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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.



H.B. NO. 1171  
H.D. 1  
S.D. 1  
C.D. 1

**Report Title:**

Government Contracts; Privatization

**Description:**

Allows for contracts with private entities or persons for services lasting for no more than one year at a limited cost.  
(HB1171 CD1)

