
A BILL FOR AN ACT

RELATING TO COMMISSION ON SALARIES.

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

1 SECTION 1. Chapter 26, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§26- Commission on salaries. (a) Pursuant to article
5 XVI, section _____, of the Constitution of the State of Hawaii,
6 there is established a commission on salaries within the
7 department of human resources development, for administrative
8 purposes only.

9 The commission shall consist of seven members of whom:

- 10 (1) Two members shall be appointed by the governor;
11 (2) Two members shall be appointed by the president of the
12 senate;
13 (3) Two members shall be appointed by the speaker of the
14 house of representatives; and
15 (4) One member shall be appointed by the chief justice of
16 the supreme court.

17 Vacancies in these positions shall be filled in the same
18 manner. The members of the commission shall serve without



1 compensation but shall be reimbursed for expenses, including
2 travel expenses, necessary for the performance of their duties.

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

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

1 (14) Public safety;

2 (15) Taxation; and

3 (16) Transportation.

4 The commission shall not review the salary of any position
5 in the department of education or the University of Hawaii.

6 The commission may recommend different salaries for
7 department heads and executive officers and different salary
8 ranges for deputies or assistants to department heads; provided
9 that the commission shall recommend the same salary range for
10 deputies or assistants to department heads within the same
11 department; provided further that the appointing official shall
12 specify the salary for a particular position within the
13 applicable range.

14 The commission shall not recommend salaries lower than
15 salary amounts recommended by prior commissions replaced by this
16 section.

17 (c) The commission may seek assistance from the department
18 of human resources development and any other agency in
19 conducting its review, and all agencies shall fully cooperate
20 with the commission and provide any necessary information to the
21 commission upon request.

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. The commission may include
7 incremental increases that take effect prior to the convening of
8 the next salary commission.

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

19 The governor shall include the salary amounts recommended
20 by the commission and approved by the legislature for employees
21 of the executive branch in the executive budget. If the salary
22 amounts recommended by the commission are disapproved by the



1 legislature, the commission shall reconvene in the November next
 2 following the legislative disapproval to review the
 3 legislature's reasons for disapproving its salary
 4 recommendation. The commission may submit a report of its
 5 findings and submit a new salary recommendation to the
 6 legislature at the next regular session. The commission's
 7 reconvening following a legislative disapproval shall not toll
 8 the six-year cycle."

9 SECTION 2. Section 26-51, Hawaii Revised Statutes, is
 10 amended to read as follows:

11 "**§26-51 Governor; lieutenant governor.** Effective [January
 12 ~~1, 1989, and January 1, 1990, the salary of the governor of the~~
 13 ~~State shall be \$90,699 and \$94,780 a year, respectively.~~
 14 ~~Effective January 1, 1989, and January 1, 1990, the salary of~~
 15 ~~the lieutenant governor shall be \$86,164 and \$90,041 a year,~~
 16 ~~respectively, and, effective] at noon on December 4, 2006, [and~~
 17 ~~every eight years thereafter,] the salaries of the governor and~~
 18 the lieutenant governor shall be as last recommended by the
 19 executive salary commission. Effective July 1, 2007, and every
 20 six years thereafter, the salaries of the governor and
 21 lieutenant governor shall be as last recommended by the



1 ~~[executive salary]~~ commission on salaries pursuant to section
2 ~~[26-55,]~~ 26-____, unless rejected by the legislature."

3 SECTION 3. Section 26-52, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§26-52 Department heads and executive officers.** The
6 salaries of the following state officers shall be as follows:

- 7 (1) The salary of the superintendent of education shall be
8 set by the board of education at a rate no greater
9 than \$150,000 a year;
- 10 (2) The salary of the president of the University of
11 Hawaii shall be set by the board of regents;
- 12 (3) ~~[The]~~ Effective July 1, 2004, the salaries of all
13 department heads or executive officers of the
14 departments of accounting and general services,
15 agriculture, attorney general, budget and finance,
16 business, economic development, and tourism, commerce
17 and consumer affairs, Hawaiian home lands, health,
18 human resources development, human services, labor and
19 industrial relations, land and natural resources,
20 public safety, taxation, and transportation shall be
21 ~~[\$85,302 a year and, effective July 1, 2004, and every~~
22 ~~eight years thereafter, shall be]~~ as last recommended



