
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

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PART I

SECTION 1. The purpose of this Act is to implement the constitutional amendments to article X, section 2, of the Hawaii State Constitution that were adopted by the legislature and ratified by the electorate in the 2010 general election, by statutorily requiring the members of the board of education to be nominated and, with the advice and consent of the senate, appointed by the governor.

PART II

SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding six new sections to be appropriately designated and to read as follows:

"§302A-A Board of education; members; military representative. (a) The board shall consist of eleven members as follows:

(1) Ten voting members who shall represent the specified geographic areas as follows:

(A) One member from the county of Hawaii;



- 1 (B) One member from the county of Maui;
- 2 (C) One member from the county of Kauai;
- 3 (D) One member from the city and county of Honolulu;
- 4 and
- 5 (E) Six at-large members; and
- 6 (2) One voting member who shall be a public high school
- 7 student at the time of that member's term of
- 8 appointment; provided that the student member shall
- 9 not vote on any issue directly pertaining to personnel
- 10 matters.

11 The members shall be appointed by the governor, with the advice
12 and consent of the senate. The governor may remove or suspend
13 for cause any member of the board after due notice and public
14 hearing.

15 (b) Pursuant to article XVIII, section 12, of the Hawaii
16 State Constitution, the period of transition from the elected to
17 the appointed board shall be as determined in section 21 of Act
18 , Session Laws of Hawaii 2011.

19 (c) The members of the board shall serve without pay but
20 shall be entitled to reimbursement for necessary expenses,
21 including travel, board, and lodging expenses, while attending

1 meetings of the board or when actually engaged in business
2 relating to the work of the board.

3 (d) Pursuant to section 302A-1101(c), the board shall
4 invite the senior military commander in Hawaii to appoint a
5 nonvoting military representative to the board.

6 §302A-B Board of education; eligibility. Except as
7 otherwise provided by law, state officers shall be eligible for
8 appointment and membership to the board of education. No person
9 shall be eligible for appointment to the board:

10 (1) Under section 302A-A(a)(1)(A) through (D) unless the
11 person is a resident and registered voter of the
12 county from which the person is to be appointed; or

13 (2) Under section 302A-A(a)(1)(E) unless the person is a
14 resident and registered voter of the State.

15 §302A-C Board of education; terms. (a) Except for the
16 student member, the governor shall set the terms of the members
17 initially appointed to the board under section 20 of Act
18 Session Laws of Hawaii 2011, as follows:

19 (1) Two members shall serve one-year terms;

20 (2) Three members shall serve two-year terms;

21 (3) Two members shall serve three-year terms; and

22 (4) Three members shall serve four-year terms.



- 1 (b) Except for the student member:
- 2 (1) The term of each member shall be four years, except as
3 provided for the initial appointment in subsection
4 (a); and
- 5 (2) Members shall serve no more than two consecutive four-
6 year terms; provided that the members who are
7 initially appointed to terms of three years or less
8 pursuant to subsection (a) may be reappointed to two
9 ensuing consecutive four-year terms. If a member is
10 to be appointed to a second or subsequent consecutive
11 term, the senate shall consider the question of
12 whether to reconfirm the member at least one hundred
13 twenty days prior to the expiration of the member's
14 immediately preceding term; provided that if the
15 senate is not in session after the member's
16 reappointment and prior to the one-hundred-twenty-day
17 deadline by which the senate shall have considered the
18 question of reconfirmation, the member shall continue
19 to serve until the senate takes final action on the
20 reconfirmation when it convenes for the next regular
21 session or the next special session during which the



1 senate is authorized to consider the question of
2 reconfirmation.

3 (c) The student member shall have at least an overall 2.0
4 grade point average and be passing courses for graduation. The
5 term of the student member shall be one year. The student
6 member may be reappointed for one additional consecutive term;
7 provided that the member shall be a student at the time of
8 reappointment and shall be a student for the majority of that
9 term. If a student member is to be appointed to a second term,
10 the senate shall consider the question of whether to reconfirm
11 the member at least one hundred twenty days prior to the
12 expiration of the member's first term; provided further that if
13 the senate is not in session after the member's reappointment
14 and prior to the one-hundred-twenty-day deadline by which the
15 senate shall have considered the question of reconfirmation, the
16 member shall continue to serve until the senate takes final
17 action on the reconfirmation when it convenes for the next
18 regular session or the next special session during which the
19 senate is authorized to consider the question of reconfirmation.

