

JAN 26 2022

A BILL FOR AN ACT

RELATING TO THE HAWAII STATE ENERGY OFFICE.

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

1 SECTION 1. Section 76-16, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The civil service to which this chapter applies shall
4 comprise all positions in the State now existing or hereafter
5 established and embrace all personal services performed for the
6 State, except the following:

7 (1) Commissioned and enlisted personnel of the Hawaii
8 National Guard as such, and positions in the Hawaii
9 National Guard that are required by state or federal
10 laws or regulations or orders of the National Guard to
11 be filled from those commissioned or enlisted
12 personnel;

13 (2) Positions filled by persons employed by contract where
14 the director of human resources development has
15 certified that the service is special or unique or is
16 essential to the public interest and that, because of
17 circumstances surrounding its fulfillment, personnel



- 1 to perform the service cannot be obtained through
2 normal civil service recruitment procedures. Any such
3 contract may be for any period not exceeding one year;
- 4 (3) Positions that must be filled without delay to comply
5 with a court order or decree if the director
6 determines that recruitment through normal recruitment
7 civil service procedures would result in delay or
8 noncompliance, such as the Felix-Cayetano consent
9 decree;
- 10 (4) Positions filled by the legislature or by either house
11 or any committee thereof;
- 12 (5) Employees in the office of the governor and office of
13 the lieutenant governor, and household employees at
14 Washington Place;
- 15 (6) Positions filled by popular vote;
- 16 (7) Department heads, officers, and members of any board,
17 commission, or other state agency whose appointments
18 are made by the governor or are required by law to be
19 confirmed by the senate;
- 20 (8) Judges, referees, receivers, masters, jurors, notaries
21 public, land court examiners, court commissioners, and



1 attorneys appointed by a state court for a special
2 temporary service;

3 (9) One bailiff for the chief justice of the supreme court
4 who shall have the powers and duties of a court
5 officer and bailiff under section 606-14; one
6 secretary or clerk for each justice of the supreme
7 court, each judge of the intermediate appellate court,
8 and each judge of the circuit court; one secretary for
9 the judicial council; one deputy administrative
10 director of the courts; three law clerks for the chief
11 justice of the supreme court, two law clerks for each
12 associate justice of the supreme court and each judge
13 of the intermediate appellate court, one law clerk for
14 each judge of the circuit court, two additional law
15 clerks for the civil administrative judge of the
16 circuit court of the first circuit, two additional law
17 clerks for the criminal administrative judge of the
18 circuit court of the first circuit, one additional law
19 clerk for the senior judge of the family court of the
20 first circuit, two additional law clerks for the civil
21 motions judge of the circuit court of the first



1 circuit, two additional law clerks for the criminal
2 motions judge of the circuit court of the first
3 circuit, and two law clerks for the administrative
4 judge of the district court of the first circuit; and
5 one private secretary for the administrative director
6 of the courts, the deputy administrative director of
7 the courts, each department head, each deputy or first
8 assistant, and each additional deputy, or assistant
9 deputy, or assistant defined in paragraph (16);

10 (10) First deputy and deputy attorneys general, the
11 administrative services manager of the department of
12 the attorney general, one secretary for the
13 administrative services manager, an administrator and
14 any support staff for the criminal and juvenile
15 justice resources coordination functions, and law
16 clerks;

17 (11) (A) Teachers, principals, vice-principals, complex
18 area superintendents, deputy and assistant
19 superintendents, other certificated personnel,
20 not more than twenty noncertificated



- 1 administrative, professional, and technical
2 personnel not engaged in instructional work;
- 3 (B) Effective July 1, 2003, teaching assistants,
4 educational assistants, bilingual/bicultural
5 school-home assistants, school psychologists,
6 psychological examiners, speech pathologists,
7 athletic health care trainers, alternative school
8 work study assistants, alternative school
9 educational/supportive services specialists,
10 alternative school project coordinators, and
11 communications aides in the department of
12 education;
- 13 (C) The special assistant to the state librarian and
14 one secretary for the special assistant to the
15 state librarian; and
- 16 (D) Members of the faculty of the University of
17 Hawaii, including research workers, extension
18 agents, personnel engaged in instructional work,
19 and administrative, professional, and technical
20 personnel of the university;



- 1 (12) Employees engaged in special, research, or
- 2 demonstration projects approved by the governor;
- 3 (13) (A) Positions filled by inmates, patients of state
- 4 institutions, persons with severe physical or
- 5 mental disabilities participating in the work
- 6 experience training programs;
- 7 (B) Positions filled with students in accordance with
- 8 guidelines for established state employment
- 9 programs; and
- 10 (C) Positions that provide work experience training
- 11 or temporary public service employment that are
- 12 filled by persons entering the workforce or
- 13 persons transitioning into other careers under
- 14 programs such as the federal Workforce Investment
- 15 Act of 1998, as amended, or the Senior Community
- 16 Service Employment Program of the Employment and
- 17 Training Administration of the United States
- 18 Department of Labor, or under other similar state
- 19 programs;
- 20 (14) A custodian or guide at Iolani Palace, the Royal
- 21 Mausoleum, and Hulihee Palace;



