

**ACT 299**

H.B. NO. 1918

A Bill for an Act Relating to Commission on Salaries.

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

SECTION 1. Chapter 26, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§26- Commission on salaries.** (a) Pursuant to article XVI, section , of the Constitution of the State of Hawaii, there is established a commission on salaries within the department of human resources development, for administrative purposes only.

The commission shall consist of seven members of whom:

- (1) Two members shall be appointed by the governor;
- (2) Two members shall be appointed by the president of the senate;
- (3) Two members shall be appointed by the speaker of the house of representatives; and
- (4) One member shall be appointed by the chief justice of the supreme court.

Vacancies in these positions shall be filled in the same manner. The members of the commission shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.

(b) The commission shall review and recommend an appropriate salary for the governor, lieutenant governor, members of the legislature, justices and judges of all state courts, administrative director of the State or an equivalent position, and department heads or executive officers and the deputies or assistants to the department heads of the departments of:

- (1) Accounting and general services;
- (2) Agriculture;
- (3) The attorney general;
- (4) Budget and finance;
- (5) Business, economic development, and tourism;
- (6) Commerce and consumer affairs;
- (7) Defense;
- (8) Hawaiian home lands;
- (9) Health;
- (10) Human resources development;
- (11) Human services;
- (12) Labor and industrial relations;
- (13) Land and natural resources;
- (14) Public safety;
- (15) Taxation; and
- (16) Transportation.

The commission shall not review the salary of any position in the department of education or the University of Hawaii.

The commission may recommend different salaries for department heads and executive officers and different salary ranges for deputies or assistants to department heads; provided that the commission shall recommend the same salary range for deputies or assistants to department heads within the same department; provided further that the appointing official shall specify the salary for a particular position within the applicable range.

The commission shall not recommend salaries lower than salary amounts recommended by prior commissions replaced by this section.

(c) The commission may seek assistance from the department of human resources development and any other agency in conducting its review, and all agencies shall fully cooperate with the commission and provide any necessary information to the commission upon request.

(d) The commission shall convene in the month of November 2006, and every six years thereafter. Not later than the fortieth legislative day of the regular session of 2007, and every six years thereafter, the commission shall submit a report of its findings and its salary recommendations to the legislature, through the governor. The commission may include incremental increases that take effect prior to the convening of the next salary commission.

The recommended salaries submitted by the commission shall become effective July 1 of the next fiscal year unless the legislature disapproves the recommended salaries submitted by the commission through the adoption of a

concurrent resolution, which shall be approved by a simple majority of each house of the legislature, prior to adjournment sine die of the legislative session in which the recommended salaries are submitted; provided that any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted.

The governor shall include the salary amounts recommended by the commission and approved by the legislature for employees of the executive branch in the executive budget. If the salary amounts recommended by the commission are disapproved by the legislature, the commission shall reconvene in the November next following the legislative disapproval to review the legislature's reasons for disapproving its salary recommendation. The commission may submit a report of its findings and submit a new salary recommendation to the legislature at the next regular session. The commission's reconvening following a legislative disapproval shall not toll the six-year cycle."

SECTION 2. Section 26-51, Hawaii Revised Statutes, is amended to read as follows:

**"§26-51 Governor; lieutenant governor.** Effective [January 1, 1989, and January 1, 1990, the salary of the governor of the State shall be \$90,699 and \$94,780 a year, respectively. Effective January 1, 1989, and January 1, 1990, the salary of the lieutenant governor shall be \$86,164 and \$90,041 a year, respectively, and, effective] at noon on December 4, 2006, [and every eight years thereafter,] the salaries of the governor and the lieutenant governor shall be as last recommended by the executive salary commission. Effective July 1, 2007, and every six years thereafter, the salaries of the governor and lieutenant governor shall be as last recommended by the [executive salary] commission on salaries pursuant to section [26-55,] 26-, unless rejected by the legislature."