20 (d) Every member may serve beyond the expiration date of
21 the member's term of appointment until the member's successor



1 has been appointed by the governor and confirmed by the senate
2 in accordance with this section and section 302A-F.

3 §302A-D Board of education; organization; quorum;
4 meetings. (a) The board shall select a chairperson from among
5 its members. The board shall select a vice chairperson from
6 among its members, and the vice chairperson shall serve as
7 interim chairperson in the event the chairperson's seat becomes
8 vacant.

9 (b) A majority of all the members to which the board is
10 entitled shall constitute a quorum to conduct business. At any
11 time during which the board has fewer than seven members, five
12 members of the board shall constitute a quorum to conduct
13 business and the concurrence of five members shall be necessary
14 to make any action of the board valid.

15 (c) Notwithstanding chapter 92, from the convening of the
16 legislature in regular session to adjournment sine die of each
17 regular session, and during each special session of the
18 legislature, the board may file any notice that specifies only
19 legislation or legislation-related agenda items, no fewer than
20 two calendar days before the meeting.

21 §302A-E Board of education; vacancies. The governor shall
22 notify the senate in writing within ten days of:



1 officer or county clerk in the case of county elections in
2 accordance with the following procedure:

3 (1) In the case of an election involving a seat for the
4 senate, house of representatives, [~~board of~~
5 ~~education,~~] or county council where only voters within
6 a specified district are allowed to cast a vote, the
7 winner shall be declared as follows:

8 (A) For each precinct in the affected district, an
9 election rate point shall be calculated by
10 dividing the total voter turnout in that precinct
11 by the total voter turnout in the district. For
12 the purpose of this subparagraph, the absentee
13 votes cast for the affected district shall be
14 treated as a precinct. The election rate point
15 shall be calculated by dividing the total
16 absentee votes cast for the affected district by
17 the total voter turnout in that district. All
18 election rate points shall be expressed as
19 decimal fractions rounded to the nearest hundred
20 thousandth.

21 (B) The candidate with the highest number of votes in
22 a precinct shall be allocated the election rate



1 point calculated under subparagraph (A) for that
2 precinct. In the event that two or more persons
3 are tied in receiving the highest number of votes
4 for that precinct, the election rate point shall
5 be equally apportioned among those candidates
6 involved in that precinct tie.

7 (C) After the election rate points calculated under
8 subparagraph (A) for all the precincts have been
9 allocated as provided under subparagraph (B), the
10 election rate points allocated to each candidate
11 shall be tallied and the candidate with the
12 highest election rate point total shall be
13 declared the winner.

14 (D) If there is a tie between two or more candidates
15 in the election rate point total, the candidate
16 who is allocated the highest election rate points
17 from the precinct with the largest voter turnout
18 shall be declared the winner.

19 (2) In the case of an election involving a federal office
20 or an elective office where the voters in the entire
21 State or in an entire county are allowed to cast a
22 vote, the winner shall be declared as follows:



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(A) For each representative district in the State or county, as the case may be, an election rate point shall be calculated by dividing the total voter turnout in that representative district by the total voter turnout in the state, county, or federal office district, as the case may be; provided that for purposes of this subparagraph:

(i) The absentee votes cast for a statewide, countywide, or federal office shall be treated as a separate representative district and the election rate point shall be calculated by dividing the total absentee votes cast for the statewide, countywide, or federal office by the total voter turnout in the state, county, or federal office district, as the case may be.

(ii) The overseas votes cast for any election in the State for a federal office shall be treated as a separate representative district and the election rate point shall be calculated by dividing the total number of overseas votes cast for the affected



1 federal office by the total voter turnout in
2 the affected federal office district. The
3 term "overseas votes" means those votes cast
4 by absentee ballots for a presidential
5 election as provided in section 15-3.

6 All election rate points shall be expressed as
7 decimal fractions rounded to the nearest hundred
8 thousandth.

9 (B) The candidate with the highest number of votes in
10 a representative district shall be allocated the
11 election rate point calculated under subparagraph
12 (A) for that district. In the event that two or
13 more persons are tied in receiving the highest
14 number of votes for that district, the election
15 rate point shall be equally apportioned among
16 those candidates involved in that district tie.

