
A BILL FOR AN ACT

RELATING TO CAPITAL IMPROVEMENT PROJECTS.

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

1 PART I

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

12 The purpose of this part is to address economic
13 revitalization. More specifically, this part temporarily
14 exempts the following from the state and county civil service:

15 (1) Persons hired or contracted to repair and maintain
16 vacant public housing units; and



1 (2) Persons hired or contracted to perform planning,
2 design, engineering, or permit processing work for
3 state or county capital improvement projects.

4 SECTION 2. Section 46-33, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§46-33 Exemption of certain county positions. In any
7 county with a population of 500,000 or more, the civil service
8 to which this section refers is comprised of all positions in
9 the public service of [~~such~~] the county, now existing or
10 hereafter established, and embraces all personal services
11 performed for [~~such~~] the county, except the following:

12 (1) Positions of officers elected by public vote;
13 positions of heads of departments; position of the
14 clerk; position of the manager of the board of water
15 supply and position of the chief of police[-];

16 (2) Positions in the office of the mayor, but [~~such~~] those
17 positions, except those of the heads of the offices of
18 information and complaint and budget director, shall
19 be included in the position classification plan.
20 Employees of the municipal library and of the offices
21 of information and complaint and budget director,



- 1 other than the heads of [such] the offices, however,
2 shall not be exempted from civil service[-] i;
- 3 (3) Positions of deputies of the corporation counsel,
4 deputies of the prosecuting attorney, and law
5 clerks[-] i;
- 6 (4) Positions of members of any board, commission, or
7 equivalent body[-] i;
- 8 (5) Positions filled by inmates, patients, or students in
9 city institutions or in the schools[-] i;
- 10 (6) Positions of district magistrates, jurors, and
11 witnesses[-] i;
- 12 (7) Personal services obtained by contract where the
13 director of civil service has certified that the
14 service is special or unique, is essential to the
15 public interest and that, because of circumstances
16 surrounding its fulfillment, personnel to perform
17 [such] the service cannot be obtained through normal
18 civil service recruitment procedures. Any such
19 contract may be for any period not exceeding one
20 year[-] i;
- 21 (8) Personal services of a temporary nature needed in the
22 public interest where the need for the same does not



1 exceed ninety days, but before any person may be
2 employed to render [~~such~~] the temporary service, the
3 director of civil service shall certify that the
4 service is of a temporary nature and that recruitment
5 through normal civil service recruitment procedures is
6 not practicable. The employment of any person for
7 service of a temporary nature may be extended for good
8 cause for an additional period not to exceed ninety
9 days upon similar certification by the director
10 subject to approval of the civil service
11 commission[-];

12 (9) Personal services performed on a fee, contract, or
13 piecework basis by persons who may lawfully perform
14 their duties concurrently with their private business
15 or profession or other private employment, if any, and
16 whose duties require only a portion of their time,
17 where it is impracticable to ascertain or anticipate
18 the portion of time devoted to the service of the city
19 and [~~such~~] that fact is certified to by the director
20 of civil service[-];

21 (10) Positions of temporary election clerks in the office
22 of the clerk employed during the election periods, but



1 the positions filled by [~~such~~] those employees shall
2 be included in the position classification plan[-];

3 (11) Positions of one first deputy and private secretaries
4 to heads of departments and their first deputies, but
5 private secretarial positions shall be included in the
6 position classification plan. The first deputy in the
7 department of civil service, however, shall not be
8 exempt from civil service[-]; and

9 (12) From July 1, 2012 to June 30, 2015, persons hired or
10 contracted to perform:

11 (A) Repair or maintenance work on vacant housing
12 units under the jurisdiction of the county; or

13 (B) Planning, design, engineering, or permit
14 processing work for capital improvement projects
15 of a county agency.

16 The director of civil service shall determine the applicability
17 of this section to specific positions."

18 SECTION 3. Section 76-16, Hawaii Revised Statutes, is
19 amended by amending subsection (b) to read as follows:

20 "(b) The civil service to which this chapter applies shall
21 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
21 noncompliance, such as the Felix-Cayetano consent
22 decree;



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



1 justice of the supreme court, two law clerks for each
2 associate justice of the supreme court and each judge
3 of the intermediate appellate court, one law clerk for
4 each judge of the circuit court, two additional law
5 clerks for the civil administrative judge of the
6 circuit court of the first circuit, two additional law
7 clerks for the criminal administrative judge of the
8 circuit court of the first circuit, one additional law
9 clerk for the senior judge of the family court of the
10 first circuit, two additional law clerks for the civil
11 motions judge of the circuit court of the first
12 circuit, two additional law clerks for the criminal
13 motions judge of the circuit court of the first
14 circuit, and two law clerks for the administrative
15 judge of the district court of the first circuit; and
16 one private secretary for the administrative director
17 of the courts, the deputy administrative director of
18 the courts, each department head, each deputy or first
19 assistant, and each additional deputy, or assistant
20 deputy, or assistant defined in paragraph (16);
21 (10) First deputy and deputy attorneys general, the
22 administrative services manager of the department of