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

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



- 1 governor; an administrative assistant to the state
2 librarian; and an administrative assistant to the
3 superintendent of education;
- 4 (17) Positions specifically exempted from this part by any
5 other law; provided that:
- 6 (A) Any exemption created after July 1, 2014, shall
7 expire three years after its enactment unless
8 affirmatively extended by an act of the
9 legislature; and
- 10 (B) All of the positions defined by paragraph (9)
11 shall be included in the position classification
12 plan;
- 13 (18) Positions in the state foster grandparent program and
14 positions for temporary employment of senior citizens
15 in occupations in which there is a severe personnel
16 shortage or in special projects;
- 17 (19) Household employees at the official residence of the
18 president of the University of Hawaii;
- 19 (20) Employees in the department of education engaged in
20 the supervision of students during meal periods in the
21 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 not
5 more than twenty-six per cent of the authority's
6 workforce in any housing project maintained or
7 operated by the authority shall be hired under the
8 tenant hire program;
- 9 (22) Positions of the federally funded expanded food and
10 nutrition program of the University of Hawaii that
11 require the hiring of nutrition program assistants who
12 live in the areas they serve;
- 13 (23) Positions filled by persons with severe disabilities
14 who are certified by the state vocational
15 rehabilitation office that they are able to perform
16 safely the duties of the positions;
- 17 (24) The sheriff;
- 18 (25) A gender and other fairness coordinator hired by the
19 judiciary;
- 20 (26) Positions in the Hawaii National Guard youth and adult
21 education programs;



- 1 (27) In the state energy office in the department of
2 [~~business, economic development, and tourism,~~] land
3 and natural resources, all energy program managers,
4 energy program specialists, energy program assistants,
5 and energy analysts;
- 6 (28) Administrative appeals hearing officers in the
7 department of human services;
- 8 (29) In the Med-QUEST division of the department of human
9 services, the division administrator, finance officer,
10 health care services branch administrator, medical
11 director, and clinical standards administrator;
- 12 (30) In the director's office of the department of human
13 services, the enterprise officer, information security
14 and privacy compliance officer, security and privacy
15 compliance engineer, and security and privacy
16 compliance analyst;
- 17 (31) The Alzheimer's disease and related dementia services
18 coordinator in the executive office on aging;
- 19 (32) In the Hawaii emergency management agency, the
20 executive officer, public information officer, civil
21 defense administrative officer, branch chiefs, and



1 emergency operations center state warning point
2 personnel; provided that, for state warning point
3 personnel, the director shall determine that
4 recruitment through normal civil service recruitment
5 procedures would result in delay or noncompliance; and

6 (33) The executive director and seven full-time
7 administrative positions of the school facilities
8 authority.

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

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

13 SECTION 2. Section 107-22, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) There is established a state building code council.
16 The council shall be placed within the department of accounting
17 and general services for administrative purposes only. The
18 council shall consist of eleven voting members and one nonvoting
19 member, who shall be the comptroller or the comptroller's
20 designee. The council members shall serve four-year terms. The
21 voting members shall include:



- 1 (1) One county building official from each of the four
2 counties appointed by the mayor;
- 3 (2) One member representing the state fire council;
- 4 (3) One member representing the department of labor and
5 industrial relations who has significant experience in
6 elevator safety;
- 7 (4) One member representing the state energy office of the
8 department of [~~business, economic development, and~~
9 ~~tourism;~~] land and natural resources;
- 10 (5) One member representing the Structural Engineers
11 Association of Hawaii;
- 12 (6) One member representing the American Institute of
13 Architects, Hawaii State Council;
- 14 (7) One member representing the Building Industry
15 Association of Hawaii or the General Contractors
16 Association of Hawaii, who has significant experience
17 with building codes, with alternating four-year terms
18 between the two organizations and the first four-year
19 term to be served by the Building Industry Association
20 of Hawaii; and



1 (8) One member representing the Subcontractors'
2 Association of Hawaii who has significant experience
3 with building codes."

4 SECTION 3. Section 196-6.5, Hawaii Revised Statutes, is
5 amended by amending subsection (c) to read as follows:

6 "(c) The [~~director of business, economic development, and~~
7 ~~tourism~~] chairperson of the board of land and natural resources
8 may adopt rules pursuant to chapter 91 to impose and collect
9 fees to cover the costs of administering variances under this
10 section. The fees, if any, shall be deposited into the energy
11 security special fund established under section 201-12.8."

12 SECTION 4. Chapter 196, part V, Hawaii Revised Statutes,
13 is amended by amending its title to read as follows:

14 "[-]PART V. [-] HAWAII STATE ENERGY OFFICE"

15 SECTION 5. Section 196-71, Hawaii Revised Statutes, is
16 amended by amending its title and subsection (a) to read as
17 follows:

18 "[-]§196-71[-] Hawaii state energy office; established.

