

JAN 21 2011

S.B. NO. 276

A BILL FOR AN ACT

RELATING TO THE COMMISSION ON SALARIES.

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

1 SECTION 1. The purpose of this Act is to abolish the
2 commission on salaries that was created by House Bill No. 1918
3 H.D. 1 S.D. 2 C.D. 1, which became Act 299 of the 2006 Regular
4 Session of the legislature. Act 299 created the commission on
5 salaries that recommends salaries for the governor, lieutenant
6 governor, legislators, justices and judges of state courts, the
7 administrative director of the State, and department heads or
8 executive officers of the executive departments and their
9 deputies or assistants; and repealed or amended then-existing
10 law pertaining to salaries of certain state officials and
11 employees. The Legislature finds that, while Act 299 was well-
12 intentioned, the commission on salaries is not sufficiently
13 accountable to the public. The abolition of the commission on
14 salaries will allow legislators to create laws enabling them to
15 deliberate and vote on changes to their own compensation, thus
16 making legislators more accountable to the public. Abolition of
17 the commission on salaries would also allow legislators to enact



1 laws governing changes in compensation for other state officials
2 and employees.

3 SECTION 2. Section 26-51, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§26-51 Governor; lieutenant governor.** Effective at noon
6 on December 4, 2006, the salaries of the governor and the
7 lieutenant governor shall be as last recommended by the
8 executive salary commission. Effective July 1, 2007, [~~and every~~
9 ~~six years thereafter,~~] the salaries of the governor and
10 lieutenant governor shall be as last recommended by the
11 commission on salaries [~~pursuant to section 26-56,~~] unless
12 rejected by the legislature."

13 SECTION 3. Section 26-52, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§26-52 Department heads and executive officers.** The
16 salaries of the following state officers shall be as follows:

17 (1) The salary of the superintendent of education shall be
18 set by the board of education at a rate no greater
19 than \$150,000 a year;

20 (2) The salary of the president of the University of
21 Hawaii shall be set by the board of regents;



- 1 (3) Effective July 1, 2004, the salaries of all department
2 heads or executive officers of the departments of
3 accounting and general services, agriculture, attorney
4 general, budget and finance, business, economic
5 development, and tourism, commerce and consumer
6 affairs, Hawaiian home lands, health, human resources
7 development, human services, labor and industrial
8 relations, land and natural resources, public safety,
9 taxation, and transportation shall be as last
10 recommended by the executive salary commission.
11 Effective July 1, 2007, [~~and every six years~~
12 ~~thereafter,~~] the salaries shall be as last recommended
13 by the commission on salaries [~~pursuant to section~~
14 ~~26-56,~~] unless rejected by the legislature; and
15 (4) The salary of the adjutant general shall be \$85,302 a
16 year. Effective July 1, 2007, [~~and every six years~~
17 ~~thereafter,~~] the salary of the adjutant general shall
18 be as last recommended by the commission on salaries
19 [~~pursuant to section 26-56,~~] unless rejected by the
20 legislature, except that if the state salary is in
21 conflict with the pay and allowance fixed by the



1 tables of the regular Army or Air Force of the United
2 States, the latter shall prevail."

3 SECTION 4. Section 26-53, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§26-53 Deputies or assistants to department heads.**

6 Effective July 1, 2004, the salaries of deputies or assistants
7 to the head of any department of the State, other than the
8 department of education, shall be within the range or ranges for
9 the specific positions as last recommended by the executive
10 salary commission. Effective July 1, 2007, [~~and every six years~~
11 ~~thereafter,~~] the salaries shall be as last recommended by the
12 commission on salaries and specified by the appointing official,
13 if appropriate, [~~pursuant to section 26-56,~~] unless rejected by
14 the legislature."

15 SECTION 5. Section 26-54, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§26-54 Administrative director of the State.** Effective
18 July 1, 2004, the salary of the administrative director of the
19 State shall be as last recommended by the executive salary
20 commission. Effective July 1, 2007, [~~and every six years~~
21 ~~thereafter,~~] the salary of the administrative director of the
22 State shall be as last recommended by the commission on salaries



1 ~~[pursuant to section 26-56,]~~ unless rejected by the
2 legislature."