1 the attorney general, one secretary for the
2 administrative services manager, an administrator and
3 any support staff for the criminal and juvenile
4 justice resources coordination functions, and law
5 clerks;

6 (11) (A) Teachers, principals, vice-principals, complex
7 area superintendents, deputy and assistant
8 superintendents, other certificated personnel,
9 not more than twenty noncertificated
10 administrative, professional, and technical
11 personnel not engaged in instructional work;

12 (B) Effective July 1, 2003, teaching assistants,
13 educational assistants, bilingual/bicultural
14 school-home assistants, school psychologists,
15 psychological examiners, speech pathologists,
16 athletic health care trainers, alternative school
17 work study assistants, alternative school
18 educational/supportive services specialists,
19 alternative school project coordinators, and
20 communications aides in the department of
21 education;



1 (C) The special assistant to the state librarian and
2 one secretary for the special assistant to the
3 state librarian; and

4 (D) Members of the faculty of the University of
5 Hawaii, including research workers, extension
6 agents, personnel engaged in instructional work,
7 and administrative, professional, and technical
8 personnel of the university;

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

11 (13) Positions filled by inmates, kokuas, patients of state
12 institutions, persons with severe physical or mental
13 handicaps participating in the work experience
14 training programs, and students and positions filled
15 through federally funded programs that provide
16 temporary public service employment such as the
17 federal Comprehensive Employment and Training Act of
18 1973;

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

21 (15) Positions filled by persons employed on a fee,
22 contract, or piecework basis, who may lawfully perform



1 their duties concurrently with their private business
2 or profession or other private employment and whose
3 duties require only a portion of their time, if it is
4 impracticable to ascertain or anticipate the portion
5 of time to be devoted to the service of the State;

6 (16) Positions of first deputies or first assistants of
7 each department head appointed under or in the manner
8 provided in section 6, article V, of the [~~Hawaii~~]
9 state constitution; three additional deputies or
10 assistants either in charge of the highways, harbors,
11 and airports divisions or other functions within the
12 department of transportation as may be assigned by the
13 director of transportation, with the approval of the
14 governor; four additional deputies in the department
15 of health, each in charge of one of the following:
16 behavioral health, environmental health, hospitals,
17 and health resources administration, including other
18 functions within the department as may be assigned by
19 the director of health, with the approval of the
20 governor; an administrative assistant to the state
21 librarian; and an administrative assistant to the
22 superintendent of education;



- 1 (17) Positions specifically exempted from this part by any
2 other law; provided that all of the positions defined
3 by paragraph (9) shall be included in the position
4 classification plan;
- 5 (18) Positions in the state foster grandparent program and
6 positions for temporary employment of senior citizens
7 in occupations in which there is a severe personnel
8 shortage or in special projects;
- 9 (19) Household employees at the official residence of the
10 president of the University of Hawaii;
- 11 (20) Employees in the department of education engaged in
12 the supervision of students during meal periods in the
13 distribution, collection, and counting of meal
14 tickets, and in the cleaning of classrooms after
15 school hours on a less than half-time basis;
- 16 (21) Employees hired under the tenant hire program of the
17 Hawaii public housing authority; provided that except
18 for the period specified in paragraph (27), not more
19 than twenty-six per cent of the authority's work force
20 in any housing project maintained or operated by the
21 authority shall be hired under the tenant hire
22 program;



1 (22) Positions of the federally funded expanded food and
2 nutrition program of the University of Hawaii that
3 require the hiring of nutrition program assistants who
4 live in the areas they serve;

5 (23) Positions filled by severely handicapped persons who
6 are certified by the state vocational rehabilitation
7 office that they are able to perform safely the duties
8 of the positions;

9 (24) The sheriff;

10 (25) A gender and other fairness coordinator hired by the
11 judiciary; [and]

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

14 (27) From July 1, 2012 to June 30, 2015, persons hired or
15 contracted to perform:

16 (A) Repair or maintenance work on vacant housing
17 units under the jurisdiction of the Hawaii public
18 housing authority or Hawaii housing and finance
19 development corporation; or

20 (B) Planning, design, engineering, or permit
21 processing work for capital improvement projects
22 of a state agency.



1 The director shall determine the applicability of this
2 section to specific positions.

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

5 SECTION 4. Section 76-77, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§76-77 Civil service and exemptions. The civil service
8 to which this part applies comprises all positions in the public
9 service of each county, now existing or hereafter established,
10 and embraces all personal services performed for each county,
11 except the following:

12 (1) Positions in the office of the mayor; provided that
13 the positions shall be included in the classification
14 systems;

15 (2) Positions of officers elected by public vote,
16 positions of heads of departments, and positions of
17 one first deputy or first assistant of heads of
18 departments;

19 (3) Positions of deputy county attorneys, deputy
20 corporation counsel, deputy prosecuting attorneys, and
21 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;
- 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; provided that the exemption under this



1 paragraph shall apply to contracts for building,
2 custodial, and grounds maintenance services with
3 qualified community rehabilitation programs, as
4 defined in section 103D-1001, lasting for no more than
5 a year and at a cost of no more than \$850,000[-]; and

6 (17) From July 1, 2012 to June 30, 2015, persons hired or
7 contracted to perform:

8 (A) Repair or maintenance work on vacant housing
9 units under the jurisdiction of the county; or

10 (B) Planning, design, engineering, or permit
11 processing work for capital improvement projects
12 of a county agency.

