

JAN 27 2016

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 legislature finds that the commissioners of
2 the public utilities commission need assistants in order to more
3 efficiently carry out their duties.

4 The purpose of this Act is to:

5 (1) Require the chairperson of the public utilities
6 commission to obtain concurrence of at least one other
7 commissioner in order to appoint, employ, and dismiss
8 an executive director; and

9 (2) Authorize each commissioner to appoint up to five
10 professional staff and other assistants, with at least
11 one to serve as an attorney to that commissioner.

12 SECTION 2. Section 269-3, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§269-3 Employment of assistants. (a) The chairperson of
15 the public utilities commission may appoint and employ
16 professional staff and other assistants for the public utilities
17 commission as the chairperson finds necessary for the



1 performance of the commission's functions and define their
2 powers and duties. Notwithstanding section 26-35(a)(4) to the
3 contrary, except as provided otherwise in this section, and
4 subject to applicable personnel laws, the employment,
5 appointment, applicable salary schedules, promotion, transfer,
6 demotion, discharge, and job descriptions of all officers and
7 employees of or under the jurisdiction of the commission shall
8 be determined by the chairperson and may be delegated to the
9 executive officer appointed and employed pursuant to subsection
10 (b); provided that determinations concerning personnel matters
11 made by the chairperson or the executive officer, as delegated
12 by the chairperson, may be reviewed by the director of commerce
13 and consumer affairs for completeness and for compliance and
14 conformance with applicable administrative processes and
15 procedures of the department of commerce and consumer affairs.
16 The chairperson may appoint and, at pleasure, dismiss a chief
17 administrator and attorneys as may be necessary, and who shall
18 be exempt from chapter 76. The chairperson may also appoint
19 other staff, including a fiscal officer and a personnel officer,
20 with or without regard to chapter 76.



1 (b) The chairperson of the commission shall appoint,
2 employ, and dismiss, [~~at pleasure,~~] with concurrence of at least
3 one other commissioners, an executive officer who shall be
4 responsible for managing the operations of the commission. The
5 responsibilities of the executive officer shall include
6 management and recruitment of personnel, budget planning and
7 implementation, strategic planning and implementation,
8 procurement and contract administration, and implementation of
9 administrative programs and projects. The executive officer
10 shall be exempt from chapter 76.

11 (c) Notwithstanding section 91-13, the commission may
12 consult with its assistants appointed under authority of this
13 section in any contested case or agency hearing concerning any
14 issue of facts. Neither the commission nor any of its
15 assistants shall in such proceeding consult with any other
16 person or party except upon notice and an opportunity for all
17 parties to participate, save to the extent required for the
18 disposition of ex parte matters authorized by law.

19 (d) Notwithstanding subsection (a) to the contrary, each
20 commissioner may appoint a maximum of five professional staff
21 and other assistants, one of whom shall serve as an attorney to



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1 that commissioner. Upon expiration of that commissioner's term,
2 the term of employment of the professional staff and other
3 assistants appointed by that commissioner may be extended,
4 subject to approval by the new commissioner to whom the
5 assistants shall be assigned or with concurrence of two
6 commissioners."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10

INTRODUCED BY:

F. Alan Ogilby
By Request



S.B. NO. 3124

Report Title:

Public Utilities Commission; Employment; Executive Officer;
Professional Staff and Other Assistants

Description:

Requires the chairperson of the PUC to obtain concurrence of at least one other commissioner in order to appoint, employ, and dismiss an executive officer. Authorizes each commissioner of the PUC to appoint up to five professional staff and other assistants, at least one who shall serve as an attorney to the commissioner.

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