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# A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYMENT.

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

1           SECTION 1. Act 253, Session Laws of Hawaii 2000, and Act  
2 300, Session Laws of Hawaii 2006, aimed to reduce the number of  
3 civil service exempt employees in public service within the  
4 State. The legislature finds that, despite these Acts, there  
5 have been few conversions of civil service exempt positions to  
6 civil service positions and that conversions are overdue.

7           The purpose of this Act is to amend sections of the Hawaii  
8 Revised Statutes to conform with Act 253, Session Laws of Hawaii  
9 2000, which placed restrictions on the creation of civil service  
10 exempt positions and required the annual review of exempt  
11 positions to determine whether exempt positions should remain  
12 exempt or be converted to civil service positions.

13           SECTION 2. Section 6E-3, Hawaii Revised Statutes, is  
14 amended to read as follows:

15           "§6E-3 Historic preservation program. There is  
16 established within the department a division to administer a  
17 comprehensive historic preservation program, which shall include  
18 but not be limited to the following:



- 1       (1) Development of an on-going program of historical,  
2           architectural, and archaeological research and  
3           development, including surveys, excavations,  
4           scientific recording, interpretation, and publications  
5           on the State's historical and cultural resources;
- 6       (2) Acquisition of historic or cultural properties, real  
7           or personal, in fee or in any lesser interest, by  
8           gift, purchase, condemnation, devise, bequest, land  
9           exchange, or other means; preservation, restoration,  
10          administration, or transference of the property; and  
11          the charging of reasonable admissions to that  
12          property;
- 13       (3) Development of a statewide survey and inventory to  
14           identify and document historic properties, aviation  
15           artifacts, and burial sites, including all those owned  
16           by the State and the counties;
- 17       (4) Preparation of information for the Hawaii register of  
18           historic places and listing on the national register  
19           of historic places;
- 20       (5) Preparation, review, and revisions of a state historic  
21           preservation plan, including budget requirements and  
22           land use recommendations;



- 1           (6) Application for and receipt of gifts, grants,  
2           technical assistance, and other funding from public  
3           and private sources for the purposes of this chapter;
- 4           (7) Provision of technical and financial assistance to the  
5           counties and public and private agencies involved in  
6           historic preservation activities;
- 7           (8) Coordination of activities of the counties in  
8           accordance with the state plan for historic  
9           preservation;
- 10          (9) Stimulation of public interest in historic  
11          preservation, including the development and  
12          implementation of interpretive programs for historic  
13          properties listed on or eligible for the Hawaii  
14          register of historic places;
- 15          (10) Coordination of the evaluation and management of  
16          burial sites as provided in section 6E-43;
- 17          (11) Acquisition of burial sites in fee or in any lesser  
18          interest, by gift, purchase, condemnation, devise,  
19          bequest, land exchange, or other means, to be held in  
20          trust;
- 21          (12) Submittal of an annual report to the governor and  
22          legislature detailing the accomplishments of the year,



1 recommendations for changes in the state plan or  
2 future programs relating to historic preservation, and  
3 an accounting of all income, expenditures, and the  
4 fund balance of the Hawaii historic preservation  
5 special fund;

6 (13) Regulation of archaeological activities throughout the  
7 State;

8 (14) Employment of sufficient professional and technical  
9 staff for the purposes of this chapter [~~which may~~]  
10 that shall be in accordance with chapter 76;

11 (15) The charging of fees to at least partially defray the  
12 costs of administering sections 6E-3(13), 6E-8, and  
13 6E-42 of this chapter;

14 (16) Adoption of rules in accordance with chapter 91,  
15 necessary to carry out the purposes of this chapter;  
16 and

17 (17) Development and adoption, in consultation with the  
18 office of Hawaiian affairs native historic  
19 preservation council, of rules governing permits for  
20 access by native Hawaiians and Hawaiians to cultural,  
21 historic, and pre-contact sites and monuments."



