

JAN 23 2014

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, sought to reduce the number of
3 civil service exempt employees in public service within the
4 State. The legislature finds that since the enactment of these
5 Acts, there have been few conversions of civil service exempt
6 positions to civil service positions and conversions are
7 overdue.

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

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

16 "§6E-3 Historic preservation program. There is
17 established within the department a division to administer a



1 comprehensive historic preservation program, which shall include
2 but not be limited to the following:

3 (1) Development of an ongoing program of historical,
4 architectural, and archaeological research and
5 development, including surveys, excavations,
6 scientific recording, interpretation, signage, and
7 publications on the State's historical and cultural
8 resources;

9 (2) Acquisition of historic or cultural properties, real
10 or personal, in fee or in any lesser interest, by
11 gift, purchase, condemnation, devise, bequest, land
12 exchange, or other means; preservation, restoration,
13 administration, or transference of the property; and
14 the charging of reasonable admissions to that
15 property;

16 (3) Development of a statewide survey and inventory to
17 identify and document historic properties, aviation
18 artifacts, and burial sites, including all those owned
19 by the State and the counties;

20 (4) Preparation of information for the Hawaii register of
21 historic places and listing on the national register
22 of historic places;



- 1 (5) Preparation, review, and revisions of a state historic
2 preservation plan, including budget requirements and
3 land use recommendations;
- 4 (6) Application for and receipt of gifts, grants,
5 technical assistance, and other funding from public
6 and private sources for the purposes of this chapter;
- 7 (7) Provision of technical and financial assistance to the
8 counties and public and private agencies involved in
9 historic preservation activities;
- 10 (8) Coordination of activities of the counties in
11 accordance with the state plan for historic
12 preservation;
- 13 (9) Stimulation of public interest in historic
14 preservation, including the development and
15 implementation of interpretive programs for historic
16 properties listed on or eligible for the Hawaii
17 register of historic places;
- 18 (10) Coordination of the evaluation and management of
19 burial sites as provided in section 6E-43;
- 20 (11) Acquisition of burial sites in fee or in any lesser
21 interest, by gift, purchase, condemnation, devise,



- 1 bequest, land exchange, or other means, to be held in
2 trust;
- 3 (12) Submittal of an annual report to the governor and
4 legislature detailing the accomplishments of the year,
5 recommendations for changes in the state plan or
6 future programs relating to historic preservation, and
7 an accounting of all income, expenditures, and the
8 fund balance of the Hawaii historic preservation
9 special fund;
- 10 (13) Regulation of archaeological activities throughout the
11 State;
- 12 (14) Employment of sufficient professional and technical
13 staff for the purposes of this chapter which [~~may~~]
14 shall be in accordance with chapter 76;
- 15 (15) The charging of fees to be determined by the
16 department that are proportional to the nature and
17 complexity of the projects or services provided, and
18 adjusted from time to time to ensure that the
19 proceeds, together with all other fines, income, and
20 penalties collected under this chapter, do not surpass
21 the annual operating costs of the comprehensive
22 historic preservation program;



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

4 (17) Development and adoption, in consultation with the
5 office of Hawaiian affairs native historic
6 preservation council, of rules governing permits for
7 access by native Hawaiians and Hawaiians to cultural,
8 historic, and pre-contact sites and monuments."

9 SECTION 3. Section 26-9, Hawaii Revised Statutes, is
10 amended by amending subsection (o) to read as follows:

11 "(o) Every person licensed under any chapter within the
12 jurisdiction of the department of commerce and consumer affairs
13 and every person licensed subject to chapter 485A or registered
14 under chapter 467B shall pay upon issuance of a license, permit,
15 certificate, or registration a fee and a subsequent annual fee
16 to be determined by the director and adjusted from time to time
17 to ensure that the proceeds, together with all other fines,
18 income, and penalties collected under this section, do not
19 surpass the annual operating costs of conducting compliance
20 resolution activities required under this section. The fees may
21 be collected biennially or pursuant to rules adopted under
22 chapter 91, and shall be deposited into the special fund



1 established under this subsection. Every filing pursuant to
2 chapter 514E or section 485A-202(a)(26) shall be assessed, upon
3 initial filing and at each renewal period in which a renewal is
4 required, a fee that shall be prescribed by rules adopted under
5 chapter 91, and that shall be deposited into the special fund
6 established under this subsection. Any unpaid fee shall be paid
7 by the licensed person, upon application for renewal,
8 restoration, reactivation, or reinstatement of a license, and by
9 the person responsible for the renewal, restoration,
10 reactivation, or reinstatement of a license, upon the
11 application for renewal, restoration, reactivation, or
12 reinstatement of the license. If the fees are not paid, the
13 director may deny renewal, restoration, reactivation, or
14 reinstatement of the license. The director may establish,
15 increase, decrease, or repeal the fees when necessary pursuant
16 to rules adopted under chapter 91. The director may also
17 increase or decrease the fees pursuant to section 92-28.

