



GOV. MSG. NO. 949

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

June 18, 2007

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 18, 2007, the following bill was signed into law:

HB1171 HD1 SD1 CD1

A BILL FOR AN ACT RELATING TO GOVERNMENT.  
(ACT 191)

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Aiona, Jr.", written in a cursive style.

JAMES R. AIONA, JR.  
Acting Governor

Approved by the Governor

on JUN 18 2007

HOUSE OF REPRESENTATIVES  
TWENTY-FOURTH LEGISLATURE, 2007  
STATE OF HAWAII

**ACT 191**  
**H.B. NO.** 1171  
H.D. 1  
S.D. 1  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1 SECTION 1. Section 76-77, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**§76-77 Civil service and exemptions.** The civil service  
4 to which this part applies comprises all positions in the public  
5 service of each county, now existing or hereafter established,  
6 and embraces all personal services performed for each county,  
7 except the following:

8 (1) Positions in the office of the mayor; provided that  
9 the positions shall be included in the classification  
10 systems;

11 (2) Positions of officers elected by public vote,  
12 positions of heads of departments, and positions of  
13 one first deputy or first assistant of heads of  
14 departments;

15 (3) Positions of deputy county attorneys, deputy  
16 corporation counsel, deputy prosecuting attorneys, and  
17 law clerks;



- 1 (4) Positions of members of any board, commission, or  
2 agency;
- 3 (5) Positions filled by students; positions filled through  
4 federally funded programs which provide temporary  
5 public service employment such as the federal  
6 Comprehensive Employment and Training Act of 1973; and  
7 employees engaged in special research or demonstration  
8 projects approved by the mayor, for which projects  
9 federal funds are available;
- 10 (6) Positions of district judges, jurors, and witnesses;
- 11 (7) Positions filled by persons employed by contract where  
12 the personnel director has certified that the service  
13 is special or unique, is essential to the public  
14 interest, and that because of the circumstances  
15 surrounding its fulfillment, personnel to perform the  
16 service cannot be recruited through normal civil  
17 service procedures; provided that no contract pursuant  
18 to this paragraph shall be for any period exceeding  
19 one year;
- 20 (8) Positions of a temporary nature needed in the public  
21 interest where the need does not exceed ninety days;  
22 provided that before any person may be employed to



1 render temporary service pursuant to this paragraph,  
2 the director shall certify that the service is of a  
3 temporary nature and that recruitment through normal  
4 civil service recruitment procedures is not  
5 practicable; and provided further that the employment  
6 of any person pursuant to this paragraph may be  
7 extended for good cause for an additional period not  
8 to exceed ninety days upon similar certification by  
9 the director;

10 (9) Positions of temporary election clerks in the office  
11 of the county clerk employed during election periods;

12 (10) Positions specifically exempted from this part by any  
13 other state statutes;

14 (11) Positions of one private secretary for each department  
15 head; provided that the positions shall be included in  
16 the classification systems;

17 (12) Positions filled by persons employed on a fee,  
18 contract, or piecework basis who may lawfully perform  
19 their duties concurrently with their private business  
20 or profession or other private employment, if any, and  
21 whose duties require only a portion of their time,  
22 where it is impracticable to ascertain or anticipate



- 1 the portion of time devoted to the service of the  
 2 county and that fact is certified by the director;
- 3 (13) Positions filled by persons with a severe disability  
 4 who are certified by the state vocational  
 5 rehabilitation office as able to safely perform the  
 6 duties of the positions;
- 7 (14) Positions of the housing and community development  
 8 office or department of each county; provided that  
 9 this exemption shall not preclude each county from  
 10 establishing these positions as civil service  
 11 positions; [~~and~~]
- 12 (15) The following positions in the office of the  
 13 prosecuting attorney: private secretary to the  
 14 prosecuting attorney, secretary to the first deputy  
 15 prosecuting attorney, and administrative or executive  
 16 assistants to the prosecuting attorney; provided that  
 17 the positions shall be included in the classification  
 18 systems[-]; and
- 19 (16) Positions or contracts for personal services with  
 20 private persons or entities for services lasting no  
 21 more than one year and at a cost of no more than  
 22 \$750,000.

1 The director shall determine the applicability of this  
2 section to specific positions and shall determine whether or not  
3 positions exempted by paragraphs (7) and (8) shall be included  
4 in the classification systems.

5 Nothing in this section shall be deemed to affect the civil  
6 service status of any incumbent private secretary of a  
7 department head who held that position on May 7, 1977."

8 SECTION 2. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 3. This Act shall take effect on July 1, 2007.

APPROVED this 18 day of JUN , 2007

*James R. Aiona Jr.*  
✓ ACTING GOVERNOR OF THE STATE OF HAWAII  
JAMES R. AIONA JR.