
A BILL FOR AN ACT

RELATING TO CONSUMER ADVOCACY.

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

1 **PART I**

2 SECTION 1. Progressive energy policy-making on the state
3 level is one of the most important issues on the legislative
4 agenda. Regulatory reform, specifically in the public utilities
5 commission and the division of consumer advocacy of the
6 department of commerce and consumer affairs, is essential to the
7 successful implementation of recent and future energy policy
8 reform. Recent legislation relies on professional staff in the
9 agencies to use their skills and experience in various areas
10 relating to public utilities to research, analyze, examine, and
11 process legislative mandates.

12 The current organization of the division of consumer
13 advocacy has not kept up with the recent changes made by
14 legislation in the regulatory conditions, duties, and
15 requirements of the division, diminishing its ability to perform
16 effectively in the following ways:

- 17 (1) Difficulty recruiting and retaining qualified
18 individuals to fill specialized positions that require



1 skills and experience that involve the performance of
2 certain functions;

3 (2) Specialized job requirements that do not correspond
4 with existing position descriptions and
5 classifications;

6 (3) Bureaucratic obstacles in changing existing position
7 descriptions and classifications;

8 (4) Salaries that are substantially below mainland agency
9 or private sector equivalents, especially considering
10 the demanding and arduous job requirements; and

11 (5) Agency organizational structures that are archaic and
12 unsupportive of efficient work flow or the matching of
13 human resources to the required tasks.

14 Act 143, Session Laws of Hawaii 2006, was passed to obtain
15 an in-depth review of the division of consumer advocacy's
16 organization and to develop a comprehensive plan to effectively
17 restructure and supplement the division and its resources to
18 function more effectively and efficiently. A report was
19 submitted to the legislature in December 2006 by the division,
20 specifying, as requested, the specific types and numbers of
21 positions and the amounts necessary to restructure the division
22 and supplement its resources.



1 The purpose of this part is to enhance the ability of the
2 division of consumer advocacy to carry out its duties and
3 responsibilities by:

4 (1) Requiring the division to restructure its operations
5 pursuant to the division's December 2006 report to the
6 legislature to improve its effectiveness and
7 efficiency; and

8 (2) Appropriating funds to meet the costs incurred as a
9 result of the restructuring process.

10 SECTION 2. (a) The division of consumer advocacy,
11 department of commerce and consumer affairs, shall restructure
12 its operations as provided for in the division's report to the
13 legislature required pursuant to Act 143, Session Laws of
14 Hawaii, 2006.

15 (b) The restructuring shall include the following:

16 (1) The existing financial analysis branch shall be
17 renamed the regulatory analysis branch and shall house
18 the integrated resource planning analyst,
19 telecommunications analyst, and four auditor
20 positions, which shall be redescribed as researcher
21 analysts and conduct research and analysis in rate



- 1 case and other proceedings and research new
2 developments in utility regulation;
- 3 (2) The new regulatory analysis branch shall be expanded
4 to add two additional exempt positions for researcher
5 analysts;
- 6 (3) The existing economics and pricing branch shall be
7 renamed the rate analysis branch, and the economist
8 and research statisticians shall be redescribed as
9 utility rate analysts, who will review applications
10 for rate increases and tariff or rule amendments;
- 11 (4) Both the new regulatory analysis and rate analysis
12 branches shall be supervised by a branch chief within
13 the same class as the analysts and researchers within
14 their respective branches to aid recruitment and
15 retention efforts, ensure job satisfaction and
16 personal growth, and encourage upward mobility within
17 the branches; and
- 18 (5) Professional staff shall be encouraged to participate
19 in staff training seminars to obtain a general
20 understanding of the subject matter and receive
21 regular updates to regulatory conditions.



1 (c) Upon request by the division of consumer advocacy, all
2 other state and county agencies shall assist the division in
3 carrying out this part. The departments of human resources
4 development and budget and finance shall continue to work
5 cooperatively with the division as is deemed necessary by the
6 division, to:

- 7 (1) Rename or redescribe job descriptions;
- 8 (2) More closely correlate the actual work of the
9 professional staff with the types of positions within
10 the division; and
- 11 (3) Provide those positions with, where reasonable and
12 equitable, more compensation to attract qualified
13 applicants to the division.

14 (d) Nothing in this section shall be construed to limit
15 any existing authority of the department of commerce and
16 consumer affairs to restructure the division of consumer
17 advocacy without prior legislative approval.

