

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

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

SECTION 1. The purpose of this Act is to update codified position descriptions for public utilities commission staff. This Act amends existing position service types specifically provided for under section 269-3, Hawaii Revised Statutes, and position descriptions under Act 177, Session Laws of Hawaii 2007, to allow the commission to recruit and hire employees with the right combination of skills and experience demanded by the commission's evolving set of responsibilities.

SECTION 2. Section 269-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The chairperson of the public utilities commission may appoint and employ [clerks, stenographers, agents, engineers, accountants,] professional staff and other assistants for the public utilities commission as the chairperson finds necessary for the performance of the commission's functions and define their powers and duties. The chairperson may appoint and, at pleasure, dismiss a chief administrator and [hearings officers] attorneys as may be necessary[.], and who shall be exempt from chapter 76. [Notwithstanding section 103D-209, the chairperson 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, chief of policy and research, chief of administrative support, chief of consumer affairs and compliance, utility analysts, and attorneys shall be exempt from chapter 76. Research assistants, economists, legal secretaries, legal assistants, and enforcement officers may be appointed with or without regard to chapter 76. Other employees shall be appointed as may be needed by the chairperson in accordance with chapter 76.] The chairperson may also appoint other staff with or without regard to chapter 76."

SECTION 3. Act 177, Session Laws of Hawaii 2007, section 1, is amended by amending subsection (c) to read as follows:

"(c) The purpose of this Act is to enhance the ability of the public utilities commission to carry out its duties and responsibilities by:

- (1) Requiring the commission to restructure its operations [pursuant to the commission's December 2006, report to the legislature,] to improve its effectiveness and efficiency; and
- (2) Authorizing the public utilities commission to consider the need for increased renewable energy use in exercising its authority and duties."

SECTION 4. Act 177, Session Laws of Hawaii 2007, is amended by amending section 4 to read as follows:

"SECTION 4. [(a) The public utilities commission shall restructure its operations as provided for in part IV of the public utilities commission's report to the legislature required pursuant to Act 143, Session Laws of Hawaii, 2006.

(b) The restructuring shall include the following:

- (1) ~~The existing research section shall be expanded to include policy support positions and functions, and shall be renamed the office of policy and research;~~
- (2) ~~The consumer affairs and compliance section shall be responsible for consumer relations and investigation and enforcement activities of the public utilities commission;~~
- (3) ~~The administrative support section shall be supervised by the chief of administrative support and shall be comprised of clerical services staff, case management services staff, fiscal services staff, and information technology staff;~~
- (4) ~~Staffing shall be increased with the addition of the following positions:~~
 - (A) ~~For fiscal year 2008–2009:~~
 - (i) ~~A public utilities commission attorney shall be responsible for providing, among other things, legal support in petroleum docket and initiatives statewide, and for complaint and inquiry handling;~~
 - (ii) ~~A legal assistant shall assist the chief counsel in all facets of legal work;~~
 - (iii) ~~A data processing systems analyst V shall be responsible for supervising information technology services staff, administering the document and docket management system, and assisting with petroleum monitoring system database management;~~
 - (iv) ~~A legal clerk shall be responsible for case management services clerical support, assisting the chief clerk, and performing duties as citation clerk;~~
 - (v) ~~An auditor VI shall be responsible for energy and petroleum dockets and issues and for conducting field audit inspections;~~
 - (vi) ~~An engineer V shall be responsible for energy and petroleum dockets and issues, energy utility field inspections, and informal inquiry handling; and~~
 - (vii) ~~A chief of consumer affairs and compliance shall be responsible for supervising the consumer affairs and compliance section; and~~
 - (B) ~~For fiscal year 2009–2010:~~
 - (i) ~~A public utilities commission attorney shall be responsible for legal support in telecommunications, dockets and issues, legislative and rulemaking initiatives, drafting and updating rules, and serving as a hearings officer;~~
 - (ii) ~~A legal clerk shall be responsible for case management services clerical support, assisting the chief clerk, and performing duties as citations clerk;~~
 - (iii) ~~An account clerk III shall be responsible for handling the pCard system, maintaining physical inventory, keeping fiscal records, and providing fiscal support for the commission;~~
 - (iv) ~~An auditor VI shall be responsible for telecommunications and utility dockets and related issues and conducting field audit inspections;~~
 - (v) ~~An engineer V shall be responsible for telecommunications and utility dockets and related issues, telecommu-~~

nications and utility field inspections, and pipeline safety inspection; and

- (vi) Two research assistants shall be responsible for docket, non-docket, legislative, and industry research, analysis, and reporting;

- (5) Twelve existing positions shall be redescribed as follows:
 - (A) An existing attorney shall be redescribed as chief counsel to accurately reflect supervisory functions of this position, including responsibility and management of the office of commission counsel, acting as a counsel to the commission, and handling commission-related media correspondence;
 - (B) An existing research assistant position shall be redescribed as chief of administrative support to accurately reflect the administrative responsibilities of the position, including supervising clerical, case management, fiscal, and information technology staff;
 - (C) An existing chief researcher shall be redescribed as chief of policy and research to accurately represent the additional responsibilities of the policy arm of the policy and research services section. The chief of policy and research shall manage the utility analysts, research assistants, and economists; advise the commission on all regulated industry-related matters and government policy; and oversee legislative initiatives, media relations, and special projects;
 - (D) The chief engineer shall be increased from level V to level VI to enable the commission to recruit for the position at a higher level and to allow staff level engineers to move to level V;
 - (E) The existing legal stenographer shall be redescribed as a legal assistant to update this position since stenographers are no longer recruited due to outdated position descriptions;
 - (F) The existing clerk typist III position shall be redescribed as a legal clerk to elevate the qualifications of the position and to help meet new functional requirements, including maintenance of a new document and docket management systems and increased citation activity;
 - (G) An existing research assistant position shall be redescribed as an investigator V to accurately reflect senior-level responsibilities of the position; and
 - (H) Five existing research assistants shall be redescribed as utility analysts to allow for increased industry expertise and focus necessary for the new policy-making function of the policy and research section;
- (6) The following temporary positions, relating to gas cap and petroleum monitoring, shall be converted to permanent positions to promote successful recruitment and retention of qualified individuals:
 - (A) Public utilities commission economist;
 - (B) Public utilities commission attorney;
 - (C) Two utility analysts (previously research assistants);
 - (D) Clerk typist II;
 - (E) Enforcement officer; and
 - (F) Secretary I; and
- (7) Additional office space shall be leased and the office relocated.
- (e) Upon request by the public utilities commission, all other state and county agencies shall assist the public utilities commission in carrying

out the provisions of this Act. The department of human resources development shall work cooperatively with the public utilities commission in renaming or re-describing job descriptions as is deemed necessary by the public utilities commission.”

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

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

(Approved June 14, 2013.)