19 (a) There is established the Hawaii state energy office, which
20 shall be a public body politic and an instrumentality and agency
21 of the State. The office shall be placed within the department



1 of [~~business, economic development, and tourism~~] land and
2 natural resources for administrative purposes, pursuant to
3 section 26-35. The purpose of the Hawaii state energy office
4 shall be to promote energy efficiency, renewable energy, and
5 clean transportation to help achieve a resilient clean energy
6 economy."

7 SECTION 6. Section 201-12.8, Hawaii Revised Statutes, is
8 amended by amending subsection (c) to read as follows:

9 "(c) The department of [~~business, economic development,~~
10 ~~and tourism~~] land and natural resources shall submit a report to
11 the legislature, no later than twenty days prior to the
12 convening of each regular session, on the status and progress of
13 existing programs and activities and the status of new programs
14 and activities funded by the energy security special fund. The
15 report shall also include:

- 16 (1) The spending plan of the energy security special fund;
17 (2) All expenditures of energy security special fund
18 moneys; and
19 (3) The targeted markets of the expenditures, including
20 the reason for selecting those markets; the persons to



1 be served; and the specific objectives of the
2 expenditures, including measurable outcomes."

3 SECTION 7. Section 304A-1892, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The institute shall establish an advisory council of
6 seven members, appointed by the president from a list of
7 nominees submitted by the director of the institute and the
8 chief energy officer of the Hawaii state energy office of the
9 department of [~~business, economic development, and tourism.~~]
10 land and natural resources. The members of the advisory council
11 shall be from the general public, the energy industry,
12 technology providers, state agencies whose primary functions
13 relate to energy planning and policy analyses, and environmental
14 groups, or other relevant stakeholder representatives as
15 recommended by the director of the institute and the chief
16 energy officer of the Hawaii state energy office. Members shall
17 be selected on the basis of their proven expertise and interest
18 in the field of renewable energy. The director of the institute
19 and the chief energy officer of the Hawaii state energy office
20 shall serve as ex officio[+], [+]
21 advisory council."



1 SECTION 8. (a) The Hawaii state energy office shall be
2 transferred from the department of business, economic
3 development, and tourism and placed within the department of
4 land and natural resources for administrative purposes.

5 (b) All rights, powers, functions, and duties of the
6 department of business, economic development, and tourism
7 relating to the Hawaii state energy office are transferred to
8 the department of land and natural resources.

9 All employees who occupy civil service positions and whose
10 functions are transferred to the department of land and natural
11 resources by this Act shall retain their civil service status,
12 whether permanent or temporary. Employees shall be transferred
13 without loss of salary, seniority (except as prescribed by
14 applicable collective bargaining agreements), retention points,
15 prior service credit, any vacation and sick leave credits
16 previously earned, and other rights, benefits, and privileges,
17 in accordance with state personnel laws and this Act; provided
18 that the employees possess the minimum qualifications and public
19 employment requirements for the class or position to which
20 transferred or appointed, as applicable; provided further that



1 subsequent changes in status may be made pursuant to applicable
2 civil service and compensation laws.

3 Any employee who, prior to this Act, is exempt from civil
4 service and is transferred as a consequence of this Act may
5 retain the employee's exempt status, but shall not be appointed
6 to a civil service position as a consequence of this Act. An
7 exempt employee who is transferred by this Act shall not suffer
8 any loss of prior service credit, vacation or sick leave credits
9 previously earned, or other employee benefits or privileges as a
10 consequence of this Act; provided that the employees possess
11 legal and public employment requirements for the position to
12 which transferred or appointed, as applicable; provided further
13 that subsequent changes in status may be made pursuant to
14 applicable employment and compensation laws. The director of
15 land and natural resources may prescribe the duties and
16 qualifications of these employees and fix their salaries without
17 regard to chapter 76, Hawaii Revised Statutes.

18 (c) All appropriations, records, equipment, machines,
19 files, supplies, contracts, books, papers, documents, maps, and
20 other personal property heretofore made, used, acquired, or held
21 by the department of business, economic development, and tourism



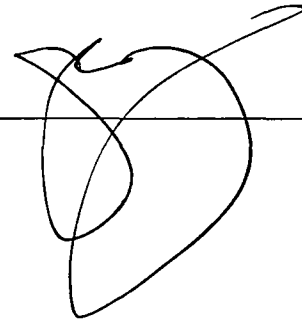
1 for the Hawaii state energy office shall be transferred to the
2 department of land and natural resources with the functions to
3 which they relate.

4 SECTION 9. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 10. This Act shall take effect on July 1, 2022.

7

INTRODUCED BY: _____

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned over a horizontal line.

S.B. NO. 3314

Report Title:

Hawaii State Energy Office; Transfer; Department of Business, Economic Development, and Tourism; Department of Land and Natural Resources

Description:

Transfers the Hawaii state energy office from the department of business, economic development, and tourism to the department of land and natural resources.

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