17 (C) After the election rate points calculated under
18 subparagraph (A) for all the precincts have been
19 allocated as prescribed under subparagraph (B),
20 the election rate points allocated to each
21 candidate shall be tallied and the candidate with



1 the election rate point total shall be declared
2 the winner.

3 (D) If there is a tie between two or more candidates
4 in the election rate point total, the candidate
5 who is allocated the highest election rate points
6 from the representative district with the largest
7 voter turnout shall be declared the winner."

8 SECTION 4. Section 11-331, Hawaii Revised Statutes, is
9 amended by amending subsection (d) to read as follows:

10 "(d) For purposes of this part, whenever a report is
11 required to be filed with the commission, "filed" means that a
12 report shall be filed with the commission's electronic filing
13 system by the date and time specified for the filing of the
14 report by:

15 (1) The candidate or candidate committee of a candidate
16 who is seeking election to the:

- 17 (A) Office of governor;
- 18 (B) Office of lieutenant governor;
- 19 (C) Office of mayor;
- 20 (D) Office of prosecuting attorney;
- 21 (E) County council;
- 22 (F) Senate;



- 1 (G) House of representatives; or
2 (H) Office of Hawaiian affairs; or
3 [~~I~~] ~~Board of education; or~~

4 (2) A noncandidate committee required to be registered
5 with the commission pursuant to section 11-323."

6 SECTION 5. Section 11-423, Hawaii Revised Statutes, is
7 amended by amending subsection (d) to read as follows:

8 "(d) From January 1 of the year of any primary, special,
9 or general election, the aggregate expenditures for each
10 election by a candidate who voluntarily agrees to limit campaign
11 expenditures, inclusive of all expenditures made or authorized
12 by the candidate alone, all treasurers, the candidate committee,
13 and noncandidate committees on the candidate's behalf, shall not
14 exceed the following amounts expressed, respectively multiplied
15 by the number of voters in the last preceding general election
16 registered to vote in each respective voting district:

- 17 (1) For the office of governor - \$2.50;
18 (2) For the office of lieutenant governor - \$1.40;
19 (3) For the office of mayor - \$2.00;
20 (4) For the offices of state senator, state
21 representative, and county council member - \$1.40; and



1 (5) For [~~the board of education and~~] all other offices -
2 20 cents."

3 SECTION 6. Section 11-425, Hawaii Revised Statutes, is
4 amended by amending subsection (d) to read as follows:

5 "(d) For [~~the board of education and~~] all other offices,
6 the maximum amount of public funds available to a candidate
7 shall not exceed \$100 in any election year."

8 SECTION 7. Section 12-5, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) Nomination papers for candidates for members of
11 Congress, governor, and lieutenant governor [~~and the board of~~
12 ~~education~~] shall be signed by not less than twenty-five
13 registered voters of the State or of the Congressional district
14 [~~or school board district~~] from which the candidates are running
15 in the case of candidates for the United States House of
16 Representatives [~~or for the board of education~~]."

17 SECTION 8. Section 26-35.5, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) For purposes of this section, "member" means any
20 person who is appointed, in accordance with the law, to serve on
21 a temporary or permanent state board, including members of the
22 board of education, the local school board of any charter school



1 established under chapter 302B, council, authority, committee,
2 or commission, established by law or elected to ~~[the board of~~
3 ~~education, or]~~ the board of trustees of the employees'
4 retirement system under section 88-24, or the corporation board
5 of the Hawaii health systems corporation under section 323F-3
6 and its regional system boards under section 323F-3.5; provided
7 that "member" shall not include any person elected to serve on a
8 board or commission in accordance with chapter 11 ~~[other than a~~
9 ~~person elected to serve on the board of education]."~~

10 SECTION 9. Section 76-16, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) The civil service to which this chapter applies shall
13 comprise all positions in the State now existing or hereafter
14 established and embrace all personal services performed for the
15 State, except the following:

16 (1) Commissioned and enlisted personnel of the Hawaii
17 national guard as such, and positions in the Hawaii
18 national guard that are required by state or federal
19 laws or regulations or orders of the national guard to
20 be filled from those commissioned or enlisted
21 personnel;



