve the unique and diverse needs of public school students.
5 The chair of the commission shall be designated by the members
6 of the commission for each school year beginning July 1, and
7 whenever there is a vacancy. The board shall consider the
8 combination of abilities, breadth of experiences, and
9 characteristics of the commission, including but not limited to
10 reflecting the diversity of the student population, geographical
11 representation, and a broad representation of education-related
12 stakeholders. The commission shall be exempt from sections
13 26-34 and 26-36. No member appointed under this subsection
14 shall be an officer of the State."

15 SECTION 22. Section 302D-12, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) No person may serve on the governing board of a
18 charter school if the person is an employee or former employee
19 of any charter school under the jurisdiction of that governing
20 board, a relative of an employee or former employee of any
21 charter school under the jurisdiction of that governing board,



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1 or any vendor or contractor providing goods or services to any
2 charter school under the jurisdiction of that governing board,
3 unless:

4 (1) The person is a former employee of a charter school
5 under the jurisdiction of that governing board and at
6 least one year has passed since the conclusion of the
7 former employee's employment with that charter school;

8 (2) The person is a relative of a former employee of a
9 charter school under the jurisdiction of that
10 governing board and at least one year has passed since
11 the conclusion of the former employee's employment
12 with that charter school;

13 (3) The person is a vendor or contractor and at least one
14 year has passed since the conclusion of the vendor or
15 contractor's service to a charter school under the
16 jurisdiction of that governing board; or

17 (4) The person serving on the governing board shall not
18 cause more than one-third of the voting members of the
19 governing board to be made up of:

20 (A) Employees or former employees of any charter
21 school that is under the jurisdiction of that



1 governing board; provided that this subparagraph
2 shall not include persons who are covered under
3 paragraph (1);

4 (B) Relatives of employees or of former employees of
5 any charter school that is under the jurisdiction
6 of that governing board; provided that this
7 subparagraph shall not include persons who are
8 covered under paragraph (2); and

9 (C) Vendors or contractors who are providing goods or
10 services to any charter school that is under the
11 jurisdiction of that governing board; provided
12 that this subparagraph shall not include persons
13 who are covered under paragraph (3).

14 Except as provided in this subsection, no member appointed
15 shall be an officer or employee of the State."

16 SECTION 23. Section 321-353, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) There is established within the department for
19 administrative purposes the Hawaii early intervention
20 coordinating council. Members shall be appointed for three-year
21 terms by the governor without the necessity of the advice and



1 consent of the senate. The council shall comprise twenty-five
2 members as follows:

- 3 (1) At least twenty per cent of the members shall be
4 parents of infants or toddlers with special needs, or
5 children with special needs aged twelve years or
6 younger, with knowledge of, or experience with,
7 programs for infants and toddlers with special needs;
8 provided that at least one parent shall be a parent of
9 an infant or toddler with special needs, or of a child
10 with special needs aged six years or younger;
- 11 (2) At least twenty per cent of the members shall be
12 public or private providers of early intervention
13 services;
- 14 (3) Two members shall be from the legislature, of which
15 one member shall be selected by the president of the
16 senate and one member shall be selected by the speaker
17 of the house of representatives;
- 18 (4) One member shall be involved in personnel preparation;
- 19 (5) One member shall be from the department of health
20 program involved in the provision of, or payment for,
21 early intervention services to infants and toddlers



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1 with special needs and their families who has
2 sufficient authority to engage in policy planning and
3 implementation on behalf of the program;

4 (6) One member shall be from the department of health
5 program responsible for children's mental health;

6 (7) One member shall be from the department of education
7 program responsible for preschool services to children
8 with disabilities who has sufficient authority to
9 engage in policy planning and implementation on behalf
10 of the program;

11 (8) One member shall be from the department of education
12 program responsible for the coordination of education
13 of homeless children and youths;

14 (9) One member shall be from the department of human
15 services program responsible for the state medicaid
16 program;

17 (10) One member shall be from the department of human
18 services program responsible for child care;

19 (11) One member shall be from the department of human
20 services program responsible for foster care;



1 (12) One member shall be from the department of commerce
2 and consumer affairs program responsible for state
3 regulation of health insurance;

4 (13) One member shall be from a Head Start or Early Head
5 Start agency or program in the State; and

6 (14) Other members involved in or interested in services to
7 infants and toddlers with special needs and their
8 families who are selected by the governor.

9 Except as provided in this subsection, no member appointed
10 shall be an officer or employee of the State. Any vacancy on
11 the council shall be filled in the same manner in which the
12 original position was filled."

