

ACT 329

H.B. NO. 1854

A Bill for an Act Relating to the Compensation of Public Officers and Employees.
Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. Chapter 26, Hawaii Revised Statutes, is amended as follows:

1. Section 26-51 is amended to read:

“§26-51 Governor; lieutenant governor. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the governor of the State shall be [~~\$80,000~~] \$90,699 and \$94,780 a year[.], respectively. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the lieutenant governor shall be [~~\$76,000~~] \$86,164 and \$90,041 a year[.], respectively.

2. Section 26-52 is amended to read:

“§26-52 Department heads and executive officers. The salaries of the following state officers shall be as follows:

- (1) Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the superintendent of education shall be [~~\$76,000~~] \$86,164 and \$90,041 a year[.], respectively.
- (2) The salary of the president of the University of Hawaii shall be set by the board of regents, but shall not exceed \$95,000 a year.
- (3) Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salaries of all department heads or executive officers of the departments of accounting and general services, agriculture, attorney general, budget and finance, business and economic development, commerce and consumer affairs, corrections, Hawaiian home lands, health, human services, labor and industrial relations, land and natural resources, personnel services, [business and economic development,] taxation, and transportation shall be [~~\$68,400~~] \$81,629 and \$85,302 a year[.], respectively.
- (4) Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the adjutant general shall be [~~\$68,400~~] \$81,629 and \$85,302 a year[.], respectively. If the salary is in conflict with the pay and allowance fixed by the tables of the regular army or air force of the United States, the latter shall prevail.”

3. Section 26-53 is amended to read:

“§26-53 Deputies or assistants to department heads. (a) Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salaries of [first] deputies or [first] assistants to the head of any department of the State, other than the department of education, shall be [~~\$61,560 a year,~~ and the salaries of second deputies or second assistants shall be \$55,404 a year.] set by the governor within the range from \$69,748 to \$74,608 and \$72,886 to \$77,966 a year, respectively.

(b) Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the deputy to the superintendent of education shall be [~~\$68,400~~] \$81,629 and \$85,302 a year[.], respectively.”

4. Section 26-54 is amended to read:

“§26-54 Administrative director of the State. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the administrative director of the State shall be [~~\$68,400~~] \$86,164 and \$90,041 a year[.], respectively.”

SECTION 2. Section 89-5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is created a Hawaii labor relations board composed of three members of which (1) one member shall be representative of management, (2) one member shall be representative of labor, and (3) the third member, the chairperson, shall be representative of the public. All members shall be appointed by the governor for terms of six years each. Public employers and employee organizations representing public employees may submit to the governor for consideration names of persons representing their interests to serve as members of the board and the governor shall first consider these persons in selecting the members of the board to represent management and labor. Each member shall hold office until the member’s successor is appointed and qualified. Because cumulative experience and continuity in office are essential to the proper administration of this chapter, it is declared to be in the public interest to continue board members in office as long as efficiency is demonstrated, notwithstanding the provision of section 26-34, which limits the appointment of a member of a board or commission to two terms.

The members shall devote [full-time] full time to their duties as members of the board. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the chairperson of the board shall be [~~\$61,560~~] set by the governor within the range from \$69,748 to \$74,608 and \$72,886 to \$77,966 a year, respectively, and the salary of each of the other members shall be [~~\$55,404~~] \$62,854 and \$65,683¹ year[.], respectively. No member shall hold any other public office or be in the employment of the State or a county, or any department or agency thereof, or any employee organization during the member’s term.

Any action taken by the board shall be by a simple majority of the members of the board. All decisions of the board shall be reduced to writing and shall state separately its finding of fact and conclusions. Any vacancy in the board shall not impair the authority of the remaining members to exercise all the powers of the board. The governor may appoint an acting member of the board during the temporary absence from the State or the illness of any regular member. An acting member, during the acting member’s term of service, shall have the same powers and duties as the regular member.