- 1 (2) Positions filled by persons employed by contract where
2 the director of human resources development has
3 certified that the service is special or unique or is
4 essential to the public interest and that, because of
5 circumstances surrounding its fulfillment, personnel
6 to perform the service cannot be obtained through
7 normal civil service recruitment procedures. Any such
8 contract may be for any period not exceeding one year;
- 9 (3) Positions that must be filled without delay to comply
10 with a court order or decree if the director
11 determines that recruitment through normal recruitment
12 civil service procedures would result in delay or
13 noncompliance, such as the Felix-Cayetano consent
14 decree;
- 15 (4) Positions filled by the legislature or by either house
16 or any committee thereof;
- 17 (5) Employees in the office of the governor and office of
18 the lieutenant governor, and household employees at
19 Washington Place;
- 20 (6) Positions filled by popular vote;
- 21 (7) Department heads, officers, and members of any board,
22 commission, or other state agency whose appointments



1 are made by the governor or are required by law to be
2 confirmed by the senate;

3 (8) Judges, referees, receivers, masters, jurors, notaries
4 public, land court examiners, court commissioners, and
5 attorneys appointed by a state court for a special
6 temporary service;

7 (9) One bailiff for the chief justice of the supreme court
8 who shall have the powers and duties of a court
9 officer and bailiff under section 606-14; one
10 secretary or clerk for each justice of the supreme
11 court, each judge of the intermediate appellate court,
12 and each judge of the circuit court; one secretary for
13 the judicial council; one deputy administrative
14 director of the courts; three law clerks for the chief
15 justice of the supreme court, two law clerks for each
16 associate justice of the supreme court and each judge
17 of the intermediate appellate court, one law clerk for
18 each judge of the circuit court, two additional law
19 clerks for the civil administrative judge of the
20 circuit court of the first circuit, two additional law
21 clerks for the criminal administrative judge of the
22 circuit court of the first circuit, one additional law



1 clerk for the senior judge of the family court of the
2 first circuit, two additional law clerks for the civil
3 motions judge of the circuit court of the first
4 circuit, two additional law clerks for the criminal
5 motions judge of the circuit court of the first
6 circuit, and two law clerks for the administrative
7 judge of the district court of the first circuit; and
8 one private secretary for the administrative director
9 of the courts, the deputy administrative director of
10 the courts, each department head, each deputy or first
11 assistant, and each additional deputy, or assistant
12 deputy, or assistant defined in paragraph (16);

13 (10) First deputy and deputy attorneys general, the
14 administrative services manager of the department of
15 the attorney general, one secretary for the
16 administrative services manager, an administrator and
17 any support staff for the criminal and juvenile
18 justice resources coordination functions, and law
19 clerks;

20 (11) (A) Teachers, principals, vice-principals, complex
21 area superintendents, deputy and assistant
22 superintendents, other certificated personnel,



1 not more than twenty noncertificated
2 administrative, professional, and technical
3 personnel not engaged in instructional work;
4 (B) Effective July 1, 2003, teaching assistants,
5 educational assistants, bilingual/bicultural
6 school-home assistants, school psychologists,
7 psychological examiners, speech pathologists,
8 athletic health care trainers, alternative school
9 work study assistants, alternative school
10 educational/supportive services specialists,
11 alternative school project coordinators, and
12 communications aides in the department of
13 education;
14 (C) The special assistant to the state librarian and
15 one secretary for the special assistant to the
16 state librarian; and
17 (D) Members of the faculty of the University of
18 Hawaii, including research workers, extension
19 agents, personnel engaged in instructional work,
20 and administrative, professional, and technical
21 personnel of the university;



- 1 (12) Employees engaged in special, research, or
2 demonstration projects approved by the governor;
- 3 (13) Positions filled by inmates, kokuas, patients of state
4 institutions, persons with severe physical or mental
5 handicaps participating in the work experience
6 training programs, and students and positions filled
7 through federally funded programs that provide
8 temporary public service employment such as the
9 federal Comprehensive Employment and Training Act of
10 1973;
- 11 (14) A custodian or guide at Iolani Palace, the Royal
12 Mausoleum, and Hulihee Palace;
- 13 (15) Positions filled by persons employed on a fee,
14 contract, or piecework basis, who may lawfully perform
15 their duties concurrently with their private business
16 or profession or other private employment and whose
17 duties require only a portion of their time, if it is
18 impracticable to ascertain or anticipate the portion
19 of time to be devoted to the service of the State;
- 20 (16) Positions of first deputies or first assistants of
21 each department head appointed under or in the manner
22 provided in article V, section 6, [~~Article V,~~] of the