13 SECTION 24. Section 323F-3, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) The members of the corporation board shall be
16 appointed as follows:

17 (1) The director of health as an ex officio, voting
18 member;

19 (2) The five regional chief executive officers as ex
20 officio, nonvoting members;



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(3) Three members who reside in the county of Maui, two of whom shall be appointed by the Maui regional system board and one of whom shall be appointed by the governor, all of whom shall serve as voting members;

(4) Two members who reside in the eastern section of the county of Hawaii, one of whom shall be appointed by the East Hawaii regional system board and one of whom shall be appointed by the governor, both of whom shall serve as voting members;

(5) Two members who reside in the western section of the county of Hawaii, one of whom shall be appointed by the West Hawaii regional system board and one of whom shall be appointed by the governor, both of whom shall serve as voting members;

(6) Two members who reside on the island of Kauai, one of whom shall be appointed by the Kauai regional system board and one of whom shall be appointed by the governor, both of whom shall serve as voting members;

(7) Two members who reside on the island of Oahu, one of whom shall be appointed by the Oahu regional system board and one of whom shall be appointed by the



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1 governor, both of whom shall serve as voting members;
2 and

3 (8) One member who shall be appointed by the governor and
4 serve as an at-large voting member.

5 No member appointed under this subsection shall be an
6 officer or employee of the State.

7 The appointed board members who reside in the county of
8 Maui, eastern section of the county of Hawaii, western section
9 of the county of Hawaii, on the island of Kauai, and on the
10 island of Oahu shall each serve for a term of four years;
11 provided that the terms of the initial appointments of the
12 members who are appointed by their respective regional system
13 boards shall be as follows: one of the initial members from the
14 county of Maui shall be appointed to serve a term of two years
15 and the other member shall be appointed to serve a term of four
16 years; the initial member from East Hawaii shall be appointed to
17 serve a term of two years; the initial member from West Hawaii
18 shall be appointed to serve a term of four years; the initial
19 member from the island of Kauai shall be appointed to serve a
20 term of two years; and the initial member from the island of
21 Oahu shall be appointed to serve a term of four years; [and]



1 provided further that the terms of the initial appointments of
2 the members who are appointed by the governor shall be four
3 years. The at-large member appointed by the governor shall
4 serve a term of two years.

5 Any vacancy shall be filled in the same manner provided for
6 the original appointments. The corporation board shall elect
7 its own chair from among its members. Appointments to the
8 corporation board shall be as representative as possible of the
9 system's stakeholders as outlined in this subsection. The board
10 member appointments shall strive to create a board that includes
11 expertise in the fields of medicine, finance, health care
12 administration, government affairs, human resources, and law."

13 SECTION 25. Section 328L-6, Hawaii Revised Statutes, is
14 amended by amending subsection (c) to read as follows:

15 "(c) Members shall:

16 (1) Be appointed or designated, as applicable, without
17 regard to section 26-34; provided that no member
18 appointed under this section shall be an officer or
19 employee of the State except as provided under
20 subsection (a);

21 (2) Serve without compensation; and



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1 (3) Serve for a term of three years."

2 SECTION 26. Section 340B-4, Hawaii Revised Statutes, is
3 amended by amending subsection (a) to read as follows:

4 "(a) A state board of certification of nine members shall
5 be appointed by the governor to carry out this chapter. The
6 board shall be placed, for administrative purposes, in the
7 department of health. The board shall consist of the following:

- 8 (1) Four individuals who shall be employed in a wastewater
9 treatment plant either as a certified operator or
10 certified supervisor of a wastewater treatment plant.
11 Three of the individuals [~~must~~] shall be employed in
12 the outer island counties; one individual from the
13 county of Hawaii, one from the county of Kauai, and
14 one from the county of Maui[~~-~~];
15 (2) One individual who is an active member of the Hawaii
16 water pollution control association[~~-~~];
17 (3) One individual who is a professional engineer in
18 private practice, preferably specializing in sanitary
19 engineering[~~-~~];



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- (4) One individual who is a member of the engineering (environmental or sanitary) faculty of a university or college in the State[-];
- (5) One individual from the state agency responsible for the State's water quality program[-]; and
- (6) One individual from the private sector interested in the field of water pollution control.

Except as provided in this subsection, no member appointed shall be an officer or employee of the State."

SECTION 27. Section 340F-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) A state board of certification of five members shall be appointed by the governor to carry out this chapter. The board shall be placed, for administrative purposes, in the department of health. The board shall consist of the following:

- (1) Four individuals who shall be duly qualified in the fields of sanitary engineering or public water system operation; provided that no member appointed under this paragraph shall be an officer or employee of the State; and



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1 (2) One individual from the state agency responsible for
2 the State's safe drinking water program."

