



GOV. MSG. NO. 1204

10.07.31.MDL.ET
EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 14, 2013

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

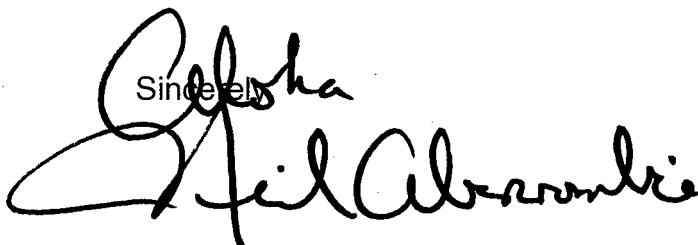
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 14, 2013, the following bill was signed into law:

SB1042 SD2 HD1 CD1

RELATING TO THE PUBLIC UTILITIES
COMMISSION
ACT 104 (13)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on JUN 14 2013

THE SENATE
TWENTY-SEVENTH LEGISLATURE, 2013
STATE OF HAWAII

ACT 104

S.B. NO. 1042
S.D. 2
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO THE PUBLIC UTILITIES COMMISSION.

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

1 SECTION 1. The purpose of this Act is to update codified
2 position descriptions for public utilities commission staff.
3 This Act amends existing position service types specifically
4 provided for under section 269-3, Hawaii Revised Statutes, and
5 position descriptions under Act 177, Session Laws of Hawaii
6 2007, to allow the commission to recruit and hire employees with
7 the right combination of skills and experience demanded by the
8 commission's evolving set of responsibilities.

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

11 "(a) The chairperson of the public utilities commission
12 may appoint and employ [~~clerks, stenographers, agents,~~
13 ~~engineers, accountants,~~] professional staff and other assistants
14 for the public utilities commission as the chairperson finds
15 necessary for the performance of the commission's functions and
16 define their powers and duties. The chairperson may appoint
17 and, at pleasure, dismiss a chief administrator and [~~hearings~~
18 ~~officers~~] attorneys as may be necessary[-], and who shall be



1 exempt from chapter 76. [~~Notwithstanding section 103D-209, the~~
2 ~~chairperson shall appoint one or more attorneys independent of~~
3 ~~the attorney general who shall act as attorneys for the~~
4 ~~commission and define their powers and duties and fix their~~
5 ~~compensation. The chief administrator, chief of policy and~~
6 ~~research, chief of administrative support, chief of consumer~~
7 ~~affairs and compliance, utility analysts, and attorneys shall be~~
8 ~~exempt from chapter 76. Research assistants, economists, legal~~
9 ~~secretaries, legal assistants, and enforcement officers may be~~
10 ~~appointed with or without regard to chapter 76. Other employees~~
11 ~~shall be appointed as may be needed by the chairperson in~~
12 ~~accordance with chapter 76.] The chairperson may also appoint
13 other staff with or without regard to chapter 76."~~

14 SECTION 3. Act 177, Session Laws of Hawaii 2007, section
15 1, is amended by amending subsection (c) to read as follows:

16 "(c) The purpose of this Act is to enhance the ability of
17 the public utilities commission to carry out its duties and
18 responsibilities by:

- 19 (1) Requiring the commission to restructure its operations
20 [~~pursuant to the commission's December 2006, report to~~
21 ~~the legislature,]~~ to improve its effectiveness and
22 efficiency; and



1 (2) Authorizing the public utilities commission to
2 consider the need for increased renewable energy use
3 in exercising its authority and duties."