1 Hawaii State Constitution; three additional deputies
2 or assistants either in charge of the highways,
3 harbors, and airports divisions or other functions
4 within the department of transportation as may be
5 assigned by the director of transportation, with the
6 approval of the governor; four additional deputies in
7 the department of health, each in charge of one of the
8 following: behavioral health, environmental health,
9 hospitals, and health resources administration,
10 including other functions within the department as may
11 be assigned by the director of health, with the
12 approval of the governor; an administrative assistant
13 to the state librarian; and an administrative
14 assistant to the superintendent of education;
15 (17) Positions specifically exempted from this part by any
16 other law; provided that all of the positions defined
17 by paragraph (9) shall be included in the position
18 classification plan;
19 (18) Positions in the state foster grandparent program and
20 positions for temporary employment of senior citizens
21 in occupations in which there is a severe personnel
22 shortage or in special projects;



- 1 (19) Household employees at the official residence of the
2 president of the University of Hawaii;
- 3 (20) Employees in the department of education engaged in
4 the supervision of students during meal periods in the
5 distribution, collection, and counting of meal
6 tickets, and in the cleaning of classrooms after
7 school hours on a less than half-time basis;
- 8 (21) Employees hired under the tenant hire program of the
9 Hawaii public housing authority; provided that not
10 more than twenty-six per cent of the authority's work
11 force in any housing project maintained or operated by
12 the authority shall be hired under the tenant hire
13 program;
- 14 (22) Positions of the federally funded expanded food and
15 nutrition program of the University of Hawaii that
16 require the hiring of nutrition program assistants who
17 live in the areas they serve;
- 18 (23) Positions filled by severely handicapped persons who
19 are certified by the state vocational rehabilitation
20 office that they are able to perform safely the duties
21 of the positions;



- 1 (24) One public high school student to be [~~selected by the~~
2 Hawaii state student council as a nonvoting member on
3 the board of education as authorized by the State
4 Constitution;] appointed by the governor, with the
5 advice and consent of the senate, as a voting member
6 on the board of education, pursuant to section 302A-A;
- 7 (25) Sheriff, first deputy sheriff, and second deputy
8 sheriff;
- 9 (26) A gender and other fairness coordinator hired by the
10 judiciary; and
- 11 (27) Positions in the Hawaii national guard youth and adult
12 education programs.

13 The director shall determine the applicability of this
14 section to specific positions.

15 Nothing in this section shall be deemed to affect the civil
16 service status of any incumbent as it existed on July 1, 1955."

17 SECTION 10. Section 84-17, Hawaii Revised Statutes, is
18 amended by amending subsection (d) to read as follows:

19 "(d) The financial disclosure statements of the following
20 persons shall be public records and available for inspection and
21 duplication:



- 1 (1) The governor, the lieutenant governor, the members of
2 the legislature, candidates for and delegates to the
3 constitutional convention, [~~the members of the board~~
4 ~~of education,~~] the trustees of the office of Hawaiian
5 affairs, and candidates for state elective offices;
- 6 (2) The directors of the state departments and their
7 deputies, regardless of the titles by which the
8 foregoing persons are designated; provided that with
9 respect to the department of the attorney general, the
10 foregoing shall apply only to the attorney general and
11 the first deputy attorney general;
- 12 (3) The administrative director of the State;
- 13 (4) The president, the vice presidents, the assistant vice
14 presidents, the chancellors, and the provosts of the
15 University of Hawaii;
- 16 (5) The members of the board of education and the
17 superintendent, the deputy superintendent, the state
18 librarian, and the deputy state librarian of the
19 department of education;
- 20 (6) The administrative director and the deputy director of
21 the courts; and



1 (7) The administrator and the assistant administrator of
2 the office of Hawaiian affairs."

3 SECTION 11. Section 84-41, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+]§84-41[+] **Applicability of part.** This part applies to
6 legislators, [elected] members of the board of education,
7 trustees of the office of Hawaiian affairs, the governor, the
8 lieutenant governor, and executive department heads and
9 deputies. This part does not apply to any other officer or
10 employee of the State."

