



GOV. MSG. NO. 1262

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 26, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 26, 2012, the following bill was signed into law:

HB2302 HD2 SD1 CD1

RELATING TO CAPITAL IMPROVEMENT
PROJECTS.
Act 159 (12)

Sincerely,

NEIL ABERCROMBIE

Governor, State of Hawaii

Approved by the Governor

ORIGINAL

ACT 159

on JUN 26 2012

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

H.B. NO. 2302
H.D. 2
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO CAPITAL IMPROVEMENT PROJECTS.

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

1 SECTION 1. The legislature finds that temporary exemptions
2 are necessary to expedite the construction and improvement of
3 public housing units and public infrastructure. Temporary
4 exemptions achieve the dual benefits of promoting jobs in the
5 local economy and developing valuable public assets. The repair
6 and maintenance of vacant public housing units should reduce the
7 turnaround time between vacating and incoming tenants, thereby
8 resulting in an increase in the affordable housing inventory.

9 The purpose of this Act is to address economic
10 revitalization by temporarily exempting from the state civil
11 service, persons hired or contracted to repair and maintain
12 vacant public housing units.

13 SECTION 2. Section 76-16, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) The civil service to which this chapter applies shall
16 comprise all positions in the State now existing or hereafter



1 established and embrace all personal services performed for the
2 State, except the following:

3 (1) Commissioned and enlisted personnel of the Hawaii
4 national guard as such, and positions in the Hawaii
5 national guard that are required by state or federal
6 laws or regulations or orders of the national guard to
7 be filled from those commissioned or enlisted
8 personnel;

9 (2) Positions filled by persons employed by contract where
10 the director of human resources development has
11 certified that the service is special or unique or is
12 essential to the public interest and that, because of
13 circumstances surrounding its fulfillment, personnel
14 to perform the service cannot be obtained through
15 normal civil service recruitment procedures. Any such
16 contract may be for any period not exceeding one year;

17 (3) Positions that must be filled without delay to comply
18 with a court order or decree if the director
19 determines that recruitment through normal recruitment
20 civil service procedures would result in delay or



- 1 noncompliance, such as the Felix-Cayetano consent
2 decree;
- 3 (4) Positions filled by the legislature or by either house
4 or any committee thereof;
- 5 (5) Employees in the office of the governor and office of
6 the lieutenant governor, and household employees at
7 Washington Place;
- 8 (6) Positions filled by popular vote;
- 9 (7) Department heads, officers, and members of any board,
10 commission, or other state agency whose appointments
11 are made by the governor or are required by law to be
12 confirmed by the senate;
- 13 (8) Judges, referees, receivers, masters, jurors, notaries
14 public, land court examiners, court commissioners, and
15 attorneys appointed by a state court for a special
16 temporary service;
- 17 (9) One bailiff for the chief justice of the supreme court
18 who shall have the powers and duties of a court
19 officer and bailiff under section 606-14; one
20 secretary or clerk for each justice of the supreme
21 court, each judge of the intermediate appellate court,



1 and each judge of the circuit court; one secretary for
2 the judicial council; one deputy administrative
3 director of the courts; three law clerks for the chief
4 justice of the supreme court, two law clerks for each
5 associate justice of the supreme court and each judge
6 of the intermediate appellate court, one law clerk for
7 each judge of the circuit court, two additional law
8 clerks for the civil administrative judge of the
9 circuit court of the first circuit, two additional law
10 clerks for the criminal administrative judge of the
11 circuit court of the first circuit, one additional law
12 clerk for the senior judge of the family court of the
13 first circuit, two additional law clerks for the civil
14 motions judge of the circuit court of the first
15 circuit, two additional law clerks for the criminal
16 motions judge of the circuit court of the first
17 circuit, and two law clerks for the administrative
18 judge of the district court of the first circuit; and
19 one private secretary for the administrative director
20 of the courts, the deputy administrative director of
21 the courts, each department head, each deputy or first