18 There is created in the state treasury a special fund to be
19 known as the compliance resolution fund to be expended by the
20 director's designated representatives as provided by this
21 subsection. Notwithstanding any law to the contrary, all
22 revenues, fees, and fines collected by the department shall be



1 deposited into the compliance resolution fund. Unencumbered
2 balances existing on June 30, 1999, in the cable television fund
3 under chapter 440G, the division of consumer advocacy fund under
4 chapter 269, the financial institution examiners' revolving
5 fund, section 412:2-109, the special handling fund, section
6 414-13, and unencumbered balances existing on June 30, 2002, in
7 the insurance regulation fund, section 431:2-215, shall be
8 deposited into the compliance resolution fund. This provision
9 shall not apply to the drivers education fund underwriters fee,
10 sections 431:10C-115 and 431:10G-107, insurance premium taxes
11 and revenues, revenues of the workers' compensation special
12 compensation fund, section 386-151, the captive insurance
13 administrative fund, section 431:19-101.8, the insurance
14 commissioner's education and training fund, section 431:2-214,
15 the medical malpractice patients' compensation fund as
16 administered under section 5 of Act 232, Session Laws of Hawaii
17 1984, and fees collected for deposit in the office of consumer
18 protection restitution fund, section 487-14, the real estate
19 appraisers fund, section 466K-1, the real estate recovery fund,
20 section 467-16, the real estate education fund, section 467-19,
21 the contractors recovery fund, section 444-26, the contractors
22 education fund, section 444-29, the condominium education trust



1 fund, section 514B-71, and the mortgage foreclosure dispute
2 resolution special fund, section 667-86. Any law to the
3 contrary notwithstanding, the director may use the moneys in the
4 fund to employ, without regard to chapter 76, hearings officers
5 and attorneys. All other employees [~~may~~] shall be employed in
6 accordance with chapter 76. Any law to the contrary
7 notwithstanding, the moneys in the fund shall be used to fund
8 the operations of the department. The moneys in the fund may be
9 used to train personnel as the director deems necessary and for
10 any other activity related to compliance resolution.

11 A separate special subaccount of the compliance resolution
12 fund, to be known as the post-secondary education authorization
13 special subaccount, shall be established for fees collected by
14 the department of commerce and consumer affairs pursuant to
15 chapter 305J. The special subaccount shall be governed by
16 section 305J-19.

17 As used in this subsection, unless otherwise required by
18 the context, "compliance resolution" means a determination of
19 whether:

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



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

3 (3) Any person submitting any filing required by chapter
4 514E or section 485A-202(a)(26) has complied with
5 chapter 514E or section 485A-202(a)(26);

6 (4) Any person has complied with the prohibitions against
7 unfair and deceptive acts or practices in trade or
8 commerce; or

9 (5) Any person subject to chapter 467B has complied with
10 that chapter;

11 and includes work involved in or supporting the above functions,
12 licensing, or registration of individuals or companies regulated
13 by the department, consumer protection, and other activities of
14 the department.

15 The director shall prepare and submit an annual report to
16 the governor and the legislature on the use of the compliance
17 resolution fund. The report shall describe expenditures made
18 from the fund including non-payroll operating expenses."

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

21 "(b) The attorney general may employ, without regard to
22 chapter 76, and at pleasure dismiss, an administrator to oversee



1 and carry out the resource coordination functions of the
2 department set forth in subsection (a). In addition, the
3 attorney general may employ [~~in accordance with chapter 76,~~]
4 other support staff necessary for the performance of the
5 resource coordination functions [-]; provided that the support
6 staff shall be employed in accordance with chapter 76."

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

9 "(b) The attorney general may employ, without regard to
10 chapter 76, and at the attorney general's pleasure dismiss, an
11 administrator to oversee and carry out the programs, projects,
12 and activities on the subject of crime, as set forth in
13 subsection (a). The attorney general may also employ other
14 support staff [~~in accordance with chapter 76,~~] necessary for
15 the performance or coordination of the programs, projects, and
16 activities on the subject of crime [-]; provided that the support
17 staff shall be employed in accordance with chapter 76."