11 SECTION 12. Section 88-21, Hawaii Revised Statutes, is
12 amended by amending the definition of "elective officer" or
13 "elective official" to read as follows:

14 ""Elective officer" or "elective official": any person
15 elected to a public office or appointed to fill a vacancy of an
16 elective office, except as a delegate to a constitutional
17 convention [~~or member of the board of education~~], in accordance
18 with an election duly held in the State or counties under
19 chapter 11; provided that the person receives compensation, pay,
20 or salary for such office."

21 SECTION 13. Section 302A-447, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "~~[+] §302A-447 [.]~~ State student council. (a) There is
2 established within the department for administrative purposes
3 the state student council, which shall consist of representation
4 from each departmental school district.

5 ~~[(b) The council shall determine whether it shall directly
6 select the student member of the board or whether it shall run
7 an election to select that individual.]~~

8 ~~(e)]~~ (b) The council shall establish policies and
9 procedures governing its operations, including the selection and
10 number of council members, without regard to the public notice,
11 public hearing, and gubernatorial approval requirements of
12 chapter 91, but subject to the open meeting requirements of
13 chapter 92.

14 ~~[(d)]~~ (c) The state student council shall cooperate with
15 the student conference committee established under section 317-2
16 in planning the annual secondary school students conference
17 established under chapter 317."

18 SECTION 14. Section 302A-1101, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) There shall be a principal executive department to be
21 known as the department of education, which shall be headed by
22 ~~[an-elected]~~ a policy-making board to be known as the board of



1 education. The board shall have power in accordance with law to
2 formulate statewide educational policy, adopt student
3 performance standards and assessment models, monitor school
4 success, and [~~to~~] appoint the superintendent of education as the
5 chief executive officer of the public school system."

6 SECTION 15. Section 302A-1106.5, Hawaii Revised Statutes,
7 is amended to read as follows:

8 " [~~§~~302A-1106.5 [~~§~~] **Board of education; community**
9 **meetings.** The board shall hold not less than [~~two~~] one
10 community [~~meetings~~] meeting annually in each [~~departmental~~
11 ~~school district~~] county in addition to their regular meetings to
12 discuss and receive input from the community on public education
13 and public library issues. The board chairperson shall
14 designate board members to attend the community meetings. These
15 community meetings shall not be held for the purpose of
16 formulating educational policy. The community meetings shall be
17 exempt from sections 92-2.5, 92-7, 92-9, and 92-41 [~~7~~]; provided
18 that the board shall give written public notice of each
19 community meeting. The meeting notice shall indicate the date,
20 time, and place of the meeting, and shall be filed in the office
21 of the lieutenant governor and in the board's office for public



1 inspection six calendar days before the meeting. The notice
2 shall also be posted at the site of the meeting."

3 SECTION 16. Section 302A-1110, Hawaii Revised Statutes, is
4 amended to read as follows:

5 " ~~[§]§302A-1110 [§]~~ **Educational districts not applicable.**

6 The educational districts established by section 4-1 shall not
7 be applicable to, nor alter, the ~~[school board or departmental~~
8 ~~school districts, established by section 13-1, or the]~~ school
9 districts established for administrative purposes by the
10 department."

11 SECTION 17. Chapter 13, Hawaii Revised Statutes, is
12 repealed.

13 SECTION 18. Section 17-6, Hawaii Revised Statutes, is
14 repealed.

15 ~~["§17-6 Board of education members. (a) The governor~~
16 ~~shall make an appointment to fill any vacancy in the membership~~
17 ~~of the board of education for the unexpired term of that vacancy~~
18 ~~whenever a vacancy occurs and the term of that vacancy ends at~~
19 ~~the time of the next succeeding general election.~~

20 ~~(b) In the case of a vacancy, the term of which does not~~
21 ~~end at the next succeeding general election.~~



1 ~~(1) If it occurs not later than on the sixtieth day prior~~
2 ~~to the next succeeding general election, the vacancy~~
3 ~~shall be filled for the unexpired term at the next~~
4 ~~succeeding general election. The chief election~~
5 ~~officer shall issue a proclamation designating the~~
6 ~~election for filling the vacancy. All candidates for~~
7 ~~the unexpired term shall file nomination papers not~~
8 ~~later than 4:30 p.m. on the fiftieth day prior to the~~
9 ~~general election (but if such day is a Saturday,~~
10 ~~Sunday, or holiday then not later than 4:30 p.m. on~~
11 ~~the first working day immediately preceding) and shall~~
12 ~~be elected in accordance with this title. Pending the~~
13 ~~election the governor shall make a temporary~~
14 ~~appointment to fill the vacancy and the person so~~
15 ~~appointed shall serve until the election of the person~~
16 ~~duly elected to fill such vacancy.~~