The chairperson of the board shall be responsible for the administrative functions of the board. The board may appoint an executive officer, mediators, members of fact-finding boards, arbitrators, and hearing officers, and employ other assistants as it may deem necessary in the performance of its functions, prescribe their duties, and fix their compensation and provide for reimbursement of actual and necessary expenses incurred by them in the performance of their duties within the amounts made available by appropriations therefor. The provisions of section 103-3 notwithstanding, an attorney employed by the board as a full-time staff member may represent the board in litigation, draft legal documents for the board, and provide other necessary legal services to the board and shall not be deemed to be a deputy attorney general.

The board shall be within the department of labor and industrial relations for budgetary and administrative purposes only. The members of the board and employees other than clerical and stenographic employees shall be exempt from chapters 76, 77, and 89. Clerical and stenographic employees shall be appointed in accordance with chapters 76 and 77.

At the close of each fiscal year, the board shall make a written report to the governor of such facts as it may deem essential to describe its activities, including the cases and their dispositions, and the names, duties, and salaries of its officers and employees. Copies of the report shall be transmitted to the legislative bodies."

SECTION 3. Section 89A-1, Hawaii Revised Statutes, is amended to read as follows:

"§89A-1 Office of collective bargaining in the state government established. There shall be established an office of collective bargaining in the office of the governor to assist the governor in negotiating with and entering into written agreements between the public employers and the exclusive representatives on matters of wages, hours, and other negotiable terms and conditions of employment.

The position of chief negotiator for the State is hereby established to head the office. The chief negotiator shall be experienced in labor relations. The governor shall appoint and remove the chief negotiator and the deputy negotiators, who shall not be subject to chapters 76, 77, and 89. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the chief negotiator shall be [\$61,560] set by the governor within the range from \$69,748 to \$74,608 and \$72,886 to \$77,966 a year[.], respectively. The chief negotiator and deputy negotiators shall be included in any benefit program generally applicable to the officers and employees of the State. All other employees shall be appointed in accordance with chapters 76 and 77. The chief negotiator shall serve as one of the governor's designated representatives as set forth in section 89-6(b)."

SECTION 4. Section 109-2, Hawaii Revised Statutes, is amended to read as follows:

"§109-2 Stadium authority; powers and duties. The powers and duties of the stadium authority shall be as follows:

- (1) To maintain, operate, and manage the stadium and related facilities.
- (2) To prescribe and collect rents, fees, and charges for the use or enjoyment of the stadium or any of its facilities.
- (3) To make and execute contracts and other instruments necessary or convenient to exercise its powers under this chapter and subject to any limitations in this chapter, to exercise all powers necessary, incidental, or convenient to carry out and effectuate the purposes and provisions of this chapter.
- (4) To make, amend, and repeal in accordance with chapter 91 such rules as it may deem necessary.
- (5) To appoint a manager and a deputy manager who shall have such qualifications as the authority deems necessary and who shall hold their respective offices at the pleasure of the authority. The manager and deputy manager shall be exempt from the requirements of chapters 76, 77, and 89. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the manager shall be [\$61,560] set by the governor within the range from \$69,748 to \$74,608 and \$72,886 to \$77,966 a year[.], respectively. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the deputy manager shall

be [\$55,404] \$62,854 and \$65,683 a year[.], respectively. The manager shall have full power to administer the affairs of the stadium and related facilities, subject to the direction and approval of the authority. The manager shall, subject to the approval of the authority, have power to appoint, suspend, and discharge such other employees, subordinates, and assistants as may be necessary for the proper conduct of the business of the authority. Except for persons hired on contract or otherwise as provided in section 109-3 and except for the manager and deputy manager, all appointments, suspensions, or discharges shall be made in conformity with the applicable provision¹ of chapters 76 and 77."

SECTION 5. Section 269-2, Hawaii Revised Statutes, is amended to read as follows:

"§269-2 Public utilities commission; number, appointment of commissioners, qualifications; compensation; persons having interest in public utilities.

