

JAN 23 2008

A BILL FOR AN ACT

RELATING TO ENERGY.

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

1 SECTION 1. Chapter 26, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§26-A Department of energy. (a) The department of
5 energy shall be headed by a single executive to be known as the
6 director of energy.

7 (b) The department of energy shall be responsible for the
8 administration and implementation of chapter 196."

9 SECTION 2. Section 26-4, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§26-4 Structure of government. Under the supervision of
12 the governor, all executive and administrative offices,
13 departments, and instrumentalities of the state government and
14 their respective functions, powers, and duties shall be
15 allocated among and within the following principal departments
16 that are hereby established:



- 1 (1) Department of human resources development (Section
- 2 26-5)
- 3 (2) Department of accounting and general services (Section
- 4 26-6)
- 5 (3) Department of the attorney general (Section 26-7)
- 6 (4) Department of budget and finance (Section 26-8)
- 7 (5) Department of commerce and consumer affairs (Section
- 8 26-9)
- 9 (6) Department of taxation (Section 26-10)
- 10 (7) University of Hawaii (Section 26-11)
- 11 (8) Department of education (Section 26-12)
- 12 (9) Department of health (Section 26-13)
- 13 (10) Department of human services (Section 26-14)
- 14 (11) Department of land and natural resources (Section
- 15 26-15)
- 16 (12) Department of agriculture (Section 26-16)
- 17 (13) Department of Hawaiian home lands (Section 26-17)
- 18 (14) Department of business, economic development, and
- 19 tourism (Section 26-18)
- 20 (15) Department of transportation (Section 26-19)
- 21 (16) Department of labor and industrial relations (Section
- 22 26-20)



1 (17) Department of defense (Section 26-21)

2 (18) Department of public safety (Section 26-14.6) [-]

3 (19) Department of energy (Section 26-A)."

4 SECTION 3. Section 196-3, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§196-3 Energy resources coordinator. The director of
7 [~~business, economic development, and tourism~~] energy shall serve
8 as energy resources coordinator."

9 SECTION 4. All rights, powers, functions, and duties of
10 the director of business, economic development and tourism
11 pursuant to chapter 196, Hawaii Revised Statutes, are
12 transferred to the director of energy.

13 All officers and employees whose functions are transferred
14 by this Act shall be transferred with their functions and shall
15 continue to perform their regular duties upon their transfer,
16 subject to the state personnel laws and this Act.

17 No officer or employee of the State having tenure shall
18 suffer any loss of salary, seniority, prior service credit,
19 vacation, sick leave, or other employee benefit or privilege as
20 a consequence of this Act, and such officer or employee may be
21 transferred or appointed to a civil service position without the
22 necessity of examination; provided that the officer or employee



1 possesses the minimum qualifications for the position to which
2 transferred or appointed; and provided that subsequent changes
3 in status may be made pursuant to applicable civil service and
4 compensation laws.

5 An officer or employee of the State who does not have
6 tenure and who may be transferred or appointed to a civil
7 service position as a consequence of this Act shall become a
8 civil service employee without the loss of salary, seniority,
9 prior service credit, vacation, sick leave, or other employee
10 benefits or privileges and without the necessity of examination;
11 provided that such officer or employee possesses the minimum
12 qualifications for the position to which transferred or
13 appointed.

14 If an office or position held by an officer or employee
15 having tenure is abolished, the officer or employee shall not
16 thereby be separated from public employment, but shall remain in
17 the employment of the State with the same pay and classification
18 and shall be transferred to some other office or position for
19 which the officer or employee is eligible under the personnel
20 laws of the State as determined by the head of the department or
21 the governor.



1 SECTION 5. All appropriations, records, equipment,
2 machines, files, supplies, contracts, books, papers, documents,
3 maps, and other personal property heretofore made, used,
4 acquired, or held by the department of business, economic
5 development and tourism, relating to the functions transferred
6 to the director of energy shall be transferred with the
7 functions to which they relate.

8 SECTION 6. **Federal aid, bond obligations; not impaired.**

9 It is the intent of this Act not to jeopardize the receipt of
10 any federal aid nor to impair the obligation of the State or any
11 agency thereof to the holders of any bond issued by the State or
12 by any such agency, and to the extent, and only to the extent,
13 necessary to effectuate this intent, the governor is authorized
14 and empowered to modify the strict provisions of this Act, but
15 shall promptly report any such modifications with the reasons
16 therefor to the legislature at its next session thereafter for
17 review by the legislature.

18 SECTION 7. **Revision of existing statutes.** The revisor of
19 statutes shall substitute into chapter 196, Hawaii Revised
20 Statutes, the appropriate department of energy or director of
21 energy reference in all existing statutes where a department,
22 board, commission, agency, program, or organizational segment is



1 transferred from the department or director of business,
 2 economic, development and tourism to the department or director
 3 of energy if such existing statutory language, in chapter 196,
 4 Hawaii Revised Statutes, has not been amended by this Act.

5 SECTION 8. Statutory material to be repealed is bracketed
 6 and stricken. New statutory material is underscored.

7 SECTION 9. This Act shall take effect upon its approval.
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INTRODUCED BY: S.S.T.Li

Ray L. Duncan

J. Kelvin Goh

Runees. Kohli
 Jim
 Anil Yaj



Report Title:

Department of Energy; Director of Energy; Energy Resources

Description:

Creates a department of energy to administer energy resources pursuant to chapter 196, Hawaii Revised Statutes.

