

JAN 23 2009

A BILL FOR AN ACT

RELATING TO PUBLIC UTILITIES.

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

1 SECTION 1. Section 269-2, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Effective July 1, [~~2005,~~] 2009, the chairperson of
4 the commission shall be paid a salary set at [~~eighty seven~~] one
5 hundred per cent of the salary of the director of [~~human~~
6 ~~resources development,~~] commerce and consumer affairs and each
7 of the other commissioners shall be paid a salary equal to
8 ninety-five per cent of the chairperson's salary. The
9 commissioners shall be exempt from chapters 76 and 89 but shall
10 be members of the state employees retirement system and shall be
11 eligible to receive the benefits of any state or federal
12 employee benefit program generally applicable to officers and
13 employees of the State, including those under chapter 87A.

14 The commission is placed within the department of budget
15 and finance for administrative purposes."

16 SECTION 2. Section 269-3, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:



1 "(a) The chairperson of the public utilities commission
2 may appoint and employ clerks, stenographers, agents, engineers,
3 accountants, and other assistants for the public utilities
4 commission as the chairperson finds necessary for the
5 performance of the commission's functions and define their
6 powers and duties. The chairperson may appoint and, at
7 pleasure, dismiss a chief administrator and hearings officers as
8 may be necessary. Notwithstanding section 103D-209, the
9 chairperson shall appoint one or more attorneys independent of
10 the attorney general who shall act as attorneys for the
11 commission and define their powers and duties and fix their
12 compensation. The chief administrator, chief of policy and
13 research, chief of administrative support, chief of consumer
14 affairs and compliance, utility analysts, and attorneys shall be
15 exempt from chapter 76. Research assistants, economists,
16 hearing officers, legal secretaries, legal assistants, and
17 enforcement officers may be appointed with or without regard to
18 chapter 76. Other employees shall be appointed as may be needed
19 by the chairperson in accordance with chapter 76."

20 SECTION 3. Section 269-33, Hawaii Revised Statutes, is
21 amended as follows:

22 1. By amending its title to read:



1 "§269-33 Public utilities commission special fund[-];
2 suspension of collection of public utility fees."

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

4 "(d) ~~[All moneys in excess of \$1,000,000 remaining on~~
5 ~~balance in the public utilities commission special fund on~~
6 ~~June 30 of each year shall lapse to the credit of the state~~
7 ~~general fund.]~~ Based on the public utilities commission's
8 assessment of its fiscal allotment and of the actual and
9 projected amount in the public utilities commission special
10 fund, the public utilities commission may temporarily suspend
11 the collection of public utility fees to be paid by a public
12 utility pursuant to section 269-30, and may reinstate the
13 collection of a suspended public utility fee; provided that the
14 temporary suspension shall not apply to a public utility paying
15 a fee of \$30 pursuant to section 269-30(b). The public utility
16 shall file amended rates, fares, charges, classifications,
17 schedules, rules, or practices that conform to the action taken
18 by the public utilities commission under this subsection.
19 Notwithstanding any other provision to the contrary, the
20 suspension or reinstatement of the collection of fees payable
21 into the public utilities commission special fund, and the
22 filing of amended rates, fares, charges, classifications,



1 schedules, rules, or practices by the public utility in
 2 conformance with an action taken by the public utilities
 3 commission under this subsection shall not be subject to any
 4 requirement in this chapter relating to the publication of
 5 public notice, or the convening of a public or contested case
 6 hearing, except that the amended rates, fares, charges,
 7 classifications, schedules, rules, or practices shall be
 8 effective only after notice has been provided to the public
 9 utilities commission pursuant to sections 269-12(b) and 269-
 10 16(a) and (b)."

11 SECTION 4. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect on July 1, 2009.

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INTRODUCED BY:

F. Kalani Ghosh

Ron O'Brien
Executive Director
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of the



Report Title:

Public Utilities; Salary Increases; Administration

Description:

Increases the salary of the public utilities commissioners; allows for the appointment of hearing officers without regard to chapter 76; allows for the suspension and reinstatement of the public utility fee paid by public utilities.