1 SECTION 3. Section 26-9, Hawaii Revised Statutes, is  
2 amended by amending subsection (o) to read as follows:  
3 "(o) Every person licensed under any chapter within the  
4 jurisdiction of the department of commerce and consumer affairs  
5 and every person licensed subject to chapter 485A or registered  
6 under chapter 467B shall pay upon issuance of a license, permit,  
7 certificate, or registration a fee and a subsequent annual fee  
8 to be determined by the director and adjusted from time to time  
9 to ensure that the proceeds, together with all other fines,  
10 income, and penalties collected under this section, do not  
11 surpass the annual operating costs of conducting compliance  
12 resolution activities required under this section. The fees may  
13 be collected biennially or pursuant to rules adopted under  
14 chapter 91, and shall be deposited into the special fund  
15 established under this subsection. Every filing pursuant to  
16 chapter 514E or section 485A-202(a)(26) shall be assessed, upon  
17 initial filing and at each renewal period in which a renewal is  
18 required, a fee that shall be prescribed by rules adopted under  
19 chapter 91, and that shall be deposited into the special fund  
20 established under this subsection. Any unpaid fee shall be paid  
21 by the licensed person, upon application for renewal,  
22 restoration, reactivation, or reinstatement of a license, and by



1 the person responsible for the renewal, restoration,  
2 reactivation, or reinstatement of a license, upon the  
3 application for renewal, restoration, reactivation, or  
4 reinstatement of the license. If the fees are not paid, the  
5 director may deny renewal, restoration, reactivation, or  
6 reinstatement of the license. The director may establish,  
7 increase, decrease, or repeal the fees when necessary pursuant  
8 to rules adopted under chapter 91. The director may also  
9 increase or decrease the fees pursuant to section 92-28.

10       There is created in the state treasury a special fund to be  
11 known as the compliance resolution fund to be expended by the  
12 director's designated representatives as provided by this  
13 subsection. Notwithstanding any law to the contrary, all  
14 revenues, fees, and fines collected by the department shall be  
15 deposited into the compliance resolution fund. Unencumbered  
16 balances existing on June 30, 1999, in the cable television fund  
17 under chapter 440G, the division of consumer advocacy fund under  
18 chapter 269, the financial institution examiners' revolving  
19 fund, section 412:2-109, the special handling fund, section 414-  
20 13, and unencumbered balances existing on June 30, 2002, in the  
21 insurance regulation fund, section 431:2-215, shall be deposited  
22 into the compliance resolution fund. This provision shall not



1 apply to the drivers education fund underwriters fee, sections  
2 431:10C-115 and 431:10G-107, insurance premium taxes and  
3 revenues, revenues of the workers' compensation special  
4 compensation fund, section 386-151, the captive insurance  
5 administrative fund, section 431:19-101.8, the insurance  
6 commissioner's education and training fund, section 431:2-214,  
7 the medical malpractice patients' compensation fund as  
8 administered under section 5 of Act 232, Session Laws of Hawaii  
9 1984, and fees collected for deposit in the office of consumer  
10 protection restitution fund, section 487-14, the real estate  
11 appraisers fund, section 466K-1, the real estate recovery fund,  
12 section 467-16, the real estate education fund, section 467-19,  
13 the contractors recovery fund, section 444-26, the contractors  
14 education fund, section 444-29, and the condominium education  
15 trust fund, section 514B-71. Any law to the contrary  
16 notwithstanding, the director may use the moneys in the fund to  
17 employ, without regard to chapter 76, hearings officers and  
18 attorneys. All other employees [~~may~~] shall be employed in  
19 accordance with chapter 76. Any law to the contrary  
20 notwithstanding, the moneys in the fund shall be used to fund  
21 the operations of the department. The moneys in the fund may be



1 used to train personnel as the director deems necessary and for  
2 any other activity related to compliance resolution.