3 SECTION 6. Section 601-3, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The chief justice, with the approval of the supreme
6 court, shall appoint an administrative director of the courts to
7 assist the chief justice in directing the administration of the
8 judiciary. The administrative director shall be a resident of
9 the State for a continuous period of three years prior to the
10 administrative director's appointment, and shall be appointed
11 without regard to chapter 76 and shall serve at the pleasure of
12 the chief justice. The administrative director shall hold no
13 other office or employment. Effective July 1, 2004, the salary
14 of the administrative director shall be as last recommended by
15 the judicial salary commission. Effective July 1, 2007, ~~and~~
16 ~~every six years thereafter,]~~ the salary shall be as last
17 recommended by the commission on salaries ~~[pursuant to section~~
18 ~~26-56,]~~ unless disapproved by the legislature."

19 SECTION 7. Section 602-2, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "**§602-2 Salary, supreme court justices.** Effective July 1,
22 2004, the salary of the chief justice of the supreme court and



1 the salary of each associate justice of the supreme court shall
2 be as last recommended by the judicial salary commission.
3 Effective July 1, 2007, [~~and every six years thereafter,~~] the
4 salary of the chief justice of the supreme court and the salary
5 of each associate justice of the supreme court shall be as last
6 recommended by the commission on salaries [~~pursuant to section~~
7 ~~26-56,~~] unless disapproved by the legislature."

8 SECTION 8. Section 602-52, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§602-52 **Salary.** Effective July 1, 2004, the salary of
11 the chief judge of the intermediate appellate court and the
12 salary of each associate judge shall be as last recommended by
13 the judicial salary commission. Effective July 1, 2007, [~~and~~
14 ~~every six years thereafter,~~] the salary of the chief judge of
15 the intermediate appellate court and the salary of each
16 associate judge shall be as last recommended by the commission
17 on salaries [~~pursuant to section 26-56,~~] unless disapproved by
18 the legislature."

19 SECTION 9. Section 603-5, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "§603-5 **Salary of circuit court judges.** Effective July 1,
22 2004, the salary of a circuit court judge shall be as last



1 recommended by the judicial salary commission. Effective July
2 1, 2007, [~~and every six years thereafter,~~] the salary of each
3 circuit court judge of the various circuit courts of the State
4 shall be as last recommended by the commission on salaries
5 [~~pursuant to section 26-56,~~] unless disapproved by the
6 legislature."

7 SECTION 10. Section 604-2.5, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§604-2.5 Salary of district judges. Effective July 1,
10 2004, the salary of a district court judge shall be as last
11 recommended by the judicial salary commission. Effective July
12 1, 2007, [~~and every six years thereafter,~~] the salary of each
13 district court judge of the various district courts of the State
14 shall be as last recommended by the commission on salaries
15 [~~pursuant to section 26-56,~~] unless disapproved by the
16 legislature.

17 Whenever the chief justice appoints a district court judge
18 of any of the various district courts of the State to serve
19 temporarily as a circuit court judge of any of the various
20 circuit courts of the State, the judge shall receive per diem
21 compensation for the days on which actual service is rendered
22 based on the monthly rate of compensation paid to a circuit



1 court judge. For the purpose of determining per diem
2 compensation in this section, a month shall be deemed to consist
3 of twenty-one days."

4 SECTION 11. Section 26-56, Hawaii Revised Statutes, is
5 repealed.

6 [~~§26-56~~] ~~Commission on salaries.~~ (a) Pursuant to
7 article XVI, section 3.5, of the Constitution of the State of
8 Hawaii, there is established a commission on salaries within the
9 department of human resources development, for administrative
10 purposes only.

11 ~~The commission shall consist of seven members of whom:~~

- 12 ~~(1) Two members shall be appointed by the governor;~~
- 13 ~~(2) Two members shall be appointed by the president of the~~
14 ~~senate;~~
- 15 ~~(3) Two members shall be appointed by the speaker of the~~
16 ~~house of representatives; and~~
- 17 ~~(4) One member shall be appointed by the chief justice of~~
18 ~~the supreme court.~~

19 ~~Vacancies in these positions shall be filled in the same~~
20 ~~manner. The members of the commission shall serve without~~
21 ~~compensation but shall be reimbursed for expenses, including~~
22 ~~travel expenses, necessary for the performance of their duties.~~



