

JAN 19 2023

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 the role of a
2 governmental advisory board is to provide up-to-date
3 information, critical thinking, and analysis to the decision-
4 makers who represent the government entity that the board is
5 advising, and that that advisory board itself does not make
6 decisions. The legislature further finds that the governor is
7 charged with nominating qualified individuals to state advisory
8 board and commission positions, and not all advisory board and
9 commission nominees need to be subject to the senate's advice
10 and consent process.

11 The purpose of this Act is to:

- 12 (1) Specify that nominated members for the statewide
13 voters with special needs advisory board are not
14 subject to the senate's advice and consent;
- 15 (2) Specify that nominated members for the commission to
16 promote uniform legislation are not subject to the
17 senate's advice and consent; and



1 (3) Specify that nominated members for the commission on
2 fatherhood are not subject to the senate's advice and
3 consent.

4 SECTION 2. Section 11-10.5, Hawaii Revised Statutes, is
5 amended by amending subsection (b) to read as follows:

6 "(b) The advisory committee shall consist of five members
7 appointed by the governor based on recommendations from
8 organizations within the State that are comprised of a majority
9 of officers and members who are persons with physical
10 disabilities including visual impairment. Each member shall
11 identify as a voter with special needs arising from physical
12 disabilities, including visual and hearing impairments that
13 require an accommodation to vote. The terms of advisory
14 committee members shall be four years; provided that initial
15 terms shall be one, two, three, or four years to ensure
16 staggered rotation of members. The members shall not be subject
17 to advice and consent of the senate."

18 SECTION 3. Section 26-7, Hawaii Revised Statutes, is
19 amended to read as follows:



1 "§26-7 Department of the attorney general. The department
2 of the attorney general shall be headed by a single executive to
3 be known as the attorney general.

4 The department shall administer and render state legal
5 services, including furnishing of written legal opinions to the
6 governor, legislature, and such state departments and officers
7 as the governor may direct; represent the State in all civil
8 actions in which the State is a party; approve as to legality
9 and form all documents relating to the acquisition of any land
10 or interest in lands by the State; and, unless otherwise
11 provided by law, prosecute cases involving violations of state
12 laws and cases involving agreements, uniform laws, or other
13 matters which are enforceable in the courts of the State. The
14 attorney general shall be charged with such other duties and
15 have such authority as heretofore provided by common law or
16 statute.

17 There shall be within the department of the attorney
18 general a commission to be known as the commission to promote
19 uniform legislation, which shall sit in an advisory capacity to
20 the attorney general and to the legislature on matters relating
21 to the promotion of uniform legislation. The composition of the



1 commission shall be as heretofore provided for the commission to
2 promote uniform legislation existing immediately prior to
3 November 25, 1959. The members of the commission shall be
4 nominated, and [~~by and with~~] without the advice and consent of
5 the senate, appointed by the governor for terms of four years
6 each, provided that each member shall hold office until the
7 member's successor is appointed and qualified; and provided also
8 that the provisions of section 26-34, limiting the appointment
9 of members of boards and commissions to two terms and the
10 duration of membership to not more than eight consecutive years
11 shall not be applicable.

12 The functions and authority heretofore exercised by the
13 attorney general, high sheriff, and the commission to promote
14 uniform legislation as heretofore constituted are transferred to
15 the department of the attorney general established by this
16 chapter."

17 SECTION 4. Section 26-34, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) The members of each board and commission established
20 by law shall be nominated and, except as otherwise provided by
21 law, by and with the advice and consent of the senate, appointed



1 by the governor. Unless otherwise provided by this chapter or
2 by law hereafter enacted, the terms of the members shall be for
3 four years; provided that the governor may reduce the terms of
4 those initially appointed so as to provide, as nearly as can be,
5 for the expiration of an equal number of terms at intervals of
6 one year for each board and commission. Unless otherwise
7 provided by law, each term shall commence on July 1 and expire
8 on June 30, except that the terms of the chairpersons of the
9 board of agriculture, the board of land and natural resources,
10 and the Hawaiian homes commission shall commence on January 1
11 and expire on December 31. No person shall be appointed
12 consecutively to more than two terms as a member of the same
13 board or commission; provided that membership on any board or
14 commission shall not exceed eight consecutive years."

15 SECTION 5. Section 577E-3, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§577E-3 Members; terms; chair; quorum; compensation. (a)**
18 The commission shall consist of fifteen members and reflect the
19 geographic and cultural diversity of the State. The membership
20 shall include:



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1 (1) Ex officio, the director of human services,
2 superintendent of education, director of health,
3 attorney general, director of public safety, and
4 executive director of the office of youth services, or
5 their designees; and

6 (2) Eight voting members shall be appointed by the
7 governor as provided in section 26-34, except as
8 otherwise provided in this section, as follows:

9 (A) Two members shall be appointed by the governor
10 from a list of three nominees submitted by the
11 president of the senate, and two members shall be
12 appointed by the governor from a list of three
13 nominees submitted by the speaker of the house of
14 representatives; and

15 (B) Four members shall be appointed by the governor
16 from the community.

17 (3) One voting member shall be designated by the Hawaii
18 Coalition for Dads.

19 (b) Of the appointed members, there shall be at least one
20 member from each of the counties of Kauai, Maui, and Hawaii.



1 (c) All members shall serve for a term of four years. Any
2 vacancies occurring in the membership of the commission shall be
3 filled for the remainder of the unexpired term in the same
4 manner as the original appointments. No member shall serve on
5 the commission for more than two terms; provided that if a
6 member fills a vacancy and serves for the remainder of an
7 unexpired term that member shall be considered to have served
8 one term.

9 (d) The chair and vice chair of the board shall be
10 selected annually from the nongovernmental members of the
11 commission appointed pursuant to subsection (a)(2). A simple
12 majority shall constitute a quorum, whose affirmative vote shall
13 be necessary for all actions.

14 (e) The members shall serve without compensation.

15 (f) Any member of the commission shall be immune from
16 civil liability as provided in section 26-35.5.

17 (g) The members shall not be subject to advice and consent
18 of the senate."

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

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1 SECTION 7. This Act shall take effect on July 1, 2023.

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INTRODUCED BY:

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Report Title:

Statewide Voters with Special Needs Advisory Board; Commission to Promote Uniform Legislation; Commission on Fatherhood; Advice and Consent; Exception

Description:

Specifies that the nominated members of certain boards and commission are not subject to the Senate's advice and consent process.

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