SECTION 3. Section 26-52, Hawaii Revised Statutes, is amended to read as follows:

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

- (1) The salary of the superintendent of education shall be set by the board of education at a rate no greater than \$150,000 a year;
- (2) The salary of the president of the University of Hawaii shall be set by the board of regents;
- (3) [The] Effective July 1, 2004, the salaries of all department heads or executive officers of the departments of accounting and general services, agriculture, attorney general, budget and finance, business, economic development, and tourism, commerce and consumer affairs, Hawaiian home lands, health, human resources development, human services, labor and industrial relations, land and natural resources, public safety, taxation, and transportation shall be [\$85,302 a year and, effective July 1, 2004, and every eight years thereafter, shall be] as last recommended by the executive salary commission. Effective July 1, 2007, and every six years thereafter, the salaries shall be as last recommended by the commission on salaries pursuant to section [26-55,] 26-, unless rejected by the legislature; and
- (4) The salary of the adjutant general shall be \$85,302 a year [and, effective July 1, 2004, and every eight years thereafter, shall be as last recommended by the executive salary commission]. Effective July 1, 2007, and every six years thereafter, the salary of the adjutant general

shall be as last recommended by the commission on salaries pursuant to section ~~[26-55]~~ 26-\_\_\_, unless rejected by the legislature, except that if the state 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.”

SECTION 4. Section 26-53, Hawaii Revised Statutes, is amended to read as follows:

“**§26-53 Deputies or assistants to department heads.** ~~[The]~~ Effective July 1, 2004, the salaries of deputies or assistants to the head of any department of the State, other than the department of education, shall be [set by the governor within the range from \$69,748 to \$74,608 and \$72,886 to \$77,966 a year, effective January 1, 1989, and January 1, 1990, respectively, and, effective July 1, 2004, and every eight years thereafter,] within the range or ranges for the specific positions as last recommended by the executive salary commission. Effective July 1, 2007, and every six years thereafter, the salaries shall be as last recommended by the commission on salaries and specified by the appointing official, if appropriate, pursuant to section [26-55,] 26-\_\_\_, unless rejected by the legislature.”

SECTION 5. Section 26-54, Hawaii Revised Statutes, is amended to read as follows:

“**§26-54 Administrative director of the State.** ~~Effective [January 1, 1989, and January 1, 1990,] July 1, 2004,~~ the salary of the administrative director of the State shall be ~~[\$86,164 and \$90,041 a year, respectively, and, effective July 1, 2004, and every eight years thereafter,] as last recommended by the executive salary commission. Effective July 1, 2007, and every six years thereafter, the salary of the administrative director of the State shall be as last recommended by the [executive salary] commission on salaries pursuant to section [26-55,] 26-\_\_\_, unless rejected by the legislature.~~”

SECTION 6. Section 601-3, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) The chief justice, with the approval of the supreme court, shall appoint an administrative director of the courts to assist the chief justice in directing the administration of the judiciary. The administrative director shall be a resident of the ~~[State] state~~ for a continuous period of three years prior to the administrative director’s appointment, and shall be appointed without regard to chapter 76 and shall serve at the pleasure of the chief justice. The administrative director shall hold no other office or employment. ~~[Effective July 1, 2000, the salary of the administrative director shall be no greater than provided in section 26-54 and shall be determined by the chief justice based upon merit and other relevant factors.]~~ Effective July 1, 2004, [and every eight years thereafter,] the salary of the administrative director shall be as last [determined] recommended by the judicial salary commission. Effective July 1, 2007, and every six years thereafter, the salary shall be as last recommended by the commission on salaries pursuant to section [608-1.5,] 26-\_\_\_, unless disapproved by the legislature.”

2. By amending subsection (c) to read:

“(c) The administrative director ~~[shall]~~, with the approval of the chief justice, ~~shall~~ appoint a deputy administrative director of the courts without regard to chapter 76 and such assistants as may be necessary. ~~[Such]~~ The assistants shall be appointed

without regard to chapter 76. Effective July 1, 2000, the salary of the deputy administrative director shall be no greater than provided in section 26-52(3) and shall be determined by the chief justice based upon merit and other relevant factors. Effective July 1, 2004, [~~and every eight years thereafter,~~] the salary of the deputy administrative director shall be as last [~~determined~~] recommended by the judicial salary commission [~~pursuant to section 608-1.5, unless disapproved by the legislature~~]. The administrative director shall be provided with necessary office facilities.”