4 SECTION 4. Act 177, Session Laws of Hawaii 2007, is
5 amended by amending section 4 to read as follows:

6 "SECTION 4. [~~(a) The public utilities commission shall~~
7 ~~restructure its operations as provided for in part IV of the~~
8 ~~public utilities commission's report to the legislature required~~
9 ~~pursuant to Act 143, Session Laws of Hawaii, 2006.~~

10 ~~(b) The restructuring shall include the following:~~

11 ~~(1) The existing research section shall be expanded to~~
12 ~~include policy support positions and functions, and~~
13 ~~shall be renamed the office of policy and research;~~

14 ~~(2) The consumer affairs and compliance section shall be~~
15 ~~responsible for consumer relations and investigation~~
16 ~~and enforcement activities of the public utilities~~
17 ~~commission;~~

18 ~~(3) The administrative support section shall be supervised~~
19 ~~by the chief of administrative support and shall be~~
20 ~~comprised of clerical services staff, case management~~
21 ~~services staff, fiscal services staff, and information~~
22 ~~technology staff;~~



- 1 ~~(4) Staffing shall be increased with the addition of the~~
- 2 ~~following positions:~~
- 3 ~~(A) For fiscal year 2008-2009:~~
- 4 ~~(i) A public utilities commission attorney shall~~
- 5 ~~be responsible for providing, among other~~
- 6 ~~things, legal support in petroleum dockets~~
- 7 ~~and initiatives statewide, and for complaint~~
- 8 ~~and inquiry handling;~~
- 9 ~~(ii) A legal assistant shall assist the chief~~
- 10 ~~counsel in all facets of legal work;~~
- 11 ~~(iii) A data processing systems analyst V shall be~~
- 12 ~~responsible for supervising information~~
- 13 ~~technology services staff, administering the~~
- 14 ~~document and docket management system, and~~
- 15 ~~assisting with petroleum monitoring system~~
- 16 ~~database management;~~
- 17 ~~(iv) A legal clerk shall be responsible for case~~
- 18 ~~management services clerical support,~~
- 19 ~~assisting the chief clerk, and performing~~
- 20 ~~duties as citation clerk;~~



- 1 ~~(v) An auditor VI shall be responsible for~~
- 2 ~~energy and petroleum dockets and issues and~~
- 3 ~~for conducting field audit inspections;~~
- 4 ~~(vi) An engineer V shall be responsible for~~
- 5 ~~energy and petroleum dockets and issues,~~
- 6 ~~energy utility field inspections, and~~
- 7 ~~informal inquiry handling; and~~
- 8 ~~(vii) A chief of consumer affairs and compliance~~
- 9 ~~shall be responsible for supervising the~~
- 10 ~~consumer affairs and compliance section; and~~
- 11 ~~(B) For fiscal year 2009-2010:~~
- 12 ~~(i) A public utilities commission attorney shall~~
- 13 ~~be responsible for legal support in~~
- 14 ~~telecommunications, dockets and issues,~~
- 15 ~~legislative and rulemaking initiatives,~~
- 16 ~~drafting and updating rules, and serving as~~
- 17 ~~a hearings officer;~~
- 18 ~~(ii) A legal clerk shall be responsible for case~~
- 19 ~~management services clerical support,~~
- 20 ~~assisting the chief clerk, and performing~~
- 21 ~~duties as citations clerk;~~

- 1 ~~(iii) An account clerk III shall be responsible~~
- 2 ~~for handling the pCard system, maintaining~~
- 3 ~~physical inventory, keeping fiscal records,~~
- 4 ~~and providing fiscal support for the~~
- 5 ~~commission;~~
- 6 ~~(iv) An auditor VI shall be responsible for~~
- 7 ~~telecommunications and utility dockets and~~
- 8 ~~related issues and conducting field audit~~
- 9 ~~inspections;~~
- 10 ~~(v) An engineer V shall be responsible for~~
- 11 ~~telecommunications and utility dockets and~~
- 12 ~~related issues, telecommunications and~~
- 13 ~~utility field inspections, and pipeline~~
- 14 ~~safety inspection; and~~
- 15 ~~(vi) Two research assistants shall be responsible~~
- 16 ~~for docket, non docket, legislative, and~~
- 17 ~~industry research, analysis, and reporting;~~
- 18 ~~(5) Twelve existing positions shall be redescribed as~~
- 19 ~~follows:~~
- 20 ~~(A) An existing attorney shall be redescribed as~~
- 21 ~~chief counsel to accurately reflect supervisory~~
- 22 ~~functions of this position, including~~