18 SECTION 6. 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;



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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) (A) Positions filled by inmates, patients of state
12 institutions, persons with severe physical or
13 mental disabilities participating in the work
14 experience training programs;

15 (B) Positions filled with students in accordance with
16 guidelines for established state employment
17 programs; and

18 (C) Positions that provide work experience training
19 or temporary public service employment that are
20 filled by persons entering the workforce or
21 persons transitioning into other careers under
22 programs such as the federal Workforce



1 Investment Act of 1998, as amended, or the Senior
2 Community Service Employment Program of the
3 Employment and Training Administration of the
4 United States Department of Labor, or under other
5 similar state programs;

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

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

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



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

10 (17) Positions specifically exempted from this part by any
11 other law; provided that ~~[all]~~:

12 (A) Any exemption created after July 1, 2014, shall
13 expire three years after its enactment unless
14 affirmatively extended by an act of the
15 legislature; and

16 (B) All of the positions defined by paragraph (9)
17 shall be included in the position classification
18 plan;

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



- 1 (19) Household employees at the official residence of the
2 president of the University of Hawaii;
- 3 (20) Employees in the department of education engaged in
4 the supervision of students during meal periods in the
5 distribution, collection, and counting of meal
6 tickets, and in the cleaning of classrooms after
7 school hours on a less than half-time basis;
- 8 (21) Employees hired under the tenant hire program of the
9 Hawaii public housing authority; provided that except
10 during the time period specified in paragraph (27),
11 not more than twenty-six per cent of the authority's
12 workforce in any housing project maintained or
13 operated by the authority shall be hired under the
14 tenant hire program;
- 15 (22) Positions of the federally funded expanded food and
16 nutrition program of the University of Hawaii that
17 require the hiring of nutrition program assistants who
18 live in the areas they serve;
- 19 (23) Positions filled by persons with severe disabilities
20 who are certified by the state vocational
21 rehabilitation office that they are able to perform
22 safely the duties of the positions;



- 1 (24) The sheriff;
- 2 (25) A gender and other fairness coordinator hired by the
3 judiciary;
- 4 (26) Positions in the Hawaii National Guard youth and adult
5 education programs; and
- 6 (27) From July 1, 2012, to June 30, 2015, persons hired or
7 contracted to perform repair, maintenance, or capital
8 improvement projects work on vacant housing units
9 under the jurisdiction of the Hawaii public housing
10 authority.

11 The director shall determine the applicability of this
12 section to specific positions.

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

15 SECTION 7. Section 174C-5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§174C-5 General powers and duties.** The general
18 administration of the state water code shall rest with the
19 commission on water resource management. In addition to its
20 other powers and duties, the commission:



- 1 (1) Shall carry out topographic surveys, research, and
2 investigations into all aspects of water use and water
3 quality;
- 4 (2) Shall designate water management areas for regulation
5 under this chapter where the commission, after the
6 research and investigations mentioned in paragraph
7 (1), shall consult with the appropriate county council
8 and county water agency, and after public hearing and
9 published notice, finds that the water resources of
10 the areas are being threatened by existing or proposed
11 withdrawals of water;
- 12 (3) Shall establish an instream use protection program
13 designed to protect, enhance, and reestablish, where
14 practicable, beneficial instream uses of water in the
15 State;
- 16 (4) May contract and cooperate with the various agencies
17 of the federal government and with state and local
18 administrative and governmental agencies or private
19 persons;
- 20 (5) May enter, after obtaining the consent of the property
21 owner, at all reasonable times upon any property other
22 than dwelling places for the purposes of conducting



1 investigations and studies or enforcing any of the
2 provisions of this code, being liable, however, for
3 actual damage done. If consent cannot be obtained,
4 reasonable notice shall be given prior to entry;

5 (6) Shall cooperate with federal agencies, other state
6 agencies, county or other local governmental
7 organizations, and all other public and private
8 agencies created for the purpose of utilizing and
9 conserving the waters of the State, and assist these
10 organizations and agencies in coordinating the use of
11 their facilities and participate in the exchange of
12 ideas, knowledge, and data with these organizations
13 and agencies. For this purpose the commission shall
14 maintain an advisory staff of experts;

15 (7) Shall prepare, publish, and issue printed pamphlets
16 and bulletins as the commission deems necessary for
17 the dissemination of information to the public
18 concerning its activities;

19 (8) May appoint and remove agents, including hearings
20 officers and consultants, necessary to carry out the
21 purposes of this chapter, who may be engaged by the