17 ~~(2) If it occurs after the sixtieth day prior to the next~~
18 ~~succeeding general election, the governor shall make~~
19 ~~an appointment to fill the vacancy for the unexpired~~
20 ~~term.~~

21 ~~(c) All appointments made by the governor under this~~
22 ~~section shall be made without consideration of the appointee's~~



1 ~~party affiliation or preference or nonpartisanship, however the~~
2 ~~persons so appointed shall meet the residency requirement~~
3 ~~specified in section 13-1."~~]

4 SECTION 19. Section 302A-1105, Hawaii Revised Statutes, is
5 repealed.

6 [~~"§302A-1105 Compensation; expenses. Board of education~~
7 ~~members shall be allowed:~~

8 (1) ~~Compensation at the rate of \$100 per day for each~~
9 ~~day's actual attendance at meetings;~~

10 (2) ~~Transportation fares between islands and abroad; and~~

11 (3) ~~Personal expenses at the rates specified by the board~~
12 ~~while attending board meetings or while on official~~
13 ~~business as authorized by the chairperson, when the~~
14 ~~board meetings or official business require a board~~
15 ~~member to leave the island upon which the board member~~
16 ~~resides."~~]

17 SECTION 20. Section 302A-1106, Hawaii Revised Statutes, is
18 repealed.

19 [~~"§302A-1106 Organization; quorum; meetings. (a) The~~
20 ~~board shall elect from its own membership a chairperson and a~~
21 ~~vice chairperson. A majority of all members to which the board~~
22 ~~is entitled shall constitute a quorum to do business and the~~



1 ~~concurrence of a majority of all members to which the board is~~
2 ~~entitled shall be necessary to make any action of the board~~
3 ~~valid; provided that due notice shall have been given to all~~
4 ~~members of the board or a bona fide attempt shall have been made~~
5 ~~to give due notice to all members of the board to whom it was~~
6 ~~reasonably practicable to give due notice. Meetings shall be~~
7 ~~called and held, at the call of the chairperson or by a quorum,~~
8 ~~as often as may be necessary for the transaction of the~~
9 ~~department's business.~~

10 ~~(b) Chapter 92 notwithstanding, from the convening of the~~
11 ~~legislature in regular session to adjournment sine die of each~~
12 ~~regular session, and during each special session of the~~
13 ~~legislature, the board may file any notice that specifies only~~
14 ~~legislation or legislation-related agenda items, no fewer than~~
15 ~~two calendar days before the meeting."]~~

16 **PART IV**

17 SECTION 21. Notwithstanding any law to the contrary, the
18 elected members of the board of education serving on the day of
19 the effective date of this Act shall continue to serve until the
20 appointment of no fewer than seven members of the board of
21 education pursuant to this Act, at which time all elected
22 members are discharged from office; provided that any vacancy in



1 an elected member's seat occurring between the effective date of
2 this Act and the discharge from office of all the elected
3 members of the board of education shall remain vacant until
4 filled by appointment by the governor, with the advice and
5 consent of the senate, pursuant to this Act; provided further
6 that the governor shall appoint all members of the board of
7 education no later than , 2011.

8 **PART V**

9 SECTION 22. The revisor of statutes shall insert the
10 number of this Act in the appropriate places in section 2 of
11 this Act.

12 SECTION 23. In codifying the new sections added by section
13 2 of this Act, the revisor of statutes shall substitute
14 appropriate section numbers for the letters used in designating
15 the new sections in this Act.

16 SECTION 24. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 25. This Act shall take effect upon approval;
19 provided that part III of this Act shall take effect when the
20 elected members of the board of education are discharged from
21 office pursuant to section 21 of this Act.

22



Report Title:

Board of Education; Appointment

Description:

Establishes implementing legislation for the appointment of board of education members. Establishes considerations for the senate during the advise and consent process.

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