1 department of education, shall be [~~set by the governor within~~
2 ~~the range from \$69,748 to \$74,608 and \$72,886 to \$77,966 a year,~~
3 ~~effective January 1, 1989, and January 1, 1990, respectively,~~
4 ~~and, effective July 1, 2004, and every eight years thereafter,]~~
5 within the range or ranges for the specific positions as last
6 recommended by the executive salary commission. Effective July
7 1, 2007, and every six years thereafter, the salaries shall be
8 as last recommended by the commission on salaries and specified
9 by the appointing official, if appropriate, pursuant to section
10 [~~26-55,~~] 26-___, unless rejected by the legislature."

11 SECTION 5. Section 26-54, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§26-54 Administrative director of the State.** Effective
14 [~~January 1, 1989, and January 1, 1990,~~] July 1, 2004, the salary
15 of the administrative director of the State shall be [~~\$86,164~~
16 ~~and \$90,041 a year, respectively, and, effective July 1, 2004,~~
17 ~~and every eight years thereafter,]~~ as last recommended by the
18 executive salary commission. Effective July 1, 2007, and every
19 six years thereafter, the salary of the administrative director
20 of the State shall be as last recommended by the [executive
21 salary] commission on salaries pursuant to section [~~26-55,~~]
22 26-___, unless rejected by the legislature."

1 SECTION 6. Section 601-3, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) The chief justice, with the approval of the supreme
5 court, shall appoint an administrative director of the courts to
6 assist the chief justice in directing the administration of the
7 judiciary. The administrative director shall be a resident of
8 the [~~State~~] state for a continuous period of three years prior
9 to the administrative director's appointment, and shall be
10 appointed without regard to chapter 76 and shall serve at the
11 pleasure of the chief justice. The administrative director
12 shall hold no other office or employment. [~~Effective July 1,~~
13 ~~2000, the salary of the administrative director shall be no~~
14 ~~greater than provided in section 26-54 and shall be determined~~
15 ~~by the chief justice based upon merit and other relevant~~
16 ~~factors.] Effective July 1, 2004, [~~and every eight years~~
17 ~~thereafter,]~~ the salary of the administrative director shall be
18 as last [~~determined~~] recommended by the judicial salary
19 commission. Effective July 1, 2007, and every six years
20 thereafter, the salary shall be as last recommended by the
21 commission on salaries pursuant to section [~~608-1.5,~~] 26-,
22 unless disapproved by the legislature."~~



1 2. By amending subsection (c) to read:

2 "(c) The administrative director [~~shall~~], with the
3 approval of the chief justice, shall appoint a deputy
4 administrative director of the courts without regard to chapter
5 76 and such assistants as may be necessary. [~~Such~~] The
6 assistants shall be appointed without regard to chapter 76.
7 Effective July 1, 2000, the salary of the deputy administrative
8 director shall be no greater than provided in section 26-52(3)
9 and shall be determined by the chief justice based upon merit
10 and other relevant factors. Effective July 1, 2004, [~~and every~~
11 ~~eight years thereafter,~~] the salary of the deputy administrative
12 director shall be as last [~~determined~~] recommended by the
13 judicial salary commission [~~pursuant to section 608-1.5, unless~~
14 ~~disapproved by the legislature~~]. The administrative director
15 shall be provided with necessary office facilities."

16 SECTION 7. Section 602-2, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§602-2 Salary, supreme court justices.** [~~Effective July~~
19 ~~1, 1999, the salary of the chief justice of the supreme court~~
20 ~~shall be \$105,206 a year and the salary of each associate~~
21 ~~justice of the supreme court shall be \$104,096 a year.~~
22 ~~Effective July 1, 2000, the salary of the chief justice of the~~

1 ~~supreme court shall be \$116,779 a year and the salary of each~~
 2 ~~associate justice of the supreme court shall be \$115,547 a~~
 3 ~~year.] Effective July 1, 2004, [and every eight years~~
 4 ~~thereafter,]~~ the salary of the chief justice of the supreme
 5 court and the salary of each associate justice of the supreme
 6 court shall be as last ~~[determined]~~ recommended by the judicial
 7 salary commission. Effective July 1, 2007, and every six years
 8 thereafter, the salary of the chief justice of the supreme court
 9 and the salary of each associate justice of the supreme court
 10 shall be as last recommended by the commission on salaries
 11 pursuant to section ~~[608-1.5,]~~ 26- , unless disapproved by the
 12 legislature."