3 As used in this subsection, unless otherwise required by  
4 the context, "compliance resolution" means a determination of  
5 whether:

6 (1) Any licensee or applicant under any chapter subject to  
7 the jurisdiction of the department of commerce and  
8 consumer affairs has complied with that chapter;

9 (2) Any person subject to chapter 485A has complied with  
10 that chapter;

11 (3) Any person submitting any filing required by chapter  
12 514E or section 485A-202(a)(26) has complied with  
13 chapter 514E or section 485A-202(a)(26);

14 (4) Any person has complied with the prohibitions against  
15 unfair and deceptive acts or practices in trade or  
16 commerce; or

17 (5) Any person subject to chapter 467B has complied with  
18 that chapter;

19 and includes work involved in or supporting the above functions,  
20 licensing, or registration of individuals or companies regulated  
21 by the department, consumer protection, and other activities of  
22 the department.





1           The director shall prepare and submit an annual report to  
2 the governor and the legislature on the use of the compliance  
3 resolution fund. The report shall describe expenditures made  
4 from the fund including non-payroll operating expenses."

5           SECTION 4. Section 28-10.5, Hawaii Revised Statutes, is  
6 amended by amending subsection (b) to read as follows:

7           "(b) The attorney general may employ, without regard to  
8 chapter 76, and at pleasure dismiss, an administrator to oversee  
9 and carry out the resource coordination functions of the  
10 department set forth in subsection (a). In addition, the  
11 attorney general may employ [~~in accordance with chapter 76,~~]  
12 other support staff necessary for the performance of the  
13 resource coordination functions [~~;~~]; provided that the support  
14 staff shall be employed in accordance with chapter 76."

15           SECTION 5. Section 28-10.6, Hawaii Revised Statutes, is  
16 amended by amending subsection (b) to read as follows:

17           "(b) The attorney general may employ, without regard to  
18 chapter 76, and at the attorney general's pleasure dismiss, an  
19 administrator to oversee and carry out the programs, projects,  
20 and activities on the subject of crime, as set forth in  
21 subsection (a). The attorney general may also employ other  
22 support staff [~~in accordance with chapter 76,~~] necessary for



1 the performance or coordination of the programs, projects, and  
2 activities on the subject of crime[-]; provided that the support  
3 staff shall be employed in accordance with chapter 76."

4 SECTION 6. Section 76-16, Hawaii Revised Statutes, is  
5 amended by amending subsection (b) to read as follows:

6 "(b) The civil service to which this chapter applies shall  
7 comprise all positions in the State now existing or hereafter  
8 established and embrace all personal services performed for the  
9 State, except the following:

10 (1) Commissioned and enlisted personnel of the Hawaii  
11 national guard as such, and positions in the Hawaii  
12 national guard that are required by state or federal  
13 laws or regulations or orders of the national guard to  
14 be filled from those commissioned or enlisted  
15 personnel;

16 (2) Positions filled by persons employed by contract where  
17 the director of human resources development has  
18 certified that the service is special or unique or is  
19 essential to the public interest and that, because of  
20 circumstances surrounding its fulfillment, personnel  
21 to perform the service cannot be obtained through



- 1 normal civil service recruitment procedures. Any such  
2 contract may be for any period not exceeding one year;
- 3 (3) Positions that must be filled without delay to comply  
4 with a court order or decree if the director  
5 determines that recruitment through normal recruitment  
6 civil service procedures would result in delay or  
7 noncompliance, such as the Felix-Cayetano consent  
8 decree;
- 9 (4) Positions filled by the legislature or by either house  
10 or any committee thereof;
- 11 (5) Employees in the office of the governor and office of  
12 the lieutenant governor, and household employees at  
13 Washington Place;
- 14 (6) Positions filled by popular vote;
- 15 (7) Department heads, officers, and members of any board,  
16 commission, or other state agency whose appointments  
17 are made by the governor or are required by law to be  
18 confirmed by the senate;
- 19 (8) Judges, referees, receivers, masters, jurors, notaries  
20 public, land court examiners, court commissioners, and  
21 attorneys appointed by a state court for a special  
22 temporary service;



1 (9) One bailiff for the chief justice of the supreme court  
2 who shall have the powers and duties of a court  
3 officer and bailiff under section 606-14; one  
4 secretary or clerk for each justice of the supreme  
5 court, each judge of the intermediate appellate court,  
6 and each judge of the circuit court; one secretary for  
7 the judicial council; one deputy administrative  
8 director of the courts; three law clerks for the chief  
9 justice of the supreme court, two law clerks for each  
10 associate justice of the supreme court and each judge  
11 of the intermediate appellate court, one law clerk for  
12 each judge of the circuit court, two additional law  
13 clerks for the civil administrative judge of the  
14 circuit court of the first circuit, two additional law  
15 clerks for the criminal administrative judge of the  
16 circuit court of the first circuit, one additional law  
17 clerk for the senior judge of the family court of the  
18 first circuit, two additional law clerks for the civil  
19 motions judge of the circuit court of the first  
20 circuit, two additional law clerks for the criminal  
21 motions judge of the circuit court of the first  
22 circuit, and two law clerks for the administrative



1 judge of the district court of the first circuit; and  
2 one private secretary for the administrative director  
3 of the courts, the deputy administrative director of  
4 the courts, each department head, each deputy or first  
5 assistant, and each additional deputy, or assistant  
6 deputy, or assistant defined in paragraph (16);

7 (10) First deputy and deputy attorneys general, the  
8 administrative services manager of the department of  
9 the attorney general, one secretary for the  
10 administrative services manager, an administrator and  
11 any support staff for the criminal and juvenile  
12 justice resources coordination functions, and law  
13 clerks;

14 (11) (A) Teachers, principals, vice-principals, complex  
15 area superintendents, deputy and assistant  
16 superintendents, other certificated personnel,  
17 not more than twenty noncertificated  
18 administrative, professional, and technical  
19 personnel not engaged in instructional work;

20 (B) Effective July 1, 2003, teaching assistants,  
21 educational assistants, bilingual/bicultural  
22 school-home assistants, school psychologists,



1                   psychological examiners, speech pathologists,  
2                   athletic health care trainers, alternative school  
3                   work study assistants, alternative school  
4                   educational/supportive services specialists,  
5                   alternative school project coordinators, and  
6                   communications aides in the department of  
7                   education;

8                   (C) The special assistant to the state librarian and  
9                   one secretary for the special assistant to the  
10                  state librarian; and

11                  (D) Members of the faculty of the University of  
12                  Hawaii, including research workers, extension  
13                  agents, personnel engaged in instructional work,  
14                  and administrative, professional, and technical  
15                  personnel of the university;

16                  (12) Employees engaged in special, research, or  
17                  demonstration projects approved by the governor;

18                  (13) Positions filled by inmates, kokuas, patients of state  
19                  institutions, persons with severe physical or mental  
20                  handicaps participating in the work experience  
21                  training programs, and students and positions filled  
22                  through federally funded programs that provide



1 temporary public service employment such as the  
2 federal Comprehensive Employment and Training Act of  
3 1973;

4 (14) A custodian or guide at Iolani Palace, the Royal  
5 Mausoleum, and Hulihee Palace;

6 (15) Positions filled by persons employed on a fee,  
7 contract, or piecework basis, who may lawfully perform  
8 their duties concurrently with their private business  
9 or profession or other private employment and whose  
10 duties require only a portion of their time, if it is  
11 impracticable to ascertain or anticipate the portion  
12 of time to be devoted to the service of the State;

13 (16) Positions of first deputies or first assistants of  
14 each department head appointed under or in the manner  
15 provided in section 6, [~~Article~~] article V, of the  
16 [~~State Constitution,~~] state constitution; three  
17 additional deputies or assistants either in charge of  
18 the highways, harbors, and airports divisions or other  
19 functions within the department of transportation as  
20 may be assigned by the director of transportation,  
21 with the approval of the governor; four additional  
22 deputies in the department of health, each in charge



1 of one of the following: behavioral health,  
2 environmental health, hospitals, and health resources  
3 administration, including other functions within the  
4 department as may be assigned by the director of  
5 health, with the approval of the governor; an  
6 administrative assistant to the state librarian; and  
7 an administrative assistant to the superintendent of  
8 education;

9 (17) Positions specifically exempted from this part by any  
10 other law; provided that those positions shall cease  
11 to be exempt three years from the effective date of  
12 this Act; provided further that all of the positions  
13 defined by paragraph (9) shall be included in the  
14 position classification plan;

15 (18) Positions in the state foster grandparent program and  
16 positions for temporary employment of senior citizens  
17 in occupations in which there is a severe personnel  
18 shortage or in special projects;

19 (19) Household employees at the official residence of the  
20 president of the University of Hawaii;

21 (20) Employees in the department of education engaged in  
22 the supervision of students during meal periods in the





- 1 distribution, collection, and counting of meal  
2 tickets, and in the cleaning of classrooms after  
3 school hours on a less than half-time basis;
- 4 (21) Employees hired under the tenant hire program of the  
5 Hawaii public housing authority; provided that not  
6 more than twenty-six per cent of the authority's work  
7 force in any housing project maintained or operated by  
8 the authority shall be hired under the tenant hire  
9 program;
- 10 (22) Positions of the federally funded expanded food and  
11 nutrition program of the University of Hawaii that  
12 require the hiring of nutrition program assistants who  
13 live in the areas they serve;
- 14 (23) Positions filled by severely handicapped persons who  
15 are certified by the state vocational rehabilitation  
16 office that they are able to perform safely the duties  
17 of the positions;
- 18 (24) One public high school student to be selected by the  
19 Hawaii state student council as a nonvoting member on  
20 the board of education as authorized by the State  
21 Constitution;



- 1       (25) Sheriff, first deputy sheriff, and second deputy
- 2               sheriff;
- 3       (26) A gender and other fairness coordinator hired by the
- 4               judiciary; and
- 5       (27) Positions in the Hawaii national guard youth and adult
- 6               education programs.

7       The director shall determine the applicability of this

8 section to specific positions.

9       Nothing in this section shall be deemed to affect the civil

10 service status of any incumbent as it existed on July 1, 1955."

11       SECTION 7. Section 174C-5, Hawaii Revised Statutes, is

12 amended to read as follows:

13       "§174C-5 General powers and duties. The general

14 administration of the state water code shall rest with the

15 commission on water resource management. In addition to its

16 other powers and duties, the commission:

- 17       (1) Shall carry out topographic surveys, research, and
- 18               investigations into all aspects of water use and water
- 19               quality;
- 20       (2) Shall designate water management areas for regulation
- 21               under this chapter where the commission, after the
- 22               research and investigations mentioned in paragraph



1 (1), shall consult with the appropriate county council  
2 and county water agency, and after public hearing and  
3 published notice, finds that the water resources of  
4 the areas are being threatened by existing or proposed  
5 withdrawals of water;

6 (3) Shall establish an instream use protection program  
7 designed to protect, enhance, and reestablish, where  
8 practicable, beneficial instream uses of water in the  
9 State;

10 (4) May contract and cooperate with the various agencies  
11 of the federal government and with state and local  
12 administrative and governmental agencies or private  
13 persons;

14 (5) May enter, after obtaining the consent of the property  
15 owner, at all reasonable times upon any property other  
16 than dwelling places for the purposes of conducting  
17 investigations and studies or enforcing any of the  
18 provisions of this code, being liable, however, for  
19 actual damage done. If consent cannot be obtained,  
20 reasonable notice shall be given prior to entry;

21 (6) Shall cooperate with federal agencies, other state  
22 agencies, county or other local governmental



1 organizations, and all other public and private  
2 agencies created for the purpose of [~~utilizing~~] using  
3 and conserving the waters of the State, and assist  
4 these organizations and agencies in coordinating the  
5 use of their facilities and participate in the  
6 exchange of ideas, knowledge, and data with these  
7 organizations and agencies. For this purpose, the  
8 commission shall maintain an advisory staff of  
9 experts;