There shall be a public utilities commission of three members, to be called commissioners, and who shall be appointed in the manner prescribed in section 26-34, except as otherwise provided in this section. All members shall be appointed for terms of six years each, except that the terms of the members first appointed shall be for two, four, and six years, respectively, as designated by the governor at the time of appointment. The governor shall designate a member to be chairperson of the commission. Each member shall hold office until the member's successor is appointed and qualified. Section 26-34 shall not be applicable insofar as it relates to the number of terms and consecutive number of years a member can serve on the commission; provided that no member shall serve more than twelve consecutive years.

In appointing commissioners, the governor shall select persons who have had experience in accounting, business, engineering, government, finance, law, or other similar fields. The commissioners shall devote full time to their duties as members of the commission and no commissioner shall hold any other public office or other employment during the commissioner's term of office. No person owning any stock or bonds of any public utility corporation, or having any interest in, or deriving any remuneration from, any public utility shall be appointed a commissioner.

Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the chairperson of the commission shall be paid a salary [of \$61,560] set by the governor within the range from \$69,748 to \$74,608 and \$72,886 to \$77,966 a year, respectively, and each of the other commissioners shall be paid a salary [of \$55,404] \$62,854 and \$65,683 a year[.], respectively. The commissioners shall be exempt from chapters 76, 77, and 89 but shall be members of the state employees retirement system and shall be eligible to receive the benefits of any state or federal employee benefit program generally applicable to officers and employees of the State, including those under chapter 87.

The commission is placed within the department of budget and finance for administrative purposes."

SECTION 6. Section 297-31.5, Hawaii Revised Statutes, is amended to read as follows:

"§297-31.5 Salary; assistant superintendents, district superintendents, deputy district superintendents. The salaries of assistant superintendents, district superintendents, and deputy district superintendents shall be set by the board. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salaries of

ACT 329

assistant superintendents and district superintendents shall be not more than [\$61,560] \$74,608 and \$77,966 a year, respectively, and the salaries of deputy district superintendents shall be not more than [\$55,404] \$62,854 and \$65,683 a year[.], respectively.”

SECTION 7. Section 312-2.1, Hawaii Revised Statutes, is amended to read as follows:

“§312-2.1 Appointment of state librarian; duties; salary. The state librarian shall be appointed by the board of education, without regard to chapters 76 and 77, shall serve at the pleasure of the board, shall be under the direction of the board, and shall be responsible for the operation, planning, programming, and budgeting of all community/school and public libraries within the State. The salary of the state librarian shall be set by the board of education. Effective [July 1, 1987,] January 1, 1989, and January 1, 1990, the salary shall be not more than [\$68,400] \$81,629 and \$85,302 a year[.], respectively.”

SECTION 8. Section 314-10, Hawaii Revised Statutes, is amended to read as follows:

“§314-10 Executive director and staff. The board shall appoint an executive director subject to the approval of the governor who shall not be subject to chapters 76, 77, and 89. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the executive director shall be [\$55,404] \$62,854 and \$65,683 a year[.], respectively.”

SECTION 9. Section 349-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The head of this office shall be known as the director of the executive office on aging, hereinafter referred to as director. The director shall have professional training in the field of social work, education, public health, and other related fields; extensive direct experience in programs or services related to the elderly; and recent experience in a supervisory, consultative, or administrative position. The director shall be nominated and appointed by the governor without regard to chapters 76, 77, and 89. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the director shall be [\$49,864] \$56,505 and \$59,048 a year[.], respectively. The director shall be included in any benefit program generally applicable to the officers and employees of the State.”

SECTION 10. Section 353-63, Hawaii Revised Statutes, is amended to read as follows:

“§353-63 Service of Hawaii paroling authority members compensation; expenses. The chairperson of the Hawaii paroling authority shall serve on a full-time basis. The other two members shall serve on a part-time basis. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the annual salary of the chairperson shall be [\$55,404.] \$62,854 and \$65,683, respectively. The compensation of each of the part-time members shall be eighty per cent of the hourly wage paid the chairperson. For each hour engaged in the official duties of the authority from [January 1, 1986,] January 1, 1989, each member of the authority other than the chairperson shall be paid an hourly wage at the percentage rate specified in this section based on the hourly wage paid the chairperson effective [January 1, 1986.] January 1, 1989. All paroling authority members shall receive their necessary

expenses for travel and incidentals which shall be paid from appropriations provided the authority for such purposes, on vouchers approved by the director of corrections.”

