

ACT 226

S.B. NO. 807

A Bill for an Act Relating to Salaries.

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

SECTION 1. This Act addresses the salaries of various department heads and the deputy positions that are set by statute. These salaries are tied in with the compensation established by the executive salary commission pursuant to section 26-55, Hawaii Revised Statutes. In the past, these positions were paid at the same level as the department head or deputy department heads that were all paid at the same salary level, as specified by statute. However, in 2004, the executive salary commission determined that department head and deputy positions should be paid at different ranges, as determined by several factors, including the marketplace, level of responsibility, number of employees supervised, and amount of operating budget. Accordingly, it is necessary to revise the statutes controlling the salaries of certain positions and tie these salaries to the different tiers established by the executive salary commission.

SECTION 2. Section 11-1.6, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The chief election officer shall be paid a salary [set at the maximum salary payable to deputies or assistants to department heads as established by section 26-53.] not to exceed eighty-seven per cent of the salary of the director of human resources development.”

SECTION 3. Section 89-5, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) The members shall devote full time to their duties as members of the board. [Effective January 1, 1989, and January 1, 1990, the salary of the chairperson of the board shall be set by the governor within the range from \$69,748 to \$74,608 and \$72,886 to \$77,966 a year, respectively.] Effective July 1, 2005, the chairperson of the board shall be paid a salary set at eighty-seven per cent of the salary of the director of labor and industrial relations, and the salary of each of the other members shall be ninety-five per cent of the chairperson’s salary. 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.”

SECTION 4. Section 103D-204, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There shall be a state procurement office, placed for administrative purposes only, within the department of accounting and general services, which shall be headed by the administrator of the state procurement office. The administrator shall be the chief procurement officer for those governmental bodies of the executive branch as provided in section ~~[[F]103D-203(a)(7)[F]]~~. The administrator shall be a full-time public official. The administrator shall serve a term of four years, and shall be paid ~~[the] a salary [established for deputies or assistants to department heads under section 26-53]~~ not to exceed eighty-seven per cent of the salary of the director of human resources development, without diminution during the administrator’s term of office unless by general law applying to all deputies or assistants to department heads.”

SECTION 5. 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, and to provide for the maintenance, operation, management, and promotion of the Kapolei recreational sports complex;
- (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, including entering into contracts under chapter 102 or 103D for the management of the Kapolei recreational sports complex, to include but not be limited to the operation, maintenance, and promotion of the complex in a manner that is beneficial to both the State and the contractor. These contracts may contain revenue sharing incentives based on increased usage of the complex;
- (4) To adopt, amend, and repeal in accordance with chapter 91 rules it may deem necessary to effectuate this chapter and in connection with its projects, operations, and facilities;
- (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 and 89. ~~[Effective January 1, 1989, and January 1, 1990, the salary of the manager shall be 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, 1989, and January 1, 1990, the salary of the deputy manager shall be \$62,854 and \$65,683 a year, respectively.]~~ Effective July 1, 2005, the manager shall be paid a salary not to exceed eighty-seven per cent of the salary of the director of human resources development. Effective July 1, 2005, the deputy manager shall be paid a salary not to exceed eighty-five per cent of the manager’s salary. The manager shall have full power to administer the affairs of the stadium and related facilities, and to provide for a management contract for the Kapolei recreational sports complex, 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 a secretary who shall be exempt from the requirements of chapters 76 and 89, and 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, deputy manager, and secretary, all appointments, suspensions, or discharges shall be made in conformity with the applicable provisions of chapter 76; and

- (6) To plan, promote, and market the stadium, its related facilities, and the Kapolei recreational sports complex.”

SECTION 6. Section 128-3, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) There shall be a vice-director of civil defense who shall be appointed and may be removed by the director. The vice-director shall be the first assistant to the director and shall, in the absence of the director, have all the duties and responsibilities of the director. The vice-director shall ~~[receive such compensation as shall be provided pursuant to section 26-53.]~~ be paid a salary not to exceed eighty-seven per cent of the salary of the director of human resources development. Chapter 76 shall not apply to the vice-director.”

SECTION 7. Section 269-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) ~~[Effective January 1, 1989, and January 1, 1990, the chairperson of the commission shall be paid a salary set by the governor within the range of \$69,748 to \$74,608 and \$72,886 to \$77,966 a year, respectively.]~~ Effective July 1, 2005, the chairperson of the commission shall be paid a salary set at eighty-seven per cent of the salary of the director of human resources development, and each of the other commissioners shall be paid a salary equal to ninety-five per cent of the chairperson’s salary. The commissioners shall be exempt from chapters 76 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 8. Section 342G-12.5, Hawaii Revised Statutes, is amended to read as follows:

“~~[H]~~**§342G-12.5[H] Recycling coordinator.** There is established a position of assistant to the coordinator of the office of solid waste management to be known as the recycling coordinator. The position shall be appointed by the director without regard to chapter 76 ~~[and shall be compensated at an annual salary level of \$42,538].~~ Effective July 1, 2005, the recycling coordinator shall be paid a salary set by the appointing authority that shall not exceed fifty per cent of the salary of the director of human resources development. The recycling coordinator shall be included in any benefit program generally applicable to the officers and employees of the State.”

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 elders; 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 and 89. ~~[Effective January 1, 1989, and January 1, 1990, the salary of the director shall be \$56,505 and \$59,048 a year, respectively.]~~ Effective July 1, 2005, the director shall be paid a salary set by the appointing authority that shall not exceed sixty-nine per cent of the salary of the director of human resources development. 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 July 1, 1994, the chairperson of the Hawaii paroling authority shall be paid a salary set by the governor within the range of \$72,886 to \$77,966 a year.]~~ Effective July 1, 2005, the chairperson of the Hawaii paroling authority shall be paid a salary set at eighty-seven per cent of the salary of the director of public safety. 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, each part-time member of the authority shall be paid an hourly wage at the percentage rate specified in this section based on the hourly wage paid the chairperson; provided that compensation shall not exceed eighty per cent of the total regular working hours in a month; [and] provided further that part-time members shall not be entitled to any vacation, sick leave, or other benefits except as provided in this section. 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 public safety.”

SECTION 11. Section 363-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The head of the office shall be known as the director of the office of veterans’ services. The director shall be nominated and appointed by the governor without regard to chapters 76 and 89. ~~[Effective July 1, 1990, the salary of the director shall be \$59,048 a year.]~~ Effective July 1, 2005, the director shall be paid a salary set by the appointing authority that shall not exceed sixty-nine per cent of the salary of the director of human resources development. The director shall be included in any benefit program generally applicable to the officers and employees of the State.”

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, 1989, and January 1, 1990, the salary of the chairperson of the board shall be set by the governor within the range from \$69,748 to \$74,608 and \$72,886 to \$77,966 a year, respectively.]~~ Effective July 1, 2005, the chairperson of the board shall be paid a salary set at eighty-seven per cent of the salary of the director of labor and industrial relations, and the salary of each of the other members shall be ninety-five per cent of the chairperson's salary."

SECTION 13. Section 412:2-100, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The salary of the commissioner shall be set by the director of commerce and consumer affairs but shall not be more than the maximum salary of first ~~[deputies]~~ deputy to ~~the [department heads.]~~ director of commerce and consumer affairs."

SECTION 14. 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 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, 1989, and January 1, 1990, the salary of the state public defender shall be set by the governor within the range from \$69,748 to \$74,608 and \$72,886 to \$77,966 a year, respectively.]~~ Effective July 1, 2005, the state public defender shall be paid a salary set at eighty-seven per cent of the attorney general. 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 15. There is appropriated out of the general revenues of the State of Hawaii the sum of \$7,883, or so much thereof as may be necessary for fiscal year 2005-2006, and the sum of \$8,041, or so much thereof as may be necessary for fiscal year 2006-2007, for the purpose of funding the salary increases established under sections 2, 4, and 5 of this Act.

The sum appropriated shall be expended by the department of accounting and general services for the purposes of this Act.

SECTION 16. There is appropriated out of the general revenues of the State of Hawaii the sum of \$12,674, or so much thereof as may be necessary for fiscal year 2005-2006, and the sum of \$12,927, or so much thereof as may be necessary for fiscal year 2006-2007, for the purpose of funding the salary increases established under sections 3 and 12 of this Act.

The sum appropriated shall be expended by the department of labor and industrial relations for the purposes of this Act.

SECTION 17. There is appropriated out of the general revenues of the State of Hawaii the sum of \$6,194, or so much thereof as may be necessary for fiscal year 2005-2006, and the sum of \$6,318, or so much thereof as may be necessary for fiscal year 2006-2007, for the purpose of funding the salary increases established under sections 6 and 11 of this Act.

The sum appropriated shall be expended by the department of defense for the purposes of this Act.

SECTION 18. There is appropriated out of the general revenues of the State of Hawaii the sum of \$7,656, or so much thereof as may be necessary for fiscal year 2005-2006, and the sum of \$7,809, or so much thereof as may be necessary for fiscal year 2006-2007, for the purpose of funding the salary increases established under sections 8 and 9 of this Act.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 19. There is appropriated out of the general revenues of the State of Hawaii the sum of \$17,111, or so much thereof as may be necessary for fiscal year 2005-2006, and the sum of \$17,453, or so much thereof as may be necessary for fiscal year 2006-2007, for the purpose of funding the salary increases established under sections 7 and 14 of this Act.

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

SECTION 20. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,900, or so much thereof as may be necessary for fiscal year 2005-2006, and the sum of \$1,938, or so much thereof as may be necessary for fiscal year 2006-2007, for the purpose of funding the salary increase established under section 10 of this Act.

The sum appropriated shall be expended by the department of public safety for the purposes of this Act.

SECTION 21. There is appropriated out of the compliance resolution fund established under section 26-9, Hawaii Revised Statutes, the sum of \$19,185, or so much thereof as may be necessary for fiscal year 2005-2006, and the sum of \$19,569, or so much thereof as may be necessary for fiscal year 2006-2007, for the purpose of funding the salary increase established under section 13 of this Act.

The sum appropriated shall be expended by the department of commerce and consumer affairs for the purposes of this Act.

SECTION 22. 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 23. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 24. This Act shall take effect on July 1, 2005.

(Became law on July 12, 2005, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)