1 ~~responsibility and management of the office of~~
2 ~~commission counsel, acting as a counsel to the~~
3 ~~commission, and handling commission-related media~~
4 ~~correspondence;~~

5 ~~(B) An existing research assistant position shall be~~
6 ~~redescribed as chief of administrative support to~~
7 ~~accurately reflect the administrative~~
8 ~~responsibilities of the position, including~~
9 ~~supervising clerical, case management, fiscal,~~
10 ~~and information technology staff;~~

11 ~~(C) An existing chief researcher shall be redescribed~~
12 ~~as chief of policy and research to accurately~~
13 ~~represent the additional responsibilities of the~~
14 ~~policy arm of the policy and research services~~
15 ~~section. The chief of policy and research shall~~
16 ~~manage the utility analysts, research assistants,~~
17 ~~and economists; advise the commission on all~~
18 ~~regulated industry-related matters and government~~
19 ~~policy; and oversee legislative initiatives,~~
20 ~~media relations, and special projects;~~

21 ~~(D) The chief engineer shall be increased from level~~
22 ~~V to level VI to enable the commission to recruit~~



- 1 ~~for the position at a higher level and to allow~~
2 ~~staff level engineers to move to level V;~~
- 3 ~~(E) The existing legal stenographer shall be~~
4 ~~redescribed as a legal assistant to update this~~
5 ~~position since stenographers are no longer~~
6 ~~recruited due to outdated position descriptions;~~
- 7 ~~(F) The existing clerk typist III position shall be~~
8 ~~redescribed as a legal clerk to elevate the~~
9 ~~qualifications of the position and to help meet~~
10 ~~new functional requirements, including~~
11 ~~maintenance of a new document and docket~~
12 ~~management systems and increased citation~~
13 ~~activity;~~
- 14 ~~(G) An existing research assistant position shall be~~
15 ~~redescribed as an investigator V to accurately~~
16 ~~reflect senior level responsibilities of the~~
17 ~~position; and~~
- 18 ~~(H) Five existing research assistants shall be~~
19 ~~redescribed as utility analysts to allow for~~
20 ~~increased industry expertise and focus necessary~~
21 ~~for the new policy making function of the policy~~
22 ~~and research section;~~



1 ~~(6) The following temporary positions, relating to gas cap~~
2 ~~and petroleum monitoring, shall be converted to~~
3 ~~permanent positions to promote successful recruitment~~
4 ~~and retention of qualified individuals.~~

5 ~~(A) Public utilities commission economist,~~

6 ~~(B) Public utilities commission attorney,~~

7 ~~(C) Two utility analysts (previously research~~
8 ~~assistants),~~

9 ~~(D) Clerk typist II,~~

10 ~~(E) Enforcement officer, and~~

11 ~~(F) Secretary I, and~~

12 ~~(7) Additional office space shall be leased and the office~~
13 ~~relocated.~~

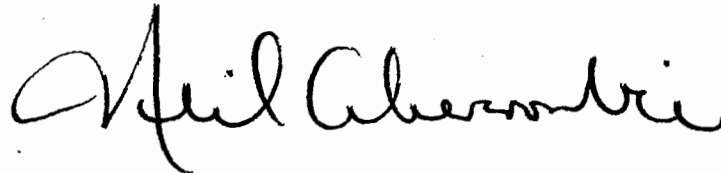
14 ~~(e)] Upon request by the public utilities commission, all~~
15 ~~other state and county agencies shall assist the public~~
16 ~~utilities commission in carrying out the provisions of this Act.~~
17 ~~The department of human resources development shall work~~
18 ~~cooperatively with the public utilities commission in renaming~~
19 ~~or re-describing job descriptions as is deemed necessary by the~~
20 ~~public utilities commission."~~

21 SECTION 5. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

APPROVED this 14 day of JUN, 2013

A handwritten signature in black ink, appearing to read "Neil Abernethy". The signature is written in a cursive, flowing style.

GOVERNOR OF THE STATE OF HAWAII