1 ~~(b) The commission shall review and recommend an~~
2 ~~appropriate salary for the governor, lieutenant governor,~~
3 ~~members of the legislature, justices and judges of all state~~
4 ~~courts, administrative director of the State or an equivalent~~
5 ~~position, and department heads or executive officers and the~~
6 ~~deputies or assistants to the department heads of the~~
7 ~~departments of:~~

- 8 ~~(1) Accounting and general services;~~
- 9 ~~(2) Agriculture;~~
- 10 ~~(3) The attorney general;~~
- 11 ~~(4) Budget and finance;~~
- 12 ~~(5) Business, economic development, and tourism;~~
- 13 ~~(6) Commerce and consumer affairs;~~
- 14 ~~(7) Defense;~~
- 15 ~~(8) Hawaiian home lands;~~
- 16 ~~(9) Health;~~
- 17 ~~(10) Human resources development;~~
- 18 ~~(11) Human services;~~
- 19 ~~(12) Labor and industrial relations;~~
- 20 ~~(13) Land and natural resources;~~
- 21 ~~(14) Public safety;~~
- 22 ~~(15) Taxation; and~~



1 ~~(16) Transportation.~~

2 ~~The commission shall not review the salary of any position~~
3 ~~in the department of education or the University of Hawaii.~~

4 ~~The commission may recommend different salaries for~~
5 ~~department heads and executive officers and different salary~~
6 ~~ranges for deputies or assistants to department heads, provided~~
7 ~~that the commission shall recommend the same salary range for~~
8 ~~deputies or assistants to department heads within the same~~
9 ~~department, provided further that the appointing official shall~~
10 ~~specify the salary for a particular position within the~~
11 ~~applicable range.~~

12 ~~The commission shall not recommend salaries lower than~~
13 ~~salary amounts recommended by prior commissions replaced by this~~
14 ~~section.~~

15 ~~(c) The commission may seek assistance from the department~~
16 ~~of human resources development and any other agency in~~
17 ~~conducting its review, and all agencies shall fully cooperate~~
18 ~~with the commission and provide any necessary information to the~~
19 ~~commission upon request.~~

20 ~~(d) The commission shall convene in the month of November~~
21 ~~2006, and every six years thereafter. Not later than the~~
22 ~~fortieth legislative day of the regular session of 2007, and~~



1 ~~every six years thereafter, the commission shall submit a report~~
2 ~~of its findings and its salary recommendations to the~~
3 ~~legislature, through the governor. The commission may include~~
4 ~~incremental increases that take effect prior to the convening of~~
5 ~~the next salary commission.~~

6 ~~The recommended salaries submitted by the commission shall~~
7 ~~become effective July 1 of the next fiscal year unless the~~
8 ~~legislature disapproves the recommended salaries submitted by~~
9 ~~the commission through the adoption of a concurrent resolution,~~
10 ~~which shall be approved by a simple majority of each house of~~
11 ~~the legislature, prior to adjournment sine die of the~~
12 ~~legislative session in which the recommended salaries are~~
13 ~~submitted; provided that any change in salary which becomes~~
14 ~~effective shall not apply to the legislature to which the~~
15 ~~recommendation for the change in salary was submitted.~~

16 ~~The governor shall include the salary amounts recommended~~
17 ~~by the commission and approved by the legislature for employees~~
18 ~~of the executive branch in the executive budget. If the salary~~
19 ~~amounts recommended by the commission are disapproved by the~~
20 ~~legislature, the commission shall reconvene in the November next~~
21 ~~following the legislative disapproval to review the~~
22 ~~legislature's reasons for disapproving its salary~~



1 ~~recommendation. The commission may submit a report of its~~
2 ~~findings and submit a new salary recommendation to the~~
3 ~~legislature at the next regular session. The commission's~~
4 ~~reconvening following a legislative disapproval shall not toll~~
5 ~~the six-year cycle.] "~~

6 SECTION 12. Statutory material to be repealed is bracketed
7 and stricken.

8 SECTION 13. This Act shall take effect upon ratification
9 of a constitutional amendment repealing the commission on
10 salaries that recommends salaries to the governor, lieutenant
11 governor, legislators, justices and judges of state courts, the
12 administrative director of the State, and department heads or
13 executive offices of the executive departments and their
14 deputies or assistants.

15

INTRODUCED BY:



Report Title:

Commission on Salaries; Repeal

Description:

Pursuant to a proposed constitutional amendