

JAN 19 2007

A BILL FOR AN ACT

RELATING TO PUBLIC UTILITIES.

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

1 SECTION 1. Section 269-2, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:
3 "(b) Effective July 1, [~~2005,~~] 2007, the chairperson of
4 the commission shall be paid a salary set at [~~eighty-seven~~] one
5 hundred per cent of the salary of the director of [~~human~~
6 ~~resources development,~~] commerce and consumer affairs, and each
7 of the other commissioners shall be paid a salary equal to
8 ninety-five per cent of the chairperson's salary. The
9 commissioners shall be exempt from chapters 76 and 89 but shall
10 be members of the state employees retirement system and shall be
11 eligible to receive the benefits of any state or federal
12 employee benefit program generally applicable to officers and
13 employees of the State, including those under chapter 87A.

14 The commission is placed within the department of budget
15 and finance for administrative purposes."

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



1 "(a) The chairperson of the public utilities commission
2 may appoint and employ clerks, stenographers, agents, engineers,
3 accountants, and other assistants for the public utilities
4 commission as the chairperson finds necessary for the
5 performance of the commission's functions and define their
6 powers and duties. The chairperson may appoint and, at
7 pleasure, dismiss a chief administrator and hearings officers as
8 may be necessary. Notwithstanding section [†]103D-209[†], the
9 chairperson shall appoint one or more attorneys independent of
10 the attorney general who shall act as attorneys for the
11 commission and define their powers and duties and fix their
12 compensation. The chief administrator and attorneys shall be
13 exempt from chapter 76. Research assistants, economists,
14 hearing officers, legal secretaries, utility analysts, legal
15 assistants, and enforcement officers may be appointed with or
16 without regard to chapter 76. Other employees shall be
17 appointed as may be needed by the chairperson in accordance with
18 chapter 76."

19 SECTION 3. Section 269-33, Hawaii Revised Statutes, is
20 amended to read as follows:

21 1. By amending its title to read:



1 "~~§269-33 Public utilities commission special fund[-];~~
2 suspension of collection of public utility fees."

3 2. By amending subsection (d) to read:

4 "(d) [~~All moneys in excess of \$1,000,000 remaining on~~
5 ~~balance in the public utilities commission special fund on~~
6 ~~June 30 of each year shall lapse to the credit of the state~~
7 ~~general fund-]~~ Based on its assessment of its fiscal allotment
8 and the funds in and anticipated to be in the public utilities
9 commission special fund, the public utilities commission may
10 order that the collection of the fee to be paid by a public
11 utility into the public utilities commission special fund
12 pursuant to section 269-30 be temporarily suspended, and may
13 order the reinstatement of the collection of a suspended fee;
14 provided that the temporary suspension shall not apply to a
15 public utility paying a fee of \$30 pursuant to section
16 269-30(b). The public utility shall file amended rates, fares,
17 charges, classifications, schedules, rules, or practices that
18 conform to the action taken by the public utilities commission.
19 Notwithstanding any other provision to the contrary, the
20 suspension or reinstatement of the collection of a fee payable
21 into the public utilities commission special fund, and the
22 filing of amended rates, fares, charges, classifications,



1 schedules, rules, or practices by the public utility in
2 conformance with an action taken by the public utilities
3 commission shall not be subject to any requirement in this
4 chapter relating to the publication of public notice, or the
5 convening of a public or contested case hearing, except that the
6 amended rates, fares, charges, classifications, schedules,
7 rules, or practices shall be effective only after notice has
8 been provided to the public utilities commission pursuant to
9 sections 269-12(b) and 269-16(a) and (b)."

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on July 1, 2007.

13

INTRODUCED BY:

John Gish
Ron Mann



Report Title:

Public Utilities

Description:

Changes the salary of the chairperson of the public utilities commission; allows the appointment of hearing officers with out regard to chapter 76; allows for the suspension and reinstatement of fees.