13 SECTION 8. Section 602-52, Hawaii Revised Statutes, is
 14 amended to read as follows:

15 "**\$602-52 Salary.** ~~[Effective July 1, 1999, the salary of~~
 16 ~~the chief judge of the intermediate appellate court shall be~~
 17 ~~\$101,321 a year and the salary of each associate judge shall be~~
 18 ~~\$99,656 a year. Effective July 1, 2000, the salary of the chief~~
 19 ~~judge of the intermediate appellate court shall be \$112,466 a~~
 20 ~~year and the salary of each associate judge shall be \$110,618 a~~
 21 ~~year.] Effective July 1, 2004, [and every eight years~~
 22 ~~thereafter,]~~ the salary of the chief judge of the intermediate

1 appellate court and the salary of each associate judge shall be
2 as last [~~determined~~] recommended by the judicial salary
3 commission. Effective July 1, 2007, and every six years
4 thereafter, the salary of the chief judge of the intermediate
5 appellate court and the salary of each associate judge shall be
6 as last recommended by the commission on salaries pursuant to
7 section [608-1.5,] 26- , unless disapproved by the
8 legislature."

9 SECTION 9. Section 603-5, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§603-5 Salary of circuit court judges.** [~~Effective July~~
12 ~~1, 1999, the salary of each circuit court judge of the various~~
13 ~~circuit courts of the State shall be \$96,326 a year. Effective~~
14 ~~July 1, 2000, the salary of each circuit court judge of the~~
15 ~~various circuit courts of the State shall be \$106,922 a year.]~~
16 Effective [~~on~~] July 1, 2004, [~~and every eight years thereafter,~~]
17 the salary of a circuit court judge shall be as last
18 [~~determined~~] recommended by the judicial salary commission.
19 Effective July 1, 2007, and every six years thereafter, the
20 salary of each circuit court judge of the various circuit courts
21 of the State shall be as last recommended by the commission on

1 salaries pursuant to section [~~608-1.5,~~] 26- , unless
2 disapproved by the legislature."

3 SECTION 10. Section 604-2.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§604-2.5 Salary of district judges.** [~~Effective July 1,~~
6 ~~1999, the salary of each district court judge of the various~~
7 ~~district courts of the State shall be \$90,776 a year. Effective~~
8 ~~July 1, 2000, the salary of each district court judge of the~~
9 ~~various district courts of the State shall be \$100,761 a year.]~~
10 Effective [~~on~~] July 1, 2004, [~~and every eight years thereafter,~~]
11 the salary of a district court judge shall be as last
12 [~~determined~~] recommended by the judicial salary commission.
13 Effective July 1, 2007, and every six years thereafter, the
14 salary of each district court judge of the various district
15 courts of the State shall be as last recommended by the
16 commission on salaries pursuant to section [~~608-1.5,~~] 26- ,
17 unless disapproved by the legislature.

18 Whenever the chief justice appoints a district court judge
19 of any of the various district courts of the State to serve
20 temporarily as a circuit court judge of any of the various
21 circuit courts of the State, the judge shall receive per diem
22 compensation for the days on which actual service is rendered



1 based on the monthly rate of compensation paid to a circuit
2 court judge. For the purpose of determining per diem
3 compensation in this section, a month shall be deemed to consist
4 of twenty-one days."