18 SECTION 3. Section 269-52, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§269-52 Division of consumer advocacy; personnel.** There
21 shall be a division of consumer advocacy within the department
22 of commerce and consumer affairs to provide administrative



1 support to the director of commerce and consumer affairs acting
2 in the capacity of consumer advocate. The director may employ
3 and at pleasure dismiss an executive administrator, who shall be
4 exempt from chapter 76, may define the executive administrator's
5 powers and duties, and fix the executive administrator's
6 compensation. The director may employ engineers, accountants,
7 investigators, clerks, and stenographers as may be necessary for
8 the performance of the consumer advocate's functions, in
9 accordance with chapter 76; provided that:

- 10 (1) The director may employ up to [~~four~~] ten utility
11 analysts exempt from chapter 76; and
- 12 (2) Each analyst shall possess at least the minimum
13 qualifications required of comparable experts in the
14 relevant industry."

15 SECTION 4. There is appropriated out of the public
16 utilities commission special fund the sum of \$168,000 for fiscal
17 year 2007-2008 and the sum of \$168,000 for fiscal year 2008-2009
18 to be deposited into the compliance resolution fund.

19 SECTION 5. There is appropriated out of the compliance
20 resolution fund the sum of \$168,000 or so much thereof as may be
21 necessary for fiscal year 2007-2008 and the sum of \$168,000 or
22 so much thereof as may be necessary for fiscal year 2008-2009

1 for two permanent utility analyst positions exempt from chapter
2 76, Hawaii Revised Statutes, in the division of consumer
3 advocacy, department of commerce and consumer affairs.

4 The sums appropriated shall be expended by the department
5 of commerce and consumer affairs for the purposes of this part.

6 SECTION 6. There is appropriated out of the public
7 utilities commission special fund the sum of \$30,000 for fiscal
8 year 2007-2008 and the sum of \$30,000 for fiscal year 2008-2009
9 to be deposited into the compliance resolution fund.

10 SECTION 7. There is appropriated out of the compliance
11 resolution fund the sum of \$30,000 or so much thereof as may be
12 necessary for fiscal year 2007-2008 and the sum of \$30,000 or so
13 much thereof as may be necessary for fiscal year 2008-2009 to
14 send the professional staff of the division of consumer advocacy
15 to specialized training seminars to obtain a general
16 understanding of the subject matter and receive regular updates
17 of regulatory condition changes.

18 The sums appropriated shall be expended by the department
19 of commerce and consumer affairs for the purposes of this part.

20 **PART II**

21 SECTION 8. (a) The legislature finds that despite a broad
22 range of identity theft legislation enacted by the legislature



1 in 2006 through Act 140, Session Laws of Hawaii 2006, identity
2 theft remains a critical issue for Hawaii consumers. In fact,
3 the revelation early in 2007 that personal data of 11,500
4 families enrolled in a program for low-income women and children
5 was at risk after a department of health employee allegedly
6 stole information from a client database has revealed the
7 continued threat posed by identity theft.

8 A recurring concern in legislative hearings on identity
9 theft was the use of a social security number as a means of
10 identification and the vulnerability of that information.

11 Act 140, Session Laws of Hawaii 2006, changed the name of
12 the Hawaii anti-phishing task force to the identity theft task
13 force and extended the duration of the task force to
14 December 31, 2007. With staffing and research assistance
15 provided by the office of the auditor, the task force continues
16 to focus on:

17 (1) Examining state agencies charged with the
18 responsibility of developing policies, procedures, and
19 operations to prevent, monitor, and enforce electronic
20 commerce-based criminal activities and sanctions;



1 (2) Deriving best practice models from the review of other
2 jurisdictions' activities, policies, and laws related
3 to the prevention of electronic commerce-based crimes;

4 (3) Exploring other options available to the task force to
5 deter electronic commerce-based crimes from occurring
6 in the State; and

7 (4) Establishing findings and recommendations on
8 electronic commerce-based crime prevention.

9 (b) The purpose of this part is to further these and other
10 proactive efforts to protect Hawaii consumers by appropriating
11 funds to the office of the auditor for continued research and
12 support services necessary to develop additional deterrents for
13 identity theft.

14 SECTION 9. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$100,000 or so much
16 thereof as may be necessary for fiscal year 2007-2008 for
17 research and support services necessary to protect Hawaii
18 consumers by developing additional deterrents for identity
19 theft, and in particular those related to the compromise of
20 electronic data and information, and social security numbers in
21 public records.

H.B. NO. 1004
H.D. 2
S.D. 1
C.D. 2

Report Title:

Consumer Advocacy; Restructuring; Identity Theft

Description:

Restructures the division of consumer advocacy, department of commerce and consumer affairs and appropriates funds for additional operating costs, including additional positions to improve the operations of the division. Appropriates funds to the Office of the Auditor for research and support services necessary to protect Hawaii consumers by developing additional deterrents for identity theft. Gives businesses and government an additional year to comply with provisions relating to social security number protection. (HB1004 CD2)