SECTION 11. Section 356-5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The authority shall employ, not subject to chapters 76, 77, and 89 and section 26-35(4), an executive director. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the executive director shall be [\$61,560] set by the governor within the range from \$69,748 to \$74,608 and \$72,886 to \$77,966 a year[.], respectively. The authority may employ, subject to chapters 76 and 77, technical experts and officers, agents, and employees, permanent and temporary, as required. When, in the determination of the authority, services to be performed are unique and essential to the execution of the functions of the authority, it may hire persons on a contractual basis not subject to chapters 76, 77, and 78; provided that no individual contract shall be for a period longer than two years per term. The authority may call upon the attorney general for such legal services as it may require or may employ its own counsel and legal staff. The authority may delegate to one or more of its agents or employees such powers or duties as it deems proper.”

SECTION 12. Section 371-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is created a labor and industrial relations appeals board composed of three members nominated and, by and with the advice and consent of the senate, appointed by the governor for terms of ten years each, except that the terms of members first appointed shall be for six, eight, and ten years respectively as designated by the governor at the time of appointments. The governor shall designate the chairperson of the board who shall be an attorney at law licensed to practice in all of the courts of this State. Each member shall hold office until the member’s successor is appointed and qualified. Because cumulative experience and continuity in office are essential to the proper handling of appeals under workers’ compensation law and other labor laws, it is hereby declared to be in the public interest to continue board members in office as long as efficiency is demonstrated. The members shall devote full time to their duties as members of the board. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the chairperson of the board shall be [\$61,560] set by the governor within the range from \$69,748 to \$74,608 and \$72,886 to \$77,966 a year, respectively, and the salary of each of the other members shall be [\$55,404] ~~\$62,854~~ and ~~\$65,683~~ a year[.], respectively.”

SECTION 13. Section 410-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

- “(b) The powers and duties of the commissioner shall include but are not limited to:
- (1) Enforcing the provisions of this chapter and other laws relating to credit unions;
 - (2) Conferring with the credit union review board on matters affecting credit unions incorporated under this chapter on a regular basis and shall be determined by the chairperson and the commissioner; provided that the commissioner shall confer with the review board at least once every six months;

- (3) Make files available for inspection by the review board relating to decisions of the commissioner regarding credit unions;
- (4) Appointing a deputy not subject to chapters 76, 77, and 89 who shall receive a salary, effective [January 1, 1986,] January 1, 1989, and January 1, 1990, of [\$49,864] \$56,505 and \$59,048 a year[.], respectively. The deputy shall possess all powers and perform all duties attached to the office of the commissioner of credit unions during a vacancy or during the absence or inability of the commissioner; and
- (5) Employing examiners and clerks pursuant to chapters 76 and 77 to assist the commissioner and the commissioner's deputy in the discharge of the duties of the office."

SECTION 14. Section 581-1, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The director of the office shall be known as the director of the office of children and youth, hereinafter referred to as director. The director shall have training or experience, or both, in the field of social work, education, public health, or other related fields; direct experience in programs and services related to children and youth; and experience in a supervisory, consultative, or administrative position. The director shall be appointed by the governor without regard to chapters 76, 77, and 89. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the director shall be [\$49,864.] \$56,505 and \$59,048 a year, respectively. The director shall be included in any benefit program generally applicable to the officers and employees of the State."

SECTION 15. Section 802-11, Hawaii Revised Statutes, is amended to read as follows:

"§802-11 Appointment of state public defender. The state public defender shall be appointed by the defender council without regard to chapters 76, 77, and 89. The state public defender's appointment shall be for a term of four years except as otherwise provided herein, and until the state public defender's successor is appointed and qualified. The state public defender shall be qualified to practice law before the supreme court of this State. Effective [January 1, 1987,] January 1, 1989, and January 1, 1990, the salary of the state public defender shall be [\$61,560] set by the governor within the range from \$69,748 to \$74,608 and \$72,886 to \$77,966 a year[.], respectively. The state public defender shall devote full time to the performance of the state public defender's duties and shall not engage in the general practice of law."