10 (7) Shall prepare, publish, and issue printed pamphlets  
11 and bulletins as the commission deems necessary for  
12 the dissemination of information to the public  
13 concerning its activities;

14 (8) May appoint and remove agents, including hearings  
15 officers and consultants, necessary to carry out the  
16 purposes of this chapter, who may be engaged by the  
17 commission without regard to the requirements of  
18 chapter 76 and section 78-1;

19 (9) [~~May~~] Shall hire employees in accordance with chapter  
20 76;

21 (10) May acquire, lease, and dispose of such real and  
22 personal property as may be necessary in the



1 performance of its functions, including the  
2 acquisition of real property for the purpose of  
3 conserving and protecting water and [~~water-related~~]  
4 water-related resources as provided in section 174C-  
5 14;

6 (11) Shall identify, by continuing study, those areas of  
7 the State where salt water intrusion is a threat to  
8 fresh water resources and report its findings to the  
9 appropriate county mayor and council and the public;

10 (12) Shall provide coordination, cooperation, or approval  
11 necessary to the effectuation of any plan or project  
12 of the federal government in connection with or  
13 concerning the waters of the State. The commission  
14 shall approve or disapprove any federal plans or  
15 projects on behalf of the State. No other agency or  
16 department of the State shall assume the duties  
17 delegated to the commission under this paragraph;  
18 except that the department of health shall continue to  
19 exercise the powers vested in it with respect to water  
20 quality, and except that the department of business,  
21 economic development, and tourism shall continue to



- 1 carry out its duties and responsibilities under  
2 chapter 205A;
- 3 (13) Shall plan and coordinate programs for the  
4 development, conservation, protection, control, and  
5 regulation of water resources, based upon the best  
6 available information, and in cooperation with federal  
7 agencies, other state agencies, county or other local  
8 governmental organizations, and other public and  
9 private agencies created for the [~~utilization~~] use and  
10 conservation of water;
- 11 (14) Shall catalog and maintain an inventory of all water  
12 uses and water resources; and
- 13 (15) Shall determine appurtenant water rights, including  
14 quantification of the amount of water entitled to by  
15 that right, which determination shall be valid for  
16 purposes of this chapter."

17 SECTION 8. Section 202-3, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19 "(a) The workforce development council shall appoint and  
20 fix the compensation of an executive director, who [~~shall~~] may  
21 be exempt from chapter 76, and may employ any other personnel as  
22 it deems advisable within chapter 76."



1 SECTION 9. Section 206E-4, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§206E-4 Powers; generally. Except as otherwise limited  
4 by this chapter, the authority may:

5 (1) Sue and be sued;

6 (2) Have a seal and alter the same at pleasure;

7 (3) Make and execute contracts and all other instruments  
8 necessary or convenient for the exercise of its powers  
9 and functions under this chapter;

10 (4) Make and alter bylaws for its organization and  
11 internal management;

12 (5) Make rules with respect to its projects, operations,  
13 properties, and facilities, which rules shall be in  
14 conformance with chapter 91;

15 (6) Through its executive director, appoint officers [7]  
16 and agents, [~~and employees~~7] prescribe their duties  
17 and qualifications, and fix their salaries, without  
18 regard to chapter 76 [7], and appoint employees in  
19 accordance with chapter 76;

20 (7) Prepare or cause to be prepared a community  
21 development plan for all designated community  
22 development districts;



- 1       (8) Acquire, reacquire, or contract to acquire or  
2       reacquire by grant or purchase real, personal, or  
3       mixed property or any interest therein; to own, hold,  
4       clear, improve, and rehabilitate, and to sell, assign,  
5       exchange, transfer, convey, lease, or otherwise  
6       dispose of or encumber the same;
- 7       (9) Acquire or reacquire by condemnation real, personal,  
8       or mixed property or any interest therein for public  
9       facilities, including but not limited to streets,  
10      sidewalks, parks, schools, and other public  
11      improvements;
- 12      (10) By itself, or in partnership with qualified persons,  
13      acquire, reacquire, construct, reconstruct,  
14      rehabilitate, improve, alter, or repair or provide for  
15      the construction, reconstruction, improvement,  
16      alteration, or repair of any project; own, hold, sell,  
17      assign, transfer, convey, exchange, lease, or  
18      otherwise dispose of or encumber any project, and in  
19      the case of the sale of any project, accept a purchase  
20      money mortgage in connection therewith; and repurchase  
21      or otherwise acquire any project which the authority





