

JAN 26 2009

A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Act 253, Session Laws of Hawaii 2000, and Act
2 300, Session Laws of Hawaii 2006, aimed to reduce the number of
3 civil service exempt employees in public service within the
4 State. The legislature finds that despite the enactment of
5 these Acts, there have been few conversions of civil service
6 exempt positions to civil service positions since enactment and
7 that conversions are overdue.

8 The purpose of this Act is to amend sections of the Hawaii
9 Revised Statutes to conform with Act 253, Session Laws of Hawaii
10 2000, which placed restrictions on the creation of civil service
11 exempt positions and required the annual review of exempt
12 positions to determine whether exempt positions should remain
13 exempt or be converted to civil service positions.

14 SECTION 2. Section 6E-3, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§6E-3 Historic preservation program. There is
17 established within the department a division to administer a



1 comprehensive historic preservation program, which shall include
2 but not be limited to the following:

3 (1) Development of an on-going program of historical,
4 architectural, and archaeological research and
5 development, including surveys, excavations,
6 scientific recording, interpretation, and publications
7 on the State's historical and cultural resources;

8 (2) Acquisition of historic or cultural properties, real
9 or personal, in fee or in any lesser interest, by
10 gift, purchase, condemnation, devise, bequest, land
11 exchange, or other means; preservation, restoration,
12 administration, or transference of the property; and
13 the charging of reasonable admissions to that
14 property;

15 (3) Development of a statewide survey and inventory to
16 identify and document historic properties, aviation
17 artifacts, and burial sites, including all those owned
18 by the State and the counties;

19 (4) Preparation of information for the Hawaii register of
20 historic places and listing on the national register
21 of historic places;



- 1 (5) Preparation, review, and revisions of a state historic
2 preservation plan, including budget requirements and
3 land use recommendations;
- 4 (6) Application for and receipt of gifts, grants,
5 technical assistance, and other funding from public
6 and private sources for the purposes of this chapter;
- 7 (7) Provision of technical and financial assistance to the
8 counties and public and private agencies involved in
9 historic preservation activities;
- 10 (8) Coordination of activities of the counties in
11 accordance with the state plan for historic
12 preservation;
- 13 (9) Stimulation of public interest in historic
14 preservation, including the development and
15 implementation of interpretive programs for historic
16 properties listed on or eligible for the Hawaii
17 register of historic places;
- 18 (10) Coordination of the evaluation and management of
19 burial sites as provided in section 6E-43;
- 20 (11) Acquisition of burial sites in fee or in any lesser
21 interest, by gift, purchase, condemnation, devise,



- 1 bequest, land exchange, or other means, to be held in
2 trust;
- 3 (12) Submittal of an annual report to the governor and
4 legislature detailing the accomplishments of the year,
5 recommendations for changes in the state plan or
6 future programs relating to historic preservation, and
7 an accounting of all income, expenditures, and the
8 fund balance of the Hawaii historic preservation
9 special fund;
- 10 (13) Regulation of archaeological activities throughout the
11 State;
- 12 (14) Employment of sufficient professional and technical
13 staff for the purposes of this chapter which [~~may~~]
14 shall be in accordance with chapter 76;
- 15 (15) The charging of fees to at least partially defray the
16 costs of administering sections 6E-3(13), 6E-8, and
17 6E-42 of this chapter;
- 18 (16) Adoption of rules in accordance with chapter 91,
19 necessary to carry out the purposes of this chapter;
20 and
- 21 (17) Development and adoption, in consultation with the
22 office of Hawaiian affairs native historic



1 preservation council, of rules governing permits for
2 access by native Hawaiians and Hawaiians to cultural,
3 historic, and pre-contact sites and monuments."

4 SECTION 3. Section 26-9, Hawaii Revised Statutes, is
5 amended by amending subsection (o) to read as follows:

6 "(o) Every person licensed under any chapter within the
7 jurisdiction of the department of commerce and consumer affairs
8 and every person licensed subject to chapter 485A or registered
9 under chapter 467B shall pay upon issuance of a license, permit,
10 certificate, or registration a fee and a subsequent annual fee
11 to be determined by the director and adjusted from time to time
12 to ensure that the proceeds, together with all other fines,
13 income, and penalties collected under this section, do not
14 surpass the annual operating costs of conducting compliance
15 resolution activities required under this section. The fees may
16 be collected biennially or pursuant to rules adopted under
17 chapter 91, and shall be deposited into the special fund
18 established under this subsection. Every filing pursuant to
19 chapter 514E or section 485A-202(a)(26) shall be assessed, upon
20 initial filing and at each renewal period in which a renewal is
21 required, a fee that shall be prescribed by rules adopted under
22 chapter 91, and that shall be deposited into the special fund