3 SECTION 28. Section 350B-4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~§~~350B-4~~§~~ **Hawaii children's trust fund advisory**
6 **board.** (a) There shall be a Hawaii children's trust fund
7 advisory board, which shall make the final recommendations to
8 the Hawaii Community Foundation for the expenditure of funds for
9 the following activities:

10 (1) Grantmaking with private nonprofit organizations,
11 public agencies, or qualified individuals to provide
12 community-based services and education designed to
13 strengthen families to prevent child abuse and
14 neglect;

15 (2) Grantmaking to raise community awareness of the trust
16 fund; and

17 (3) Administration of the trust fund.

18 (b) The board shall consist of seven members to be
19 appointed as follows:

20 (1) One member shall be selected by the Hawaii Community
21 Foundation to serve for a term of three years. This



1 member [~~may~~] shall not serve more than two consecutive
2 terms[~~-~~];

3 (2) Three members shall be appointed by the governor from
4 a list of names of seven persons submitted by the
5 Hawaii Community Foundation. Each of these three
6 members shall serve for a term of three years, except
7 that the terms of the initial board members shall be
8 staggered as follows: one member shall be appointed to
9 a one-year term, one member shall be appointed to a
10 two-year term, and one member shall be appointed to a
11 three-year term. None of these three members shall
12 serve for more than two consecutive terms[~~-~~];

13 (3) One member shall be appointed from among the members
14 of the senate by the president of the senate, to serve
15 until the expiration of the member's term in the
16 senate during which the member is appointed[~~-~~];

17 (4) One member shall be appointed from among the members
18 of the house of representatives by the speaker of the
19 house to serve until the expiration of the member's
20 term in the house of representatives during which the
21 member is appointed[~~-~~]; and



(5) One member shall be the director of health or the director's designee.

(c) Except as provided under subsection (b), no member appointed under this section shall be an officer or employee of the State."

SECTION 29. Section 352D-11, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The youth commission shall consist of fifteen members between the ages of fourteen and twenty-four and shall not be subject to section 26-34. Of the members:

(1) Five members shall be appointed by the governor; provided that the governor shall ensure that each county is represented by at least one appointee; provided further that the governor shall ensure that at least one member is a previous recipient of youth services;

(2) Five members shall be appointed by the president of the senate; and

(3) Five members shall be appointed by the speaker of the house of representatives;



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1 provided that the president of the senate and the speaker of the
2 house of representatives shall appoint members representing the
3 diversity of the State. No member appointed under this
4 subsection shall be an officer or employee of the State."

5 SECTION 30. Section 353L-1, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) There is established within the department of the
8 attorney general for administrative purposes only a Hawaii
9 correctional system oversight commission consisting of five
10 members who shall be residents of this State and appointed as
11 follows:

- 12 (1) One member shall be appointed by the governor;
13 (2) One member shall be appointed by the president of the
14 senate;
15 (3) One member shall be appointed by the speaker of the
16 house of representatives;
17 (4) One member shall be appointed by the chief justice;
18 and
19 (5) One member shall be appointed by the chairperson of
20 the board of trustees of the ~~[Office]~~ office of
21 Hawaiian ~~[Affairs.]~~ affairs.



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1 No member appointed under this subsection shall be an
2 officer or employee of the State.

3 The commission members shall annually elect one of the
4 members to serve as chairperson of the commission."

5 SECTION 31. Section 466-4, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) There shall be a board of public accountancy to be
8 known as the state board of public accountancy, which shall
9 consist of nine members. All members of the board shall be
10 citizens of the United States and residents of this State.
11 Seven members thereof shall hold current licenses issued under
12 this chapter, of which six of the seven members shall hold
13 current permits to practice public accountancy and be in active
14 practice; and two shall be public members. No member of the
15 board shall be an officer or employee of the State."

16 SECTION 32. Section 802-9, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§802-9 Defender council.** The governor shall appoint a
19 defender council consisting of five members, who shall serve at
20 the governor's pleasure. There shall be at least one member
21 from each of the counties of the State. No member appointed



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1 under this section shall be an officer or employee of the State.
2 The chairperson of the council shall be selected by its members.
3 Each member shall serve without pay and shall be reimbursed for
4 necessary expenses incurred while attending meetings and while
5 in the discharge of the member's responsibilities. The council
6 shall be the governing body of the office of the state public
7 defender."

8 SECTION 33. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 34. This Act shall take effect upon its approval.

11

INTRODUCED BY: _____



JAN 26 2021



H.B. NO. 1200

Report Title:

Boards and Commissions; State Officers and Employees

Description:

Prohibits the appointment of state officers and employees to boards and commissions unless otherwise provided.

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