13 The director shall determine the applicability of this
14 section to specific positions and shall determine whether or not
15 positions exempted by paragraphs (7) and (8) shall be included
16 in the classification systems.

17 Nothing in this section shall be deemed to affect the civil
18 service status of any incumbent private secretary of a
19 department head who held that position on May 7, 1977."

20 SECTION 5. (a) Upon the repeal of this Act, an employee
21 hired by the State or a county pursuant to this Act may be:

22 (1) Terminated; or



1 (2) Retained by the respective public employer; provided
2 that the employee shall be subject to all civil
3 service employment requirements for the position for
4 which the employee seeks to be retained or transferred
5 and shall not receive any civil service experience
6 credit for work performed while employed pursuant to
7 this Act.

8 (b) The director of the public agency employing an
9 employee subject to subsection (a) shall determine whether to
10 terminate or retain an employee subject to this Act; provided
11 that if the employee is to be retained, all costs associated
12 with retaining the employee shall be absorbed by the public
13 agency's existing budget.

14 PART II

15 SECTION 6. The legislature finds that many public housing
16 projects in the State of Hawaii are in poor condition. During
17 the 2010 federal inspections for housing projects last year,
18 eleven out of the sixty-five federal housing projects failed to
19 pass inspection, receiving a score of fifty-nine or below out of
20 a possible one hundred, and approximately one-third of the
21 housing projects, received a score of sixty-nine or below. To
22 address the host of problems plaguing public housing, the Hawaii



1 public housing authority recently embarked on a major turnaround
2 plan. The plan involves revamping vacant units, streamlining
3 how applications are processed, and encouraging a fast
4 turnaround for filling vacancies. In recent reports, there are
5 as many as four hundred to six hundred units not being rented
6 due to uninhabitable conditions. According to a 2003 assessment
7 at Kuhio Park Terrace, the largest and one of the oldest public
8 housing projects in Hawaii, the estimated capital improvement
9 cost would be approximately sixty-three million dollars.

10 The legislature also finds that in addition to the
11 increasing problems in public housing, high unemployment in the
12 construction and trade industry exacerbates the economic
13 problems for individuals that are within the low to moderate
14 income population. This population is commonly referred to as
15 the "gap group," and include individuals with gross incomes that
16 fall between one hundred twenty-five per cent and two hundred
17 fifty per cent of federal poverty guidelines. This population
18 is especially vulnerable to becoming homeless if adequate,
19 habitable, and affordable housing is unavailable.

20 The purpose of this part is to provide funding to improve
21 public housing stock.



1 SECTION 7. The director of finance is authorized to issue
2 general obligation bonds in the sum of \$5,000,000 or so much
3 thereof as may be necessary and the same sum or so much thereof
4 as may be necessary is appropriated for fiscal year 2012-2013
5 for the purpose of renovating public housing units that are
6 uninhabitable.

7 SECTION 8. There is appropriated out of the rental housing
8 trust fund for the sum of \$5,000,000 or so much thereof as may
9 be necessary for fiscal year 2012-2013 for renovating public
10 housing units that are uninhabitable.

11 SECTION 9. The sums appropriated under sections 7 and 8
12 shall be expended by the Hawaii public housing authority, for
13 the purposes of this part.

14 SECTION 10. The appropriations made for capital
15 improvement project authorized by this part shall not lapse at
16 the end of the fiscal biennium for which the appropriation is
17 made; provided that all moneys from the appropriation
18 unencumbered as of June 30, 2014, shall lapse as of that date.

19 SECTION 11. Notwithstanding any law to the contrary,
20 capital improvement projects executed under this part shall be
21 exempt from the contest provisions of chapter 103D, Hawaii
22 Revised Statutes.



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PART III

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

SECTION 13. This Act shall take effect on July 1, 2012; provided that part I of this Act shall be repealed on June 30, 2015, and 46-33, 76-16(b), and 76-77, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day before the effective date of this Act.

INTRODUCED BY:

Fidi I. C. C. C.
[Signature]
[Signature]
[Signature]

JAN 20 2012



Report Title:

Temporary Civil Service Exemption; Hawaii Public Housing Authority; Appropriation

Description:

Exempts temporarily from the state and county civil service: (1) persons hired or contracted to repair and maintain vacant state or county housing units; and (2) persons hired or contracted to perform planning, design, engineering, or permit processing work for state or county capital improvement projects. Makes an appropriation out of general obligation bonds and the rental housing trust fund to the Hawaii public housing authority for the purpose of renovating uninhabitable public housing units.

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