1 established under this subsection. Any unpaid fee shall be paid
2 by the licensed person, upon application for renewal,
3 restoration, reactivation, or reinstatement of a license, and by
4 the person responsible for the renewal, restoration,
5 reactivation, or reinstatement of a license, upon the
6 application for renewal, restoration, reactivation, or
7 reinstatement of the license. If the fees are not paid, the
8 director may deny renewal, restoration, reactivation, or
9 reinstatement of the license. The director may establish,
10 increase, decrease, or repeal the fees when necessary pursuant
11 to rules adopted under chapter 91. The director may also
12 increase or decrease the fees pursuant to section 92-28.

13 There is created in the state treasury a special fund to be
14 known as the compliance resolution fund to be expended by the
15 director's designated representatives as provided by this
16 subsection. Notwithstanding any law to the contrary, all
17 revenues, fees, and fines collected by the department shall be
18 deposited into the compliance resolution fund. Unencumbered
19 balances existing on June 30, 1999, in the cable television fund
20 under chapter 440G, the division of consumer advocacy fund under
21 chapter 269, the financial institution examiners' revolving
22 fund, section 412:2-109, the special handling fund, section 414-



1 13, and unencumbered balances existing on June 30, 2002, in the
2 insurance regulation fund, section 431:2-215, shall be deposited
3 into the compliance resolution fund. This provision shall not
4 apply to the drivers education fund underwriters fee, section
5 431:10C-115, insurance premium taxes and revenues, revenues of
6 the workers' compensation special compensation fund, section
7 386-151, the captive insurance administrative fund, section
8 431:19-101.8, the insurance commissioner's education and
9 training fund, section 431:2-214, the medical malpractice
10 patients' compensation fund as administered under section 5 of
11 Act 232, Session Laws of Hawaii 1984, and fees collected for
12 deposit in the office of consumer protection restitution fund,
13 section 487-14, the real estate appraisers fund, section 466K-1,
14 the real estate recovery fund, section 467-16, the real estate
15 education fund, section 467-19, the contractors recovery fund,
16 section 444-26, the contractors education fund, section 444-29,
17 the condominium management education fund, section 514A-131, and
18 the condominium education trust fund, section 514B-71. Any law
19 to the contrary notwithstanding, the director may use the moneys
20 in the fund to employ, without regard to chapter 76, hearings
21 officers and attorneys. All other employees [~~may~~] shall be
22 employed in accordance with chapter 76. Any law to the contrary



1 notwithstanding, the moneys in the fund shall be used to fund
2 the operations of the department. The moneys in the fund may be
3 used to train personnel as the director deems necessary and for
4 any other activity related to compliance resolution.

5 As used in this subsection, unless otherwise required by
6 the context, "compliance resolution" means a determination of
7 whether:

- 8 (1) Any licensee or applicant under any chapter subject to
9 the jurisdiction of the department of commerce and
10 consumer affairs has complied with that chapter;
- 11 (2) Any person subject to chapter 485A has complied with
12 that chapter;
- 13 (3) Any person submitting any filing required by chapter
14 514E or section 485A-202(a)(26) has complied with
15 chapter 514E or section 485A-202(a)(26);
- 16 (4) Any person has complied with the prohibitions against
17 unfair and deceptive acts or practices in trade or
18 commerce; or
- 19 (5) Any person subject to chapter 467B has complied with
20 that chapter;

21 and includes work involved in or supporting the above functions,
22 licensing, or registration of individuals or companies regulated



1 by the department, consumer protection, and other activities of
2 the department.

3 The director shall prepare and submit an annual report to
4 the governor and the legislature on the use of the compliance
5 resolution fund. The report shall describe expenditures made
6 from the fund including non-payroll operating expenses."

7 SECTION 4. Section 28-10.5, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) The attorney general may employ, without regard to
10 chapter 76, and at pleasure dismiss, an administrator to oversee
11 and carry out the resource coordination functions of the
12 department set forth in subsection (a). In addition, the
13 attorney general may employ [~~, in accordance with chapter 76,~~]
14 other support staff necessary for the performance of the
15 resource coordination functions [~~-~~]; provided that the support
16 staff shall be employed in accordance with chapter 76."

17 SECTION 5. Section 28-10.6, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "(b) The attorney general may employ, without regard to
20 chapter 76, and at the attorney general's pleasure dismiss, an
21 administrator to oversee and carry out the programs, projects,
22 and activities on the subject of crime, as set forth in



1 subsection (a). The attorney general may also employ other
2 support staff [~~, in accordance with chapter 76,~~] necessary for
3 the performance or coordination of the programs, projects, and
4 activities on the subject of crime [-]; provided that the support
5 staff shall be employed in accordance with chapter 76."

6 SECTION 6. Section 76-16, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) The civil service to which this chapter applies shall
9 comprise all positions in the State now existing or hereafter
10 established and embrace all personal services performed for the
11 State, except the following:

12 (1) Commissioned and enlisted personnel of the Hawaii
13 national guard as such, and positions in the Hawaii
14 national guard that are required by state or federal
15 laws or regulations or orders of the national guard to
16 be filled from those commissioned or enlisted
17 personnel;

18 (2) Positions filled by persons employed by contract where
19 the director of human resources development has
20 certified that the service is special or unique or is
21 essential to the public interest and that, because of
22 circumstances surrounding its fulfillment, personnel



- 1 to perform the service cannot be obtained through
2 normal civil service recruitment procedures. Any such
3 contract may be for any period not exceeding one year;
- 4 (3) Positions that must be filled without delay to comply
5 with a court order or decree if the director
6 determines that recruitment through normal recruitment
7 civil service procedures would result in delay or
8 noncompliance, such as the Felix-Cayetano consent
9 decree;
- 10 (4) Positions filled by the legislature or by either house
11 or any committee thereof;
- 12 (5) Employees in the office of the governor and office of
13 the lieutenant governor, and household employees at
14 Washington Place;
- 15 (6) Positions filled by popular vote;
- 16 (7) Department heads, officers, and members of any board,
17 commission, or other state agency whose appointments
18 are made by the governor or are required by law to be
19 confirmed by the senate;
- 20 (8) Judges, referees, receivers, masters, jurors, notaries
21 public, land court examiners, court commissioners, and



1 attorneys appointed by a state court for a special
2 temporary service;

3 (9) One bailiff for the chief justice of the supreme court
4 who shall have the powers and duties of a court
5 officer and bailiff under section 606-14; one
6 secretary or clerk for each justice of the supreme
7 court, each judge of the intermediate appellate court,
8 and each judge of the circuit court; one secretary for
9 the judicial council; one deputy administrative
10 director of the courts; three law clerks for the chief
11 justice of the supreme court, two law clerks for each
12 associate justice of the supreme court and each judge
13 of the intermediate appellate court, one law clerk for
14 each judge of the circuit court, two additional law
15 clerks for the civil administrative judge of the
16 circuit court of the first circuit, two additional law
17 clerks for the criminal administrative judge of the
18 circuit court of the first circuit, one additional law
19 clerk for the senior judge of the family court of the
20 first circuit, two additional law clerks for the civil
21 motions judge of the circuit court of the first
22 circuit, two additional law clerks for the criminal



1 motions judge of the circuit court of the first
2 circuit, and two law clerks for the administrative
3 judge of the district court of the first circuit; and
4 one private secretary for the administrative director
5 of the courts, the deputy administrative director of
6 the courts, each department head, each deputy or first
7 assistant, and each additional deputy, or assistant
8 deputy, or assistant defined in paragraph (16);

9 (10) First deputy and deputy attorneys general, the
10 administrative services manager of the department of
11 the attorney general, one secretary for the
12 administrative services manager, an administrator and
13 any support staff for the criminal and juvenile
14 justice resources coordination functions, and law
15 clerks;

16 (11) (A) Teachers, principals, vice-principals, complex
17 area superintendents, deputy and assistant
18 superintendents, other certificated personnel,
19 not more than twenty noncertificated
20 administrative, professional, and technical
21 personnel not engaged in instructional work;



1 (B) Effective July 1, 2003, teaching assistants,
2 educational assistants, bilingual/bicultural
3 school-home assistants, school psychologists,
4 psychological examiners, speech pathologists,
5 athletic health care trainers, alternative school
6 work study assistants, alternative school
7 educational/supportive services specialists,
8 alternative school project coordinators, and
9 communications aides in the department of
10 education;

