

ACT 219

H.B. NO. 280

A Bill for an Act Relating to Public Utilities.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to clearly and specifically authorize the Public Utilities Commission to promulgate rules. Passage of this Act is not to imply in any way that the Commission was not authorized to promulgate rules prior to the enactment of this Act.

SECTION 2. Section 269-14, Hawaii Revised Statutes, is repealed.

SECTION 3. Section 269-6, Hawaii Revised Statutes, is amended to read:

“§269-6 General powers and duties. The public utilities commission shall have the general supervision hereinafter set forth over all public utilities, and shall perform the duties and exercise the powers imposed or conferred upon it by this chapter. Included among the general powers of the commission is the authority to adopt rules pursuant to chapter 91 necessary for the purposes of this chapter.

The chairman of the commission may appoint [one of its members as] a hearings officer¹, who shall not be subject to chapter 76 and 77, to hear and [decide] recommend decisions in any proceeding before it other than a proceeding involving the rates or any other matters covered in the tariffs filed by the public utilities. The hearings officer shall have the power to take testimony, make findings of fact and conclusions of law, and recommend a decision; provided that the findings of fact, the conclusions of law, and the recommended decision shall be reviewed and may be approved by the commission after notice to the parties and an opportunity to be heard. The hearings officer shall have all of the powers conferred upon the public utilities commission under section 269-10.”

SECTION 4. Section 269-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The chairman of the public utilities commission may appoint and employ such clerks, stenographers, agents, engineers, accountants, and other assistants for the public utilities commission as he finds necessary for the performance of the commission’s functions and define their powers and duties. The chairman may appoint and at pleasure dismiss a chief administrator [and, notwithstanding] and such hearings officers as may be necessary. Notwithstanding section 103-3, [an attorney] the chairman shall appoint one or more attorneys independent of the attorney general who shall act as [attorney] attorneys for the commission and define their powers and duties and fix their compensation. The chief administrator [and attorney], hearings officers, and attorneys shall be exempt from chapters 76 and 77. Other employees, except the public utilities commission assistants, shall be appointed as may be needed by the chairman in accordance with chapters 76 and 77.”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.²

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

(Approved June 8, 1983.)

Notes

1. The words “a hearings officer” should not have been underscored.
2. Edited pursuant to HRS §23G-16.5.