SECTION 16. There is appropriated or authorized from the sources of funding indicated below to Program Planning, Analysis and Budgeting (BUF 101) the following sums, or so much thereof as may be necessary, to fund salary increases for executive branch officers of the State whose salaries are increased under this Act:

	<u>FY 1989-90</u>	<u>FY 1990-91</u>
General Funds	\$1,604,708	\$1,242,705
Special Funds	\$ 339,548	\$ 261,665
Federal Funds	\$ 7,863	\$ 6,429

Salary increases provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal or special funds, shall be paid wholly or proportionately, as the case may be, from the respective funds. Fund requirements for fiscal year 1990 include \$491,678 (general funds), \$104,358 (spe-

cial funds), and \$2,324 (federal funds) for retroactive salary increases effective January 1, 1989. Funds appropriated or authorized by this Act which are not expended or encumbered by June 30th of the respective fiscal years shall lapse as of those dates.

The sums appropriated shall be expended by the department of budget and finance for the purposes of this Act.

PART II

SECTION 17. Chapter 23, Hawaii Revised Statutes, is amended as follows:

1. Section 23-3 is amended to read:

"§23-3 Salary of the auditor and appropriations. The salary of the auditor shall be fixed by the legislature and shall not be diminished during the auditor's term of office. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the auditor shall be [\$68,400] \$81,629 and \$85,302 a year[.], respectively.

The funds for the support of the auditor's office shall be provided for in the act providing for the expenses of the legislature."

2. Section 23-8 is amended to read:

"§23-8 Assistance and staff. In the performance of the auditor's duties, the auditor may employ the services of one or more certified public accountants or accounting firms, and such other assistants and clerical workers as may be necessary, provided the cost thereof shall not exceed such sums as may be available out of the appropriation provided by law for the conduct of the auditor's office and provided further that such accountants, firms, and assistants are entirely independent of the departments, offices, and agencies of the State and its political subdivisions whose affairs are subject to audit by the auditor. All employees shall be hired by the auditor subject to the approval of the president of the senate and the speaker of the house of representatives and shall serve at the auditor's pleasure; provided that in the establishment of the salary of each employee the auditor shall consult with the department of personnel services and shall follow as closely as possible the recommendations of the department; and provided further that effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the first assistant or first deputy shall be [\$61,560] \$69,748 and \$72,886 a year[.], respectively. The auditor and the auditor's full-time staff shall be entitled to participate in any employee benefit program privileges."

SECTION 18. Chapter 23G, Hawaii Revised Statutes, is amended as follows:

1. Section 23G-1 is amended to read:

"§23G-1 Legislative reference bureau; director, appointment, tenure, removal, compensation, vacancy. The office of the legislative reference bureau is established. The legislature, by a majority vote of each house in joint session, shall appoint a director for the bureau who shall serve for a period of six years and thereafter until a successor shall have been appointed. The legislature, by two-thirds vote of the members in joint session, may remove or suspend the director from office, but only for neglect of duty, misconduct, or disability.

If the director dies, resigns, becomes ineligible to serve, or is removed or suspended from office, the first assistant to the director shall become the acting director until a new director is appointed.

ACT 329

Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the director shall be [~~\$68,400~~] \$81,629 and \$85,302 a year[.], respectively. The salary of the director shall not be diminished during the director's term of office, unless by general law applying to all salaried officers of the State."

2. Section 23G-2 is amended to read:

"§23G-2 Assistant; staff. The director shall appoint a first assistant and such other officers and employees as may be necessary to carry out the functions of the bureau. All employees, including the first assistant, shall be hired by the director and shall serve at the director's pleasure. In determining the salary of the employees of the bureau, the director shall consult with the department of personnel services; provided that, effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the first assistant shall be [~~\$61,560~~] \$69,748 and \$72,886 a year[.], respectively. The director and the director's full-time staff shall be entitled to participate in any employee benefit program plan or privilege."

