THE SENATE  
TWENTY-EIGHTH LEGISLATURE, 2016  
STATE OF HAWAII  

S.B. NO. 3124  

JAN 2 7 2016

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 legislature finds that the commissioners of the public utilities commission need assistants in order to more efficiently carry out their duties.

The purpose of this Act is to:

(1) Require the chairperson of the public utilities commission to obtain concurrence of at least one other commissioner in order to appoint, employ, and dismiss an executive director; and

(2) Authorize each commissioner to appoint up to five professional staff and other assistants, with at least one to serve as an attorney to that commissioner.

SECTION 2. Section 269-3, Hawaii Revised Statutes, is amended to read as follows:

"§269-3 Employment of assistants. (a) The chairperson of the public utilities commission may appoint and employ 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. Notwithstanding section 26-35(a)(4) to the
contrary, except as provided otherwise in this section, and
subject to applicable personnel laws, the employment,
appointment, applicable salary schedules, promotion, transfer,
demotion, discharge, and job descriptions of all officers and
employees of or under the jurisdiction of the commission shall
be determined by the chairperson and may be delegated to the
executive officer appointed and employed pursuant to subsection
(b); provided that determinations concerning personnel matters
made by the chairperson or the executive officer, as delegated
by the chairperson, may be reviewed by the director of commerce
and consumer affairs for completeness and for compliance and
conformance with applicable administrative processes and
procedures of the department of commerce and consumer affairs.
The chairperson may appoint and, at pleasure, dismiss a chief
administrator and attorneys as may be necessary, and who shall
be exempt from chapter 76. The chairperson may also appoint
other staff, including a fiscal officer and a personnel officer,
with or without regard to chapter 76.
(b) The chairperson of the commission shall appoint, employ, and dismiss, [at pleasure], with concurrence of at least one other commissioners, an executive officer who shall be responsible for managing the operations of the commission. The responsibilities of the executive officer shall include management and recruitment of personnel, budget planning and implementation, strategic planning and implementation, procurement and contract administration, and implementation of administrative programs and projects. The executive officer shall be exempt from chapter 76.

(c) Notwithstanding section 91-13, the commission may consult with its assistants appointed under authority of this section in any contested case or agency hearing concerning any issue of facts. Neither the commission nor any of its assistants shall in such proceeding consult with any other person or party except upon notice and an opportunity for all parties to participate, save to the extent required for the disposition of ex parte matters authorized by law.

(d) Notwithstanding subsection (a) to the contrary, each commissioner may appoint a maximum of five professional staff and other assistants, one of whom shall serve as an attorney to
that commissioner. Upon expiration of that commissioner's term, the term of employment of the professional staff and other assistants appointed by that commissioner may be extended, subject to approval by the new commissioner to whom the assistants shall be assigned or with concurrence of two commissioners."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.
Report Title:
Public Utilities Commission; Employment; Executive Officer; Professional Staff and Other Assistants

Description:
Requires the chairperson of the PUC to obtain concurrence of at least one other commissioner in order to appoint, employ, and dismiss an executive officer. Authorizes each commissioner of the PUC to appoint up to five professional staff and other assistants, at least one who shall serve as an attorney to the commissioner.

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