11 (C) The special assistant to the state librarian and
12 one secretary for the special assistant to the
13 state librarian; and

14 (D) Members of the faculty of the University of
15 Hawaii, including research workers, extension
16 agents, personnel engaged in instructional work,
17 and administrative, professional, and technical
18 personnel of the university;

19 (12) Employees engaged in special, research, or
20 demonstration projects approved by the governor;

21 (13) Positions filled by inmates, kokuas, patients of state
22 institutions, persons with severe physical or mental



1 handicaps participating in the work experience
2 training programs, and students and positions filled
3 through federally funded programs that provide
4 temporary public service employment such as the
5 federal Comprehensive Employment and Training Act of
6 1973;

7 (14) A custodian or guide at Iolani Palace, the Royal
8 Mausoleum, and Hulihee Palace;

9 (15) Positions filled by persons employed on a fee,
10 contract, or piecework basis, who may lawfully perform
11 their duties concurrently with their private business
12 or profession or other private employment and whose
13 duties require only a portion of their time, if it is
14 impracticable to ascertain or anticipate the portion
15 of time to be devoted to the service of the State;

16 (16) Positions of first deputies or first assistants of
17 each department head appointed under or in the manner
18 provided in section 6, Article V, of the State
19 Constitution; three additional deputies or assistants
20 either in charge of the highways, harbors, and
21 airports divisions or other functions within the
22 department of transportation as may be assigned by the



1 director of transportation, with the approval of the
2 governor; four additional deputies in the department
3 of health, each in charge of one of the following:
4 behavioral health, environmental health, hospitals,
5 and health resources administration, including other
6 functions within the department as may be assigned by
7 the director of health, with the approval of the
8 governor; an administrative assistant to the state
9 librarian; and an administrative assistant to the
10 superintendent of education;

11 (17) Positions specifically exempted from this part by any
12 other law shall be repealed every three years unless
13 extended by the legislature; provided that all of the
14 positions defined by paragraph (9) shall be included
15 in the position classification plan;

16 (18) Positions in the state foster grandparent program and
17 positions for temporary employment of senior citizens
18 in occupations in which there is a severe personnel
19 shortage or in special projects;

20 (19) Household employees at the official residence of the
21 president of the University of Hawaii;



- 1 (20) Employees in the department of education engaged in
2 the supervision of students during meal periods in the
3 distribution, collection, and counting of meal
4 tickets, and in the cleaning of classrooms after
5 school hours on a less than half-time basis;
- 6 (21) Employees hired under the tenant hire program of the
7 Hawaii public housing authority; provided that not
8 more than twenty-six per cent of the authority's work
9 force in any housing project maintained or operated by
10 the authority shall be hired under the tenant hire
11 program;
- 12 (22) Positions of the federally funded expanded food and
13 nutrition program of the University of Hawaii that
14 require the hiring of nutrition program assistants who
15 live in the areas they serve;
- 16 (23) Positions filled by severely handicapped persons who
17 are certified by the state vocational rehabilitation
18 office that they are able to perform safely the duties
19 of the positions;
- 20 (24) One public high school student to be selected by the
21 Hawaii state student council as a nonvoting member on



1 the board of education as authorized by the State
2 Constitution;

3 (25) Sheriff, first deputy sheriff, and second deputy
4 sheriff;

5 (26) A gender and other fairness coordinator hired by the
6 judiciary; and

7 (27) Positions in the Hawaii national guard youth challenge
8 academy.

9 The director shall determine the applicability of this
10 section to specific positions.

11 Nothing in this section shall be deemed to affect the civil
12 service status of any incumbent as it existed on July 1, 1955."

13 SECTION 7. Section 174C-5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§174C-5 General powers and duties. The general
16 administration of the state water code shall rest with the
17 commission on water resource management. In addition to its
18 other powers and duties, the commission:

19 (1) Shall carry out topographic surveys, research, and
20 investigations into all aspects of water use and water
21 quality;



