

JAN 21 2022

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# A BILL FOR AN ACT

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RELATING TO EDUCATION.

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

SECTION 1. Section 302A-123, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

"(b) The term of each member shall be three years, except as provided for in the initial appointment in subsection (a).

Notwithstanding any law to the contrary, members shall serve no more than three consecutive three-year terms; provided that the members who are initially appointed to terms of two years or less pursuant to subsection (a) may be reappointed to three ensuing consecutive three-year terms. If a member is

~~[nominated]~~ to be reappointed to serve a second or subsequent consecutive term, the governor shall nominate the member for reappointment at least one hundred fifty days prior to the

expiration of the member's immediately preceding term, and the senate shall consider the question of whether to reconfirm the member at least ~~[one hundred twenty]~~ sixty days prior to the expiration of the member's immediately preceding term; provided



1 that if the senate has not taken final action to reconfirm the  
2 member by the [~~one hundred twenty day~~] sixty-day deadline, the  
3 member shall continue to serve until the senate takes final  
4 action on the reconfirmation[-], except that the member shall  
5 not serve beyond the end of the first regular session of the  
6 legislature following the expiration of the member's immediately  
7 preceding term."

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

9 "(d) Every member may serve beyond the expiration date of  
10 the member's term of appointment until the member's successor  
11 has been appointed by the governor and confirmed by the senate  
12 in accordance with sections 302A-121, 302A-126, and 302A-127[-];  
13 provided that, a holdover member shall not serve as a member of  
14 the board beyond the end of the first regular session of the  
15 legislature following the expiration of the member's immediately  
16 preceding term unless the holdover member has been duly  
17 appointed by the governor and confirmed by the senate; provided  
18 further that, if the governor withdraws a nomination to  
19 reappoint a holdover member prior to the holdover member's  
20 confirmation by the senate, the holdover member shall be  
21 immediately disqualified from serving as a member of the board."



SECTION 2. Section 302A-125, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The governor shall notify the senate in writing within ten days of:

(1) Removing a member of the board; or

(2) Receiving notification that a member of the board is resigning or has died;

provided that any vacancy shall be filled by appointment by the governor, with the advice and consent of the senate, in accordance with sections 302A-121, 302A-122, 302A-123, 302A-126, and 302A-127~~[-]~~; provided further that, no later than twenty days prior to the convening of each regular session of the legislature, the governor shall submit to the senate a list of the names of any member granted a commission by the governor to fill a vacancy on the board that occurred when the senate was not in session pursuant to article v, section 6 of the Hawaii State Constitution, and the number of any vacancies on the board."

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



1 SECTION 4. This Act shall take effect on July 1, 2022.

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INTRODUCED BY:

Michelle D. Fedini



# S.B. NO. 2180

**Report Title:**

Education; Board of Education; Holdover Members; Terms; Limitation; Vacancies; Governor

**Description:**

Requires the governor to nominate members for reappointment at least one hundred fifty days before the expiration of the member's term. Requires the senate to consider the reconfirmation of the member at least sixty days before the member's term expires. Clarifies that holdover members shall not serve as members of the board of education beyond the end of the first regular session of the legislature following the expiration of the member's term unless duly appointed by the governor and confirmed by the senate. Immediately disqualifies from service any holdover member whose nomination is withdrawn by the governor prior to the holdover member's confirmation by the senate. Requires the governor to submit to the senate, no later than twenty days prior to the convening of each regular session of the legislature, a list of the names of any vacancies filled by interim appointment and the number of any vacancies on the board.

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