SECTION 7. Section 602-2, Hawaii Revised Statutes, is amended to read as follows:

“**§602-2 Salary, supreme court justices.** [~~Effective July 1, 1999, the salary of the chief justice of the supreme court shall be \$105,206 a year and the salary of each associate justice of the supreme court shall be \$104,096 a year. Effective July 1, 2000, the salary of the chief justice of the supreme court shall be \$116,779 a year and the salary of each associate justice of the supreme court shall be \$115,547 a year.~~] Effective July 1, 2004, [~~and every eight years thereafter,~~] the salary of the chief justice of the supreme court and the salary of each associate justice of the supreme court shall be as last [~~determined~~] recommended by the judicial salary commission. Effective July 1, 2007, and every six years thereafter, the salary of the chief justice of the supreme court and the salary of each associate justice of the supreme court shall be as last recommended by the commission on salaries pursuant to section [608-1.5,] 26-\_\_\_, unless disapproved by the legislature.”

SECTION 8. Section 602-52, Hawaii Revised Statutes, is amended to read as follows:

“**§602-52 Salary.** [~~Effective July 1, 1999, the salary of the chief judge of the intermediate appellate court shall be \$101,321 a year and the salary of each associate judge shall be \$99,656 a year. Effective July 1, 2000, the salary of the chief judge of the intermediate appellate court shall be \$112,466 a year and the salary of each associate judge shall be \$110,618 a year.~~] Effective July 1, 2004, [~~and every eight years thereafter,~~] the salary of the chief judge of the intermediate appellate court and the salary of each associate judge shall be as last [~~determined~~] recommended by the judicial salary commission. Effective July 1, 2007, and every six years thereafter, the salary of the chief judge of the intermediate appellate court and the salary of each associate judge shall be as last recommended by the commission on salaries pursuant to section [608-1.5,] 26-\_\_\_, unless disapproved by the legislature.”

SECTION 9. Section 603-5, Hawaii Revised Statutes, is amended to read as follows:

“**§603-5 Salary of circuit court judges.** [~~Effective July 1, 1999, the salary of each circuit court judge of the various circuit courts of the State shall be \$96,326 a year. Effective July 1, 2000, the salary of each circuit court judge of the various circuit courts of the State shall be \$106,922 a year.~~] Effective [~~on~~] July 1, 2004, [~~and every eight years thereafter,~~] the salary of a circuit court judge shall be as last [~~determined~~] recommended by the judicial salary commission. Effective July 1, 2007, and every six years thereafter, the salary of each circuit court judge of the various circuit courts of the State shall be as last recommended by the commission on salaries pursuant to section [608-1.5,] 26-\_\_\_, unless disapproved by the legislature.”

SECTION 10. Section 604-2.5, Hawaii Revised Statutes, is amended to read as follows:

~~“§604-2.5 Salary of district judges. [Effective July 1, 1999, the salary of each district court judge of the various district courts of the State shall be \$90,776 a year. Effective July 1, 2000, the salary of each district court judge of the various district courts of the State shall be \$100,761 a year.] Effective [on] July 1, 2004, [and every eight years thereafter,] the salary of a district court judge shall be as last [determined] recommended by the judicial salary commission. Effective July 1, 2007, and every six years thereafter, the salary of each district court judge of the various district courts of the State shall be as last recommended by the commission on salaries pursuant to section [608-1.5;] 26\_\_\_, unless disapproved by the legislature.~~

Whenever the chief justice appoints a district court judge of any of the various district courts of the State to serve temporarily as a circuit court judge of any of the various circuit courts of the State, the judge shall receive per diem compensation for the days on which actual service is rendered based on the monthly rate of compensation paid to a circuit court judge. For the purpose of determining per diem compensation in this section, a month shall be deemed to consist of twenty-one days.”

SECTION 11. Section 26-55, Hawaii Revised Statutes, is repealed.

SECTION 12. Section 608-1.5, Hawaii Revised Statutes, is repealed.

SECTION 13. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 14. This Act shall take effect upon ratification of a constitutional amendment establishing a commission on salaries to review and recommend salaries for the governor, lieutenant governor, legislators, justices and judges of all state courts, the administrative director of the State, and department heads or executive officers of the executive departments and their deputies or assistants.

(Became law on July 11, 2006, without the Governor’s signature, pursuant to Art. III, §16, State Constitution.)

**Note**

1. Edited pursuant to HRS §23G-16.5.