- 1 (2) Shall designate water management areas for regulation
2 under this chapter where the commission, after the
3 research and investigations mentioned in paragraph
4 (1), shall consult with the appropriate county council
5 and county water agency, and after public hearing and
6 published notice, finds that the water resources of
7 the areas are being threatened by existing or proposed
8 withdrawals of water;
- 9 (3) Shall establish an instream use protection program
10 designed to protect, enhance, and reestablish, where
11 practicable, beneficial instream uses of water in the
12 State;
- 13 (4) May contract and cooperate with the various agencies
14 of the federal government and with state and local
15 administrative and governmental agencies or private
16 persons;
- 17 (5) May enter, after obtaining the consent of the property
18 owner, at all reasonable times upon any property other
19 than dwelling places for the purposes of conducting
20 investigations and studies or enforcing any of the
21 provisions of this code, being liable, however, for



1 actual damage done. If consent cannot be obtained,
2 reasonable notice shall be given prior to entry;
3 (6) Shall cooperate with federal agencies, other state
4 agencies, county or other local governmental
5 organizations, and all other public and private
6 agencies created for the purpose of utilizing and
7 conserving the waters of the State, and assist these
8 organizations and agencies in coordinating the use of
9 their facilities and participate in the exchange of
10 ideas, knowledge, and data with these organizations
11 and agencies. For this purpose the commission shall
12 maintain an advisory staff of experts;
13 (7) Shall prepare, publish, and issue printed pamphlets
14 and bulletins as the commission deems necessary for
15 the dissemination of information to the public
16 concerning its activities;
17 (8) May appoint and remove agents, including hearings
18 officers and consultants, necessary to carry out the
19 purposes of this chapter, who may be engaged by the
20 commission without regard to the requirements of
21 chapter 76 and section 78-1;



- 1 (9) ~~May~~ Shall hire employees in accordance with chapter
2 76;
- 3 (10) May acquire, lease, and dispose of such real and
4 personal property as may be necessary in the
5 performance of its functions, including the
6 acquisition of real property for the purpose of
7 conserving and protecting water and water related
8 resources as provided in section 174C-14;
- 9 (11) Shall identify, by continuing study, those areas of
10 the State where salt water intrusion is a threat to
11 fresh water resources and report its findings to the
12 appropriate county mayor and council and the public;
- 13 (12) Shall provide coordination, cooperation, or approval
14 necessary to the effectuation of any plan or project
15 of the federal government in connection with or
16 concerning the waters of the State. The commission
17 shall approve or disapprove any federal plans or
18 projects on behalf of the State. No other agency or
19 department of the State shall assume the duties
20 delegated to the commission under this paragraph;
21 except that the department of health shall continue to
22 exercise the powers vested in it with respect to water



1 quality, and except that the department of business,
2 economic development, and tourism shall continue to
3 carry out its duties and responsibilities under
4 chapter 205A;

5 (13) Shall plan and coordinate programs for the
6 development, conservation, protection, control, and
7 regulation of water resources, based upon the best
8 available information, and in cooperation with federal
9 agencies, other state agencies, county or other local
10 governmental organizations, and other public and
11 private agencies created for the utilization and
12 conservation of water;

13 (14) Shall catalog and maintain an inventory of all water
14 uses and water resources; and

15 (15) Shall determine appurtenant water rights, including
16 quantification of the amount of water entitled to by
17 that right, which determination shall be valid for
18 purposes of this chapter."

19 SECTION 8. Section 202-3, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:

21 "(a) The workforce development council shall appoint and
22 fix the compensation of an executive director, who shall be



1 exempt from chapter 76, and [may] shall employ any other
2 personnel as it deems advisable within chapter 76."

3 SECTION 9. Section 206E-4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§206E-4 Powers; generally. Except as otherwise limited
6 by this chapter, the authority may:

- 7 (1) Sue and be sued;
- 8 (2) Have a seal and alter the same at pleasure;
- 9 (3) Make and execute contracts and all other instruments
10 necessary or convenient for the exercise of its powers
11 and functions under this chapter;
- 12 (4) Make and alter bylaws for its organization and
13 internal management;
- 14 (5) Make rules with respect to its projects, operations,
15 properties, and facilities, which rules shall be in
16 conformance with chapter 91;
- 17 (6) Through its executive director appoint officers~~[7]~~ and
18 agents, ~~[and employees,]~~ prescribe their duties and
19 qualifications, and fix their salaries, without regard
20 to chapter 76~~[7]~~, and appoint employees in accordance
21 with chapter 76;