- 1 commission without regard to the requirements of
2 chapter 76 and section 78-1;
- 3 (9) ~~May~~ Shall hire employees in accordance with chapter
4 76;
- 5 (10) May acquire, lease, and dispose of such real and
6 personal property as may be necessary in the
7 performance of its functions, including the
8 acquisition of real property for the purpose of
9 conserving and protecting water and water related
10 resources as provided in section 174C-14;
- 11 (11) Shall identify, by continuing study, those areas of
12 the State where salt water intrusion is a threat to
13 fresh water resources and report its findings to the
14 appropriate county mayor and council and the public;
- 15 (12) Shall provide coordination, cooperation, or approval
16 necessary to the effectuation of any plan or project
17 of the federal government in connection with or
18 concerning the waters of the State. The commission
19 shall approve or disapprove any federal plans or
20 projects on behalf of the State. No other agency or
21 department of the State shall assume the duties
22 delegated to the commission under this paragraph;



1 except that the department of health shall continue to
2 exercise the powers vested in it with respect to water
3 quality, and except that the department of business,
4 economic development, and tourism shall continue to
5 carry out its duties and responsibilities under
6 chapter 205A;

7 (13) Shall plan and coordinate programs for the
8 development, conservation, protection, control, and
9 regulation of water resources, based upon the best
10 available information, and in cooperation with federal
11 agencies, other state agencies, county or other local
12 governmental organizations, and other public and
13 private agencies created for the utilization and
14 conservation of water;

15 (14) Shall catalog and maintain an inventory of all water
16 uses and water resources; and

17 (15) Shall determine appurtenant water rights, including
18 quantification of the amount of water entitled to by
19 that right, which determination shall be valid for
20 purposes of this chapter."

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



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

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

7 "**§206E-4 Powers; generally.** Except as otherwise limited
8 by this chapter, the authority may:

- 9 (1) Sue and be sued;
- 10 (2) Have a seal and alter the same at pleasure;
- 11 (3) Make and execute contracts and all other instruments
12 necessary or convenient for the exercise of its powers
13 and functions under this chapter;
- 14 (4) Make and alter bylaws for its organization and
15 internal management;
- 16 (5) Make rules with respect to its projects, operations,
17 properties, and facilities, which rules shall be in
18 conformance with chapter 91;
- 19 (6) Through its executive director appoint officers[~~7~~] and
20 agents, [~~and employees,~~] prescribe their duties and
21 qualifications, and fix their salaries, without regard



1 to chapter 76 [7], and appoint employees in accordance
2 with chapter 76;

3 (7) Prepare or cause to be prepared a community
4 development plan for all designated community
5 development districts;

6 (8) Acquire, reacquire, or contract to acquire or
7 reacquire by grant or purchase real, personal, or
8 mixed property or any interest therein; to own, hold,
9 clear, improve, and rehabilitate, and to sell, assign,
10 exchange, transfer, convey, lease, or otherwise
11 dispose of or encumber the same;

12 (9) Acquire or reacquire by condemnation real, personal,
13 or mixed property or any interest therein for public
14 facilities, including but not limited to streets,
15 sidewalks, parks, schools, and other public
16 improvements;

17 (10) By itself, or in partnership with qualified persons,
18 acquire, reacquire, construct, reconstruct,
19 rehabilitate, improve, alter, or repair or provide for
20 the construction, reconstruction, improvement,
21 alteration, or repair of any project; own, hold, sell,
22 assign, transfer, convey, exchange, lease, or



1 otherwise dispose of or encumber any project, and in
2 the case of the sale of any project, accept a purchase
3 money mortgage in connection therewith; and repurchase
4 or otherwise acquire any project that the authority
5 has theretofore sold or otherwise conveyed,
6 transferred, or disposed of;

7 (11) Arrange or contract for the planning, replanning,
8 opening, grading, or closing of streets, roads,
9 roadways, alleys, or other places, or for the
10 furnishing of facilities or for the acquisition of
11 property or property rights or for the furnishing of
12 property or services in connection with a project;

13 (12) Grant options to purchase any project or to renew any
14 lease entered into by it in connection with any of its
15 projects, on terms and conditions as it deems
16 advisable;

17 (13) Prepare or cause to be prepared plans, specifications,
18 designs, and estimates of costs for the construction,
19 reconstruction, rehabilitation, improvement,
20 alteration, or repair of any project, and from time to
21 time to modify the plans, specifications, designs, or
22 estimates;



1 (14) Provide advisory, consultative, training, and
2 educational services, technical assistance, and advice
3 to any person, partnership, or corporation, either
4 public or private, to carry out the purposes of this
5 chapter, and engage the services of consultants on a
6 contractual basis for rendering professional and
7 technical assistance and advice;

8 (15) Procure insurance against any loss in connection with
9 its property and other assets and operations in
10 amounts and from insurers as it deems desirable;