- 1           has theretofore sold or otherwise conveyed,  
2           transferred, or disposed of;
- 3           (11) Arrange or contract for the planning, replanning,  
4           opening, grading, or closing of streets, roads,  
5           roadways, alleys, or other places, or for the  
6           furnishing of facilities or for the acquisition of  
7           property or property rights or for the furnishing of  
8           property or services in connection with a project;
- 9           (12) Grant options to purchase any project or to renew any  
10          lease entered into by it in connection with any of its  
11          projects, on such terms and conditions as it deems  
12          advisable;
- 13          (13) Prepare or cause to be prepared plans, specifications,  
14          designs, and estimates of costs for the construction,  
15          reconstruction, rehabilitation, improvement,  
16          alteration, or repair of any project, and from time to  
17          time to modify such plans, specifications, designs, or  
18          estimates;
- 19          (14) Provide advisory, consultative, training, and  
20          educational services, technical assistance, and advice  
21          to any person, partnership, or corporation, either  
22          public or private, to carry out the purposes of this



- 1 chapter, and engage the services of consultants on a  
2 contractual basis for rendering professional and  
3 technical assistance and advice;
- 4 (15) Procure insurance against any loss in connection with  
5 its property and other assets and operations in such  
6 amounts and from such insurers as it deems desirable;
- 7 (16) Contract for and accept gifts or grants in any form  
8 from any public agency or from any other source;
- 9 (17) Do any and all things necessary to carry out its  
10 purposes and exercise the powers given and granted in  
11 this chapter; and
- 12 (18) Allow satisfaction of any affordable housing  
13 requirements imposed by the authority upon any  
14 proposed development project through the construction  
15 of reserved housing, as defined in section 206E-101,  
16 by a person on land located outside the geographic  
17 boundaries of the authority's jurisdiction; provided  
18 that the authority shall not permit any person to make  
19 cash payments in lieu of providing reserved housing,  
20 except to account for any fractional unit that results  
21 after calculating the percentage requirement against  
22 residential floor space or total number of units



1 developed. The substituted housing shall be located  
2 on the same island as the development project and  
3 shall be substantially equal in value to the required  
4 reserved housing units that were to be developed on  
5 site. The authority shall establish the following  
6 priority in the development of reserved housing:

- 7 (A) Within the community development district;
- 8 (B) Within areas immediately surrounding the  
9 community development district;
- 10 (C) Areas within the central urban core;
- 11 (D) In outlying areas within the same island as the  
12 development project.

13 The Hawaii community development authority shall  
14 adopt rules relating to the approval of reserved  
15 housing that are developed outside of a community  
16 development district. The rules shall include, but  
17 are not limited to, the establishment of guidelines to  
18 ensure compliance with the above priorities."

19 SECTION 10. Section 342G-12.5, Hawaii Revised Statutes, is  
20 amended to read as follows:

21 "§342G-12.5 Recycling coordinator. There is established a  
22 position of assistant to the coordinator of the office of solid



1 waste management to be known as the recycling coordinator. The  
2 position [~~may~~] shall be appointed by the director in accordance  
3 with chapter 76."

4 SECTION 11. Section 346D-8, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "§346D-8 Personnel exempt. The department of human  
7 services [~~may~~] shall employ civil service personnel in  
8 accordance with chapter 76 to service the waiver programs."

