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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Section 26-52, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§26-52 Department heads and executive officers.** The  
4 salaries of the following state officers shall be as follows:

5 (1) The salary of the superintendent of education shall be  
6 set by the board of education [~~at a rate no greater~~  
7 ~~than \$150,000 a year;~~]; provided that the board of  
8 education shall consider the salary recommendations of  
9 the ad hoc committee established under section 5 of  
10 Act \_\_\_\_\_, Session Laws of Hawaii 2010, until such time  
11 that the commission on salaries makes a recommendation  
12 of the salary, pursuant to section 26-56;

13 (2) The salary of the president of the University of  
14 Hawaii shall be set by the board of regents;

15 (3) Effective July 1, 2004, the salaries of all department  
16 heads or executive officers of the departments of  
17 accounting and general services, agriculture, attorney



1 general, budget and finance, business, economic  
2 development, and tourism, commerce and consumer  
3 affairs, Hawaiian home lands, health, human resources  
4 development, human services, labor and industrial  
5 relations, land and natural resources, public safety,  
6 taxation, and transportation shall be as last  
7 recommended by the executive salary commission.

8 Effective July 1, 2007, and every six years  
9 thereafter, the salaries shall be as last recommended  
10 by the commission on salaries pursuant to section  
11 26-56, unless rejected by the legislature; and

12 (4) The salary of the adjutant general shall be \$85,302 a  
13 year. Effective July 1, 2007, and every six years  
14 thereafter, the salary of the adjutant general shall  
15 be as last recommended by the commission on salaries  
16 pursuant to section 26-56, unless rejected by the  
17 legislature, except that if the state salary is in  
18 conflict with the pay and allowance fixed by the  
19 tables of the regular army or air force of the United  
20 States, the latter shall prevail."

21 SECTION 2. Section 26-56, Hawaii Revised Statutes, is  
22 amended as follows:



1 1. By amending subsection (b) to read:

2 "(b) The commission shall review and recommend an  
3 appropriate salary for the governor, lieutenant governor,  
4 members of the legislature, justices and judges of all state  
5 courts, administrative director of the State or an equivalent  
6 position, and department heads or executive officers and the  
7 deputies or assistants to the department heads of the  
8 departments of:

- 9 (1) Accounting and general services;
- 10 (2) Agriculture;
- 11 (3) The attorney general;
- 12 (4) Budget and finance;
- 13 (5) Business, economic development, and tourism;
- 14 (6) Commerce and consumer affairs;
- 15 (7) Defense;
- 16 (8) Education, including complex area superintendents and  
17 the state librarian;
- 18 [~~8~~] (9) Hawaiian home lands;
- 19 [~~9~~] (10) Health;
- 20 [~~10~~] (11) Human resources development;
- 21 [~~11~~] (12) Human services;
- 22 [~~12~~] (13) Labor and industrial relations;



- 1     ~~[(13)]~~ (14) Land and natural resources;
- 2     ~~[(14)]~~ (15) Public safety;
- 3     ~~[(15)]~~ (16) Taxation; and
- 4     ~~[(16)]~~ (17) Transportation.

5           The commission shall not review the salary of any position  
6 in ~~[the department of education or]~~ the University of Hawaii.

7           The commission may recommend different salaries for  
8 department heads and executive officers and different salary  
9 ranges for deputies or assistants to department heads; provided  
10 that the commission shall recommend the same salary range for  
11 deputies or assistants to department heads within the same  
12 department; provided further that the appointing official shall  
13 specify the salary for a particular position within the  
14 applicable range. For positions under the department of  
15 education, the commission on salaries shall recommend salary  
16 ranges and the board of education shall specify salaries within  
17 the applicable range for those positions, pursuant to section  
18 26-52.

19           The commission shall not recommend salaries lower than  
20 salary amounts recommended by prior commissions replaced by this  
21 section."

22           2. By amending subsection (d) to read:



1           "(d) The commission shall convene in the month of November  
2 2006, and every six years thereafter. Not later than the  
3 fortieth legislative day of the regular session of 2007, and  
4 every six years thereafter, the commission shall submit a report  
5 of its findings and its salary recommendations to the  
6 legislature, through the governor[-]; provided that for  
7 positions under the department of education, the commission  
8 shall submit a report of its findings and its salary  
9 recommendations to the board of education. The commission may  
10 include incremental increases that take effect prior to the  
11 convening of the next salary commission.

12           The recommended salaries submitted by the commission shall  
13 become effective July 1 of the next fiscal year unless the  
14 legislature disapproves the recommended salaries submitted by  
15 the commission through the adoption of a concurrent resolution,  
16 which shall be approved by a simple majority of each house of  
17 the legislature, prior to adjournment sine die of the  
18 legislative session in which the recommended salaries are  
19 submitted; provided that any change in salary which becomes  
20 effective shall not apply to the legislature to which the  
21 recommendation for the change in salary was submitted. For  
22 positions under the department of education, the recommended



1 salaries submitted by the commission shall become effective  
2 July 1 of the next fiscal year unless the board of education  
3 disapproves the recommended salaries within thirty days of  
4 receipt of the recommended salaries from the commission.