1 assistant, and each additional deputy, or assistant
2 deputy, or assistant defined in paragraph (16);
3 (10) First deputy and deputy attorneys general, the
4 administrative services manager of the department of
5 the attorney general, one secretary for the
6 administrative services manager, an administrator and
7 any support staff for the criminal and juvenile
8 justice resources coordination functions, and law
9 clerks;
10 (11) (A) Teachers, principals, vice-principals, complex
11 area superintendents, deputy and assistant
12 superintendents, other certificated personnel,
13 not more than twenty noncertificated
14 administrative, professional, and technical
15 personnel not engaged in instructional work;
16 (B) Effective July 1, 2003, teaching assistants,
17 educational assistants, bilingual/bicultural
18 school-home assistants, school psychologists,
19 psychological examiners, speech pathologists,
20 athletic health care trainers, alternative school
21 work study assistants, alternative school



1 educational/supportive services specialists,
2 alternative school project coordinators, and
3 communications aides in the department of
4 education;

5 (C) The special assistant to the state librarian and
6 one secretary for the special assistant to the
7 state librarian; and

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

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

15 (13) Positions filled by inmates, kokuas, patients of state
16 institutions, persons with severe physical or mental
17 handicaps participating in the work experience
18 training programs, and students and positions filled
19 through federally funded programs that provide
20 temporary public service employment such as the



1 federal Comprehensive Employment and Training Act of
2 1973;

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

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

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



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

8 (17) Positions specifically exempted from this part by any
9 other law; provided that all of the positions defined
10 by paragraph (9) shall be included in the position
11 classification plan;

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

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

18 (20) Employees in the department of education engaged in
19 the supervision of students during meal periods in the
20 distribution, collection, and counting of meal



- 1 tickets, and in the cleaning of classrooms after
2 school hours on a less than half-time basis;
- 3 (21) Employees hired under the tenant hire program of the
4 Hawaii public housing authority; provided that except
5 during the time period specified in paragraph (27),
6 not more than twenty-six per cent of the authority's
7 work force in any housing project maintained or
8 operated by the authority shall be hired under the
9 tenant hire 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) The sheriff;
- 19 (25) A gender and other fairness coordinator hired by the
20 judiciary; [~~and~~]



1 (26) Positions in the Hawaii national guard youth and adult
2 education programs [---]; and

3 (27) From July 1, 2012, to June 30, 2015, persons hired or
4 contracted to perform repair, maintenance, or capital
5 improvement projects work on vacant housing units
6 under the jurisdiction of the Hawaii public housing
7 authority.

8 The director shall determine the applicability of this
9 section to specific positions.

10 Nothing in this section shall be deemed to affect the civil
11 service status of any incumbent as it existed on July 1, 1955."

12 SECTION 3. (a) Upon the repeal of section 2 of this Act,
13 an employee hired by the State pursuant to this Act may be:

14 (1) Terminated; or

15 (2) Retained by the respective public employer; provided
16 that the employee shall be subject to all civil
17 service employment requirements for the position for
18 which the employee seeks to be retained or transferred
19 and shall not receive any civil service experience
20 credit for work performed while employed pursuant to
21 this Act.

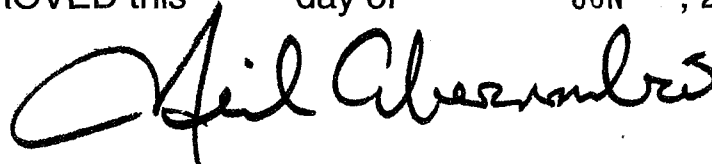


1 (b) The director of the public agency employing an
2 employee subject to subsection (a) shall determine whether to
3 terminate or retain an employee subject to this Act; provided
4 that if the employee is to be retained, all costs associated
5 with retaining the employee shall be covered by the public
6 agency's existing budget.

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 2012;
10 provided that section 2 of this Act shall be repealed on July 1,
11 2015, and section 76-16(b), Hawaii Revised Statutes, shall be
12 reenacted in the form in which it read on the day before the
13 effective date of this Act.

APPROVED this 26 day of JUN, 2012



GOVERNOR OF THE STATE OF HAWAII