5 SECTION 11. Section 26-55, Hawaii Revised Statutes, is
6 repealed.

7 ~~["§26-55] Executive salary commission. (a) There is~~
8 ~~established within the department of human resources~~
9 ~~development, for administrative purposes only, the executive~~
10 ~~salary commission. The commission shall consist of five~~
11 ~~members. Two members shall be appointed by the president of the~~
12 ~~senate, two members shall be appointed by the speaker of the~~
13 ~~house of representatives, and one member shall be appointed by~~
14 ~~the chief justice of the supreme court. Vacancies in these~~
15 ~~positions shall be filled in the same manner. The members of~~
16 ~~the commission shall serve without compensation but shall be~~
17 ~~reimbursed for expenses necessary for the performance of their~~
18 ~~duties.~~

19 ~~(b) The commission shall review the salaries of the~~
20 ~~governor, the lieutenant governor, the administrative director~~
21 ~~of the State, and the department heads or executive officers of~~
22 ~~the departments of accounting and general services, agriculture,~~

1 ~~attorney general, budget and finance, business, economic~~
2 ~~development, and tourism, commerce and consumer affairs,~~
3 ~~Hawaiian home lands, health, human resources development, human~~
4 ~~services, labor and industrial relations, land and natural~~
5 ~~resources, public safety, taxation, and transportation. The~~
6 ~~commission shall also review the salary of the deputy to the~~
7 ~~superintendent of education. The commission shall recommend an~~
8 ~~appropriate salary for the governor, the lieutenant governor,~~
9 ~~and each department head or executive officer, and appropriate~~
10 ~~salary ranges for the deputy department heads. The commission~~
11 ~~may recommend different salaries for department heads and~~
12 ~~executive officers and different salary ranges for deputies or~~
13 ~~assistants to department heads; provided that the commission~~
14 ~~shall recommend the same salary range for deputies or assistants~~
15 ~~to department heads within the same department; provided further~~
16 ~~that the appointing official shall specify the salary for a~~
17 ~~particular position within the applicable range.~~

18 ~~(c) The commission may seek assistance from the department~~
19 ~~of human resources development and any other agency in~~
20 ~~conducting its review, and all agencies shall fully cooperate~~
21 ~~with the commission and provide any necessary information to the~~
22 ~~commission upon request.~~



1 ~~(d) The commission shall convene in the month of November~~
2 ~~2003, and every eight years thereafter. Not later than the~~
3 ~~fortieth legislative day of the regular session of 2004, and~~
4 ~~every eight years thereafter, the commission shall submit a~~
5 ~~report of its findings and its salary recommendations to the~~
6 ~~legislature, through the governor. The commission may include~~
7 ~~incremental increases that take effect over the span of years~~
8 ~~occurring prior to the convening of the next salary commission.~~
9 ~~The recommended salaries submitted by the commission shall~~
10 ~~become effective July 1 of the next fiscal year unless the~~
11 ~~legislature disapproves the recommended salaries submitted by~~
12 ~~the commission through the adoption of a concurrent resolution,~~
13 ~~which shall be approved by a simple majority of each house of~~
14 ~~the legislature, prior to adjournment sine die of the~~
15 ~~legislative session in which the recommended salaries are~~
16 ~~submitted; provided that, pursuant to section 3 of article V of~~
17 ~~the State Constitution, the salaries of the governor and the~~
18 ~~lieutenant governor shall not be decreased for their respective~~
19 ~~terms and the new salaries shall not take effect until the~~
20 ~~beginning of the next term for those offices. The governor~~
21 ~~shall include the salary amounts, recommended by the commission~~
22 ~~and approved by the legislature, in the executive budget. If~~



1 ~~the salary amounts recommended by the commission are disapproved~~
2 ~~by the legislature, the commission shall reconvene in the month~~
3 ~~of November following the legislative disapproval to review the~~
4 ~~legislature's reasons for disapproving its salary~~
5 ~~recommendation. The commission may submit a report of its~~
6 ~~findings and submit a new salary recommendation to the~~
7 ~~legislature of the next regular session. The commission's~~
8 ~~reconvening following a legislative disapproval shall not toll~~
9 ~~the eight year cycle."]~~

10 SECTION 12. Section 608-1.5, Hawaii Revised Statutes, is
11 repealed.

12 [~~§608-1.5 Judicial salary commission. (a) There shall~~
13 ~~be a judicial salary commission to review and determine the~~
14 ~~salaries of justices and judges of all state courts and~~
15 ~~appointed judiciary administrative officers. The judicial~~
16 ~~salary commission shall be attached to the judicial council for~~
17 ~~administrative purposes. The commission shall be composed of~~
18 ~~five members. One member shall be appointed by the governor,~~
19 ~~two members shall be appointed by the president of the senate,~~
20 ~~and two members shall be appointed by the speaker of the house~~
21 ~~of representatives; and provided further that vacancies in these~~
22 ~~positions shall be filled in the same manner. Members shall not~~