5       The governor shall include the salary amounts recommended  
6 by the commission and approved by the legislature for employees  
7 of the executive branch in the executive budget. If the salary  
8 amounts recommended by the commission are disapproved by the  
9 legislature, the commission shall reconvene in the November next  
10 following the legislative disapproval to review the  
11 legislature's reasons for disapproving its salary  
12 recommendation. The commission may submit a report of its  
13 findings and submit a new salary recommendation to the  
14 legislature at the next regular session. The commission's  
15 reconvening following a legislative disapproval shall not toll  
16 the six-year cycle."

17       SECTION 3. Section 302A-621, Hawaii Revised Statutes, is  
18 amended to read as follows:

19       "**§302A-621 Salary; deputy superintendent, assistant**  
20 **superintendents, complex area superintendents.** The salaries of  
21 the deputy superintendent, assistant superintendents, and  
22 complex area superintendents shall be set by the board; provided



1 that [~~the salaries of the deputy superintendent, assistant~~  
2 ~~superintendents, and the complex area superintendents shall not~~  
3 ~~exceed eighty per cent of the superintendent's salary.] the  
4 board of education shall consider the salary recommendations of  
5 the ad hoc committee established under section 5 of Act ,  
6 Session Laws of Hawaii 2010, until such time that the commission  
7 on salaries makes salary recommendations, pursuant to section  
8 26-56."~~

9 SECTION 4. Section 312-2.1, Hawaii Revised Statutes, is  
10 amended by amending subsection (b) to read as follows:

11 "(b) The salary of the state librarian shall be set by the  
12 board of education [~~at a rate no greater than \$120,000 a year.];~~  
13 provided that the board of education shall consider the salary  
14 recommendations of the ad hoc committee established under  
15 section 5 of Act , Session Laws of Hawaii 2010, until such  
16 time that the commission on salaries makes a salary  
17 recommendation, pursuant to section 26-56."

18 SECTION 5. (a) The senate president and the speaker of  
19 the house of representatives shall convene an ad hoc committee  
20 to submit recommendations to the board of education for salaries  
21 of the superintendent of education, deputy superintendent,  
22 assistant superintendents, complex area superintendents, and



1 state librarian for the interim period commencing July 1, 2010,  
2 and until the commission on salaries' recommendations to the  
3 board of education take effect.

4 (b) The ad hoc committee shall consist of five members as  
5 follows:

6 (1) Two members shall be appointed by the senate  
7 president;

8 (2) Two members shall be appointed by the speaker of the  
9 house of representatives; and

10 (3) One member shall be appointed by the governor.

11 (c) The ad hoc committee shall make its salary  
12 recommendations to the board of education no later than  
13 October 1, 2011. The recommended salaries submitted shall  
14 become effective on November 1, 2011, unless the board of  
15 education disapproves the recommended salaries within thirty  
16 days of receipt of the recommendation. If the board of  
17 education disapproves the recommendation, the board shall return  
18 the ad hoc committee's salary recommendations with a  
19 justification for the disapproval. The ad hoc committee shall  
20 have fourteen days to resubmit its amended recommendations to  
21 the board, and this schedule shall continue until the board  
22 approves the recommendations submitted by the ad hoc committee.





1 The caps on the salaries of the superintendent of education,  
2 deputy superintendent, assistant superintendents, complex area  
3 superintendents, and state librarian, as established in sections  
4 26-52, 302A-621, and 312-2.1, Hawaii Revised Statutes, shall  
5 remain in effect at the amounts or percentages that existed on  
6 the day prior to the effective date of this Act until the ad hoc  
7 committee's recommendations to the board of education take  
8 effect.

9 SECTION 6. If any provision of this Act relating to the  
10 commission on salaries, or the application thereof to any person  
11 or circumstance is held invalid due to the failure of a  
12 constitutional amendment that authorizes the commission on  
13 salaries to make salary recommendations for certain department  
14 of education personnel to be ratified pursuant to article XVII,  
15 section 3 of the Constitution of the State of Hawaii, the  
16 failure of the constitutional amendment's ratification shall not  
17 affect the other provisions or applications of the Act,  
18 including section 5 of this Act and the repeal of the salary  
19 caps specified under sections 1, 3, and 4 of this Act, which can  
20 be given effect without the ratification of the constitutional  
21 amendment, and to this end the provisions of this Act are  
22 severable.



1 SECTION 7. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 8. This Act shall take effect on July 1, 2050;  
4 provided that:

5 (1) Section 5 of this Act shall be repealed on July 1,  
6 2014; and

7 (2) If a constitutional amendment to article XVI,  
8 section 3.5 of the Constitution of the State of Hawaii  
9 that authorizes the commission on salaries to make  
10 salary recommendations for certain department of  
11 education personnel is not ratified by December 31,  
12 2014, the salaries of the superintendent of education,  
13 deputy superintendent, assistant superintendents,  
14 complex area superintendents, and state librarian  
15 positions shall remain at the amounts recommended by  
16 the ad hoc committee established by section 5 of this  
17 Act and approved by the board of education to take  
18 effect on January 1, 2014.

19



**Report Title:**

Superintendent of Education; DOE Administrators; Salary Caps

**Description:**

Requires the commission on salaries to make recommendations to the board of education for salaries of certain DOE administrators. Removes salary caps for certain DOE administrators and authorizes the board of education to determine salaries for these positions, taking into consideration the recommendations from a newly established ad hoc committee, until such time that the commission on salaries makes its recommendations. Ad hoc committee sunsets 7/1/2014. Takes effect 7/1/2050. (SD1)

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