- 1 (7) Prepare or cause to be prepared a community
2 development plan for all designated community
3 development districts;
- 4 (8) Acquire, reacquire, or contract to acquire or
5 reacquire by grant or purchase real, personal, or
6 mixed property or any interest therein; to own, hold,
7 clear, improve, and rehabilitate, and to sell, assign,
8 exchange, transfer, convey, lease, or otherwise
9 dispose of or encumber the same;
- 10 (9) Acquire or reacquire by condemnation real, personal,
11 or mixed property or any interest therein for public
12 facilities, including but not limited to streets,
13 sidewalks, parks, schools, and other public
14 improvements;
- 15 (10) By itself, or in partnership with qualified persons,
16 acquire, reacquire, construct, reconstruct,
17 rehabilitate, improve, alter, or repair or provide for
18 the construction, reconstruction, improvement,
19 alteration, or repair of any project; own, hold, sell,
20 assign, transfer, convey, exchange, lease, or
21 otherwise dispose of or encumber any project, and in
22 the case of the sale of any project, accept a purchase



- 1 money mortgage in connection therewith; and repurchase
2 or otherwise acquire any project which the authority
3 has theretofore sold or otherwise conveyed,
4 transferred, or disposed of;
- 5 (11) Arrange or contract for the planning, replanning,
6 opening, grading, or closing of streets, roads,
7 roadways, alleys, or other places, or for the
8 furnishing of facilities or for the acquisition of
9 property or property rights or for the furnishing of
10 property or services in connection with a project;
- 11 (12) Grant options to purchase any project or to renew any
12 lease entered into by it in connection with any of its
13 projects, on such terms and conditions as it deems
14 advisable;
- 15 (13) Prepare or cause to be prepared plans, specifications,
16 designs, and estimates of costs for the construction,
17 reconstruction, rehabilitation, improvement,
18 alteration, or repair of any project, and from time to
19 time to modify such plans, specifications, designs, or
20 estimates;
- 21 (14) Provide advisory, consultative, training, and
22 educational services, technical assistance, and advice



- 1 to any person, partnership, or corporation, either
2 public or private, in order to carry out the purposes
3 of this chapter, and engage the services of
4 consultants on a contractual basis for rendering
5 professional and technical assistance and advice;
- 6 (15) Procure insurance against any loss in connection with
7 its property and other assets and operations in such
8 amounts and from such insurers as it deems desirable;
- 9 (16) Contract for and accept gifts or grants in any form
10 from any public agency or from any other source;
- 11 (17) Do any and all things necessary to carry out its
12 purposes and exercise the powers given and granted in
13 this chapter; and
- 14 (18) Allow satisfaction of any affordable housing
15 requirements imposed by the authority upon any
16 proposed development project through the construction
17 of reserved housing, as defined in section 206E-101,
18 by a person on land located outside the geographic
19 boundaries of the authority's jurisdiction. Such
20 substituted housing shall be located on the same
21 island as the development project and shall be
22 substantially equal in value to the required reserved



1 housing units that were to be developed on site. The
2 authority shall establish the following priority in
3 the development of reserved housing:

- 4 (A) Within the community development district;
- 5 (B) Within areas immediately surrounding the
6 community development district;
- 7 (C) Areas within the central urban core;
- 8 (D) In outlying areas within the same island as the
9 development project.

10 The Hawaii community development authority shall
11 adopt rules relating to the approval of reserved
12 housing that are developed outside of a community
13 development district. The rules shall include, but
14 are not limited to, the establishment of guidelines to
15 ensure compliance with the above priorities."

16 SECTION 10. Section 342G-12.5, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§342G-12.5 Recycling coordinator. There is established a
19 position of assistant to the coordinator of the office of solid
20 waste management to be known as the recycling coordinator. The
21 position [~~may~~] shall be appointed by the director in accordance
22 with chapter 76."



1 SECTION 11. Section 346D-8, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§346D-8 Personnel exempt. The department of human
4 services [may] shall employ civil service personnel in
5 accordance with chapter 76 to service the waiver programs."

