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# 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 which:

- 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) Hawaiian home lands;  
17 (8) Health;  
18 (9) Human resources development;  
19 (10) Human services;  
20 (11) Labor and industrial relations;  
21 (12) Land and natural resources;  
22 (13) Public safety;



1       (14) Taxation; and

2       (15) Transportation.

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

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

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

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

21       (d) The commission shall convene in the month of November  
22 2006, and every six years thereafter. Not later than the



1 fortieth legislative day of the regular session of 2008, and  
2 every six years thereafter, the commission shall submit a report  
3 of its findings and its salary recommendations to the  
4 legislature, through the governor. The commission may include  
5 incremental increases that take effect prior to the convening of  
6 the next salary commission.

7 The recommended salaries submitted by the commission shall  
8 become effective July 1 of the next fiscal year unless the  
9 legislature disapproves the recommended salaries submitted by  
10 the commission through the adoption of a concurrent resolution,  
11 which shall be approved by a simple majority of each house of  
12 the legislature, prior to adjournment sine die of the  
13 legislative session in which the recommended salaries are  
14 submitted.

15 The governor shall include the salary amounts recommended  
16 by the commission and approved by the legislature in the  
17 executive budget. If the salary amounts recommended by the  
18 commission are disapproved by the legislature, the commission  
19 shall reconvene in the November next following the legislative  
20 disapproval to review the legislature's reasons for disapproving  
21 its salary recommendation. The commission may submit a report  
22 of its findings and submit a new salary recommendation to the



1 legislature at the next regular session. The commission's  
2 reconvening following a legislative disapproval shall not toll  
3 the six-year cycle."

4 SECTION 2. Section 26-55, Hawaii Revised Statutes, is  
5 repealed.

6 [~~§26-55~~ ~~Executive salary commission.~~ (a) ~~There is~~  
7 ~~established within the department of human resources~~  
8 ~~development, for administrative purposes only, the executive~~  
9 ~~salary commission. The commission shall consist of five~~  
10 ~~members. Two members shall be appointed by the president of the~~  
11 ~~senate, two members shall be appointed by the speaker of the~~  
12 ~~house of representatives, and one member shall be appointed by~~  
13 ~~the chief justice of the supreme court. Vacancies in these~~  
14 ~~positions shall be filled in the same manner. The members of~~  
15 ~~the commission shall serve without compensation but shall be~~  
16 ~~reimbursed for expenses necessary for the performance of their~~  
17 ~~duties.~~

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



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

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 ~~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 3. 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 4. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$ , or so much  
8 thereof as may be necessary for fiscal year 2006-2007, for the  
9 purposes of this Act. This amount shall be expended by the  
10 department of human resources development.

11 SECTION 5. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect upon ratification of  
14 a constitutional amendment establishing a salary commission to  
15 review and recommend salaries for the governor, lieutenant  
16 governor, legislators, justices and judges, the administrative  
17 director of the State, and department heads or executive  
18 officers and their deputies or assistants; provided that this  
19 Act shall take effect no earlier than January 1, 3000.

**Report Title:**

Salary Commission; 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. (SD2)