SECTION 19. Section 84-35, Hawaii Revised Statutes, is amended to read as follows:

"§84-35 Staff. The ethics commission may employ and at pleasure remove such persons, including an executive director, as it may deem necessary for the performance of its functions. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the executive director shall be [~~\$42,384~~] \$50,528 and \$52,802 a year[.], respectively. The commission shall fix the compensations of other employees within the amounts made available by appropriation therefor. The employees of the commission shall be exempt from chapters 76 and 77."

SECTION 20. Chapter 96, Hawaii Revised Statutes, is amended as follows:

1. Section 96-2 is amended to read:

"§96-2 Ombudsman; office established, appointment, tenure, removal, qualifications, salary, vacancy. The office of ombudsman is established. The legislature, by a majority vote of each house in joint session, shall appoint an ombudsman who shall serve for a period of six years and thereafter until a successor shall have been appointed. An ombudsman may be reappointed but may not serve for more than three terms. The legislature, by two-thirds vote of the members in joint session, may remove or suspend the ombudsman from office, but only for neglect of duty, misconduct, or disability.

No person may serve as ombudsman within two years of the last day on which the person served as a member of the legislature, or while the person is a candidate for or holds any other state office, or while the person is engaged in any other occupation for reward or profit. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the salary of the ombudsman shall be [~~\$68,400~~] \$81,629 and \$85,302 a year[.], respectively. The salary of the ombudsman shall not be diminished during the ombudsman's term of office, unless by general law applying to all salaried officers of the State.

If the ombudsman dies, resigns, becomes ineligible to serve, or is removed or suspended from office, the first assistant to the ombudsman becomes the acting ombudsman until a new ombudsman is appointed for a full term."

2. Section 96-3 is amended to read:

"§96-3 Assistance, staff, delegation, funding. The ombudsman shall appoint a first assistant and such other officers and employees as may be necessary

to carry out this chapter. All employees, including the first assistant, shall be hired by the ombudsman and shall serve at the ombudsman's pleasure. In determining the salary of each such employee, the ombudsman shall consult with the department of personnel services and shall follow as closely as possible the recommendations of the department. Effective [January 1, 1986,] January 1, 1989, and January 1, 1990, the first assistant's salary shall be [~~\$61,560~~] \$69,748 and \$72,886 a year[.], respectively. The ombudsman and the ombudsman's full-time staff shall be entitled to participate in any employee benefit plan.

The ombudsman may delegate to the ombudsman's appointees any of the ombudsman's duties except those specified in sections 96-12 and 96-13; provided that during the absence of the ombudsman from the island of Oahu, or the ombudsman's temporary inability to exercise and discharge the powers and duties of the ombudsman's office, such powers and duties as contained in sections 96-12 and 96-13 shall devolve upon the first assistant during such absence or inability.

The funds for the support of the office of the ombudsman shall be provided for in the act providing for the expenses of the legislature."

SECTION 21. There is appropriated out of the general revenues of the State of Hawaii to the legislative agencies indicated below the following sums, or so much thereof as may be necessary for the fiscal year 1989-1990, to provide salary increases and retroactive salary payments for the legislative auditor and the auditor's assistants, the director of the legislative reference bureau and the director's assistants, the executive director of the ethics commission, and the ombudsman and the ombudsman's first assistant:

	FY 1989-1990
Office of the	
Legislative Auditor	\$35,531
Ethics Commission	\$13,354
Office of the	
Legislative Reference Bureau	\$90,935
Ombudsman	\$35,531

The sums appropriated shall be expended by the office of the legislative auditor, office of the legislative reference bureau, or office of the ombudsman, as applicable, for the purposes of this part.

PART III

SECTION 22. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by \$1,780,059, or 0.075 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 23. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 24. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 25. This Act shall take effect on July 1, 1989.

ACT 329

(Approved June 15, 1989.)

Note

1. So in original.