6 SECTION 12. Section 371K-3, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§371K-3 General functions, duties, and powers of the
9 executive director. The executive director shall:

- 10 (1) Serve as the principal official in state government
11 responsible for the coordination of programs for the
12 needy, poor, and disadvantaged persons, refugees, and
13 immigrants;
- 14 (2) Oversee, supervise, and direct the performance by
15 subordinates of activities in such areas as planning,
16 evaluation, and coordination of programs for
17 disadvantaged persons, refugees, and immigrants and
18 development of a statewide service delivery network;
- 19 (3) Assess the policies and practices of public and
20 private agencies impacting on the disadvantaged and
21 conduct advocacy efforts on behalf of the
22 disadvantaged, refugees, and immigrants;



- 1 (4) Devise and recommend legislative and administrative
2 actions for the improvement of services for the
3 disadvantaged, refugees, and immigrants;
- 4 (5) Serve as a member of advisory boards and panels of
5 state agencies in such areas as child development
6 programs, elder programs, social services programs,
7 health and medical assistance programs, refugee
8 assistance programs, and immigrant services programs;
- 9 (6) Administer funds allocated for the office of community
10 services; and apply for, receive, and disburse grants
11 and donations from all sources for programs and
12 services to assist the disadvantaged, refugees, and
13 immigrants;
- 14 (7) Adopt, amend, and repeal rules pursuant to chapter 91
15 for purposes of this chapter;
- 16 (8) Retain ~~[such]~~ staff as may be necessary for the
17 purposes of this chapter, who ~~[may be exempt from]~~
18 shall be employed in accordance with chapter 76;
- 19 (9) Contract for services as may be necessary for the
20 purposes of this chapter;
- 21 (10) Orient members of the advisory council to the goals,
22 functions, and programs of the office; and



1 (11) Seek the input of council members on all matters
2 pertaining to the functions of the office."

3 SECTION 13. Section 373C-33, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§373C-33 Personnel. The department of labor and
6 industrial relations [may] shall establish positions and hire
7 necessary personnel for the purposes of this part in accordance
8 with chapter 76."

9 SECTION 14. Section 383-128, Hawaii Revised Statutes, is
10 amended by amending subsection (k) to read as follows:

11 "(k) The director may establish positions and hire
12 necessary personnel to establish and administer the employment
13 and training fund; provided that after the effective date of
14 Act _____, Session Laws of Hawaii 2009, positions shall be
15 established and personnel shall be hired in accordance with
16 chapter 76."

17 SECTION 15. Section 412:2-109, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) The commissioner may appoint financial institution
20 examiners, [~~in accordance with chapter 76,~~] who shall examine
21 the affairs, transactions, accounts, records, documents, and
22 assets of financial institutions[-]; provided that the financial



1 institution examiners shall be appointed in accordance with
2 chapter 76. The commissioner may also [~~may~~] appoint
3 administrative support personnel, [~~in accordance with chapter~~
4 ~~76,~~] who shall assist and support the examiners [~~,-~~]; provided
5 that the administrative support personnel shall be appointed in
6 accordance with chapter 76. The commissioner may pay the
7 salaries of the financial institution examiners and
8 administrative support personnel from the compliance resolution
9 fund."

10 SECTION 16. Section 440G-12, Hawaii Revised Statutes, is
11 amended by amending subsection (d) to read as follows:

12 "(d) The director may appoint, without regard to chapter
13 76, an administrator and one or more attorneys for purposes of
14 enforcing this chapter. The director shall define their powers
15 and duties and fix their compensation. The director may also
16 appoint professional, clerical, stenographic, and other staff as
17 may be necessary for the proper administration and enforcement
18 of this chapter, provided that they are appointed subject to
19 chapter 76."

20 SECTION 17. Section 802-12, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§802-12 Organization of office; assistance. Subject to
2 the approval of the defender council, the state public defender
3 may employ assistant state public defenders and other employees,
4 including investigators, as may be necessary to discharge the
5 function of the office. Assistant state public defenders shall
6 be qualified to practice before the supreme court of this State.
7 Assistant state public defenders shall be appointed without
8 regard to chapter 76 and shall serve at the pleasure of the
9 state public defender. All other employees [~~may~~] shall be
10 appointed in accordance with chapter 76. An assistant state
11 public defender may be employed on a part-time basis, and when
12 so employed, the assistant public defender may engage in the
13 general practice of law, other than in the practice of criminal
14 law."

15 SECTION 18. In printing this Act, the revisor of statutes
16 shall substitute in section 383-128(k), Hawaii Revised Statutes,
17 of section 14, the corresponding act number of this Act.

18 SECTION 19. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20



Report Title:

Public Employment; Exempt Civil Service

Description:

Amends various sections of HRS to comply with Act 253, Session Laws of Hawaii 2000, which places restrictions on the creation of civil service exempt positions and requires an annual review of exempt positions to determine whether they should be converted to civil service positions.