11 (16) Contract for and accept gifts or grants in any form
12 from any public agency or from any other source;

13 (17) Do any and all things necessary to carry out its
14 purposes and exercise the powers given and granted in
15 this chapter; and

16 (18) Allow satisfaction of any affordable housing
17 requirements imposed by the authority upon any
18 proposed development project through the construction
19 of reserved housing, as defined in section 206E-101,
20 by a person on land located outside the geographic
21 boundaries of the authority's jurisdiction; provided
22 that the authority shall not permit any person to make



1 cash payments in lieu of providing reserved housing,
2 except to account for any fractional unit that results
3 after calculating the percentage requirement against
4 residential floor space or total number of units
5 developed. The substituted housing shall be located
6 on the same island as the development project and
7 shall be substantially equal in value to the required
8 reserved housing units that were to be developed on
9 site. The authority shall establish the following
10 priority in the development of reserved housing:

- 11 (A) Within the community development district;
12 (B) Within areas immediately surrounding the
13 community development district;
14 (C) Areas within the central urban core;
15 (D) In outlying areas within the same island as the
16 development project.

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



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

3 "§342G-12.5 Recycling coordinator. There is established a
4 position of assistant to the coordinator of the office of solid
5 waste management to be known as the recycling coordinator. The
6 position [~~may~~] shall be appointed by the director in accordance
7 with chapter 76."

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

10 "§346D-8 Personnel exempt. The department of human
11 services [~~may~~] shall employ civil service personnel in
12 accordance with chapter 76 to service the waiver programs."

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

15 "§371K-3 General functions, duties, and powers of the
16 executive director. The executive director shall:

17 (1) Serve as the principal official in state government
18 responsible for the coordination of programs for the
19 needy, poor, and disadvantaged persons, refugees, and
20 immigrants;

21 (2) Oversee, supervise, and direct the performance by
22 subordinates of activities in such areas as planning,



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



- 1 (8) Retain [~~such~~] staff as may be necessary for the
2 purposes of this chapter, who [~~may be exempt from~~]
3 shall be employed in accordance with chapter 76; and
4 (9) Contract for services as may be necessary for the
5 purposes of this chapter."

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

8 "§373C-33 Personnel. The department of labor and
9 industrial relations [~~may~~] shall establish positions and hire
10 necessary personnel for the purposes of this part in accordance
11 with chapter 76."

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

14 "(k) The director may establish positions and hire
15 necessary personnel to establish and administer the employment
16 and training fund; provided that after the effective date of Act
17 , Session Laws of Hawaii 2014, positions shall be established
18 and personnel shall be hired in accordance with chapter 76."

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

21 "(b) The commissioner may appoint financial institution
22 examiners, [~~in accordance with chapter 76,~~] who shall examine



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

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

14 "(d) The director may appoint, without regard to chapter
15 76, an administrator and one or more attorneys for purposes of
16 enforcing this chapter. The director shall define their powers
17 and duties and fix their compensation. The director may also
18 appoint professional, clerical, stenographic, and other staff as
19 may be necessary for the proper administration and enforcement
20 of this chapter; provided that they are appointed subject to
21 chapter 76."



1 SECTION 17. Section 802-12, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§802-12 Organization of office; assistance. Subject to
4 the approval of the defender council, the state public defender
5 may employ assistant state public defenders and other employees,
6 including investigators, as may be necessary to discharge the
7 function of the office. Assistant state public defenders shall
8 be qualified to practice before the supreme court of this State.
9 Assistant state public defenders shall be appointed without
10 regard to chapter 76 and shall serve at the pleasure of the
11 state public defender. All other employees [~~may~~] shall be
12 appointed in accordance with chapter 76. An assistant state
13 public defender may be employed on a part-time basis, and when
14 so employed, the assistant public defender may engage in the
15 general practice of law, other than in the practice of criminal
16 law."

17 SECTION 18. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 19. In printing this Act, the revisor of statutes
20 shall insert in section 14 of this Act the corresponding Act
21 number of this Act.



1 SECTION 20. This Act shall take effect upon its approval;
2 provided that the amendments made to section 76-16(b), Hawaii
3 Revised Statutes, by this Act shall not be repealed when section
4 76-16(b), Hawaii Revised Statutes, is reenacted on July 1, 2015,
5 pursuant to section 5 of Act 159, Session Laws of Hawaii 2012.

6

INTRODUCED BY:

OTM Ike



S.B. NO. 3099

Report Title:
Civil Service

Description:
Conforms restrictions placed on the creation of civil service exempt positions and annual review requirements.

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

