

ACT 292

H.B. NO. 1275

A Bill for an Act Relating to the Public Utilities Commission.

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

SECTION 1. Section 269-3, Hawaii Revised Statutes, is amended to read as follows:

**“§269-3 Employment of assistants.** (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 such hearings officers as may be necessary. Notwithstanding section 103-3, the chairman shall appoint one or more attorneys independent of the attorney general who shall act as attorneys for the commission and define their powers and duties and fix their compensation. The chief administrator, 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.

[(b) For each county with a population less than 100,000, the chairman of the public utilities commission shall appoint a person who shall be designated a public utilities commission assistant, who shall reside in the county to which he is appointed and who shall be exempt from chapters 76 and 77.

The public utilities commission assistant shall report directly to the public utilities commission and shall be responsible for receiving complaints from consumers and meeting with the public utilities and transportation companies in their respective counties. In the event such complaints cannot be resolved to the satisfaction of the assistant, he shall report the matter directly to the public utilities commission. The assistant shall make arrangements for and be present at all public hearings called by the public utilities commission within the respective counties.

The chairman of the commission may direct the public utilities commission assistant of the respective counties to inquire into the operations, operating rights, rates, or direct inquiry and investigation into public utilities or transportation activities regulated under governing statutes, or hold conferences with the parties involved and submit a written report of the results of such inquiry or investigation to the commission setting forth his findings of fact and

recommendations on the subject matter and serve a copy upon the person, public utility, or transportation company.

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

SECTION 2. Public utilities commission assistants serving on the public utilities commission staff on the effective date of this Act shall become civil service employees as of such date without loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 8, 1985.)