9 SECTION 12. Section 371K-3, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "§371K-3 General functions, duties, and powers of the  
12 executive director. The executive director shall:

13 (1) Serve as the principal official in state government  
14 responsible for the coordination of programs for the  
15 needy, poor, and disadvantaged persons, refugees, and  
16 immigrants;

17 (2) Oversee, supervise, and direct the performance by  
18 subordinates of activities in such areas as planning,  
19 evaluation, and coordination of programs for  
20 disadvantaged persons, refugees, and immigrants and  
21 development of a statewide service delivery network;



- 1 (3) Assess the policies and practices of public and  
2 private agencies impacting on the disadvantaged and  
3 conduct advocacy efforts on behalf of the  
4 disadvantaged, refugees, and immigrants;
- 5 (4) Devise and recommend legislative and administrative  
6 actions for the improvement of services for the  
7 disadvantaged, refugees, and immigrants;
- 8 (5) Serve as a member of advisory boards and panels of  
9 state agencies in such areas as child development  
10 programs, elder programs, social services programs,  
11 health and medical assistance programs, refugee  
12 assistance programs, and immigrant services programs;
- 13 (6) Administer funds allocated for the office of community  
14 services; and apply for, receive, and disburse grants  
15 and donations from all sources for programs and  
16 services to assist the disadvantaged, refugees, and  
17 immigrants;
- 18 (7) Adopt, amend, and repeal rules pursuant to chapter 91  
19 for purposes of this chapter;
- 20 (8) Retain such staff as may be necessary for the purposes  
21 of this chapter, who ~~[may be exempt from]~~ shall be  
22 employed in accordance with chapter 76;



1 (9) Contract for services as may be necessary for the  
2 purposes of this chapter;

3 (10) Orient members of the advisory council to the goals,  
4 functions, and programs of the office; and

5 (11) Seek the input of council members on all matters  
6 pertaining to the functions of the office."

7 SECTION 13. Section 373C-33, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "§373C-33 Personnel. The department of labor and  
10 industrial relations may establish positions and hire necessary  
11 personnel for the purposes of this part; provided that any  
12 personnel hired pursuant to this section shall be hired in  
13 accordance with chapter 76."

14 SECTION 14. Section 383-128, Hawaii Revised Statutes, is  
15 amended by amending subsection (k) to read as follows:

16 "(k) The director may establish positions and hire  
17 necessary personnel to establish and administer the employment  
18 and training fund [~~in accordance with~~]; provided that after the  
19 effective date of this Act, the positions shall be subject to  
20 chapter 76."

21 SECTION 15. Section 412:2-109, Hawaii Revised Statutes, is  
22 amended by amending subsection (b) to read as follows:



1           "(b) The commissioner may appoint financial institution  
2 examiners, [~~in accordance with chapter 76,~~] who shall examine  
3 the affairs, transactions, accounts, records, documents, and  
4 assets of financial institutions[-]; provided that the financial  
5 institution examiners shall be appointed in accordance with  
6 chapter 76. The commissioner may also [~~may~~] appoint  
7 administrative support personnel, [~~in accordance with chapter~~  
8 ~~76,~~] who shall assist and support the examiners[-]; provided  
9 that the administrative support personnel shall be appointed in  
10 accordance with chapter 76. The commissioner may pay the  
11 salaries of the financial institution examiners and  
12 administrative support personnel from the compliance resolution  
13 fund."

14           SECTION 16. Section 440G-12, Hawaii Revised Statutes, is  
15 amended by amending subsection (d) to read as follows:

16           "(d) The director may appoint, without regard to chapter  
17 76, an administrator and one or more attorneys for purposes of  
18 enforcing this chapter. The director shall define their powers  
19 and duties and fix their compensation. The director may also  
20 appoint professional, clerical, stenographic, and other staff as  
21 may be necessary for the proper administration and enforcement



1 of this chapter; provided that they shall be appointed subject  
2 to chapter 76."

3 SECTION 17. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 18. This Act shall take effect on July 1, 2011.

6 INTRODUCED BY: *Phil Rhoads*

JAN 25 2011





**Report Title:**

Public Employment

**Description:**

Amends various state laws to mandate the hiring of employees pursuant to civil service laws.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