1 ~~receive compensation for their services, but shall be reimbursed~~
2 ~~for traveling and other expenses incidental to the performance~~
3 ~~of commission duties.~~

4 ~~(b) The commission may seek assistance from any other~~
5 ~~agency in conducting its review and all agencies shall cooperate~~
6 ~~fully with the commission and provide any necessary information~~
7 ~~to the commission upon request. In determining the salaries of~~
8 ~~the justices and judges and appointed judiciary administrative~~
9 ~~officers, the commission may set different salaries for the~~
10 ~~chief justice of the supreme court, the associate justices of~~
11 ~~the supreme court, the chief judge of the intermediate appellate~~
12 ~~court, the associate judges of the intermediate appellate court,~~
13 ~~the judges of the circuit courts, and the judges of the district~~
14 ~~courts and different salaries or salary ranges for appointed~~
15 ~~administrative judiciary officers, with the salary for a~~
16 ~~particular position to be specified within the applicable range~~
17 ~~by the appointing official.~~

18 ~~(c) The commission shall convene in the month of November~~
19 ~~2003, and every eight years thereafter. Not later than the~~
20 ~~fortieth legislative day of the regular session of 2004, and~~
21 ~~every eight years thereafter, the commission shall submit a~~
22 ~~report of its findings and its salary recommendations to the~~



1 ~~legislature, through the chief justice. The commission's salary~~
2 ~~recommendations may include incremental increases that take~~
3 ~~effect over the span of years occurring prior to the convening~~
4 ~~of the next salary commission. The recommended salaries~~
5 ~~submitted by the commission shall become effective July 1 of the~~
6 ~~next fiscal year unless the legislature disapproves the salary~~
7 ~~recommendations submitted by the commission through the adoption~~
8 ~~of a concurrent resolution, which shall be approved by a simple~~
9 ~~majority of each house of the legislature prior to adjournment~~
10 ~~sine die of the legislative session in which the recommended~~
11 ~~salaries are submitted; provided that pursuant to article VI,~~
12 ~~section 3 of the State Constitution, the salaries of justices~~
13 ~~and judges shall not be decreased during their respective terms~~
14 ~~of office. At the next regular legislative session, the salary~~
15 ~~amounts recommended by the commission, and not disapproved by~~
16 ~~the legislature, shall be submitted by the chief justice as part~~
17 ~~of the judiciary's proposed budget pursuant to the budgetary~~
18 ~~procedures specified in chapter 37 and section 601-2(c). If the~~
19 ~~salary amounts recommended by the commission are disapproved by~~
20 ~~the legislature, the commission shall reconvene in the month of~~
21 ~~November following the legislative disapproval to review the~~
22 ~~legislature's reasons for disapproving its salary~~

1 ~~recommendation. The commission may submit a report of its~~
2 ~~findings and submit a new salary recommendation to the~~
3 ~~legislature of the next regular session. The commission's~~
4 ~~reconvening following a legislative disapproval shall not toll~~
5 ~~the eight year cycle."]~~

6 SECTION 13. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 14. This Act shall take effect upon ratification
9 of a constitutional amendment establishing a commission on
10 salaries to review and recommend salaries for the governor,
11 lieutenant governor, legislators, justices and judges of all
12 state courts, the administrative director of the State, and
13 department heads or executive officers of the executive
14 departments and their deputies or assistants.

HB NO. 1918 HD1
SD2
CD1

Report Title:

Commission on Salaries; Legislature; Executive Branch; Judiciary

Description:

Pursuant to a proposed constitutional amendment, establishes a commission on salaries to recommend the salary of the governor, lieutenant governor, the members of the legislature, justices and judges of all state courts, the administrative director of the State or an equivalent position, and the department heads or executive officers and the deputies or assistants to the department heads of all state departments. (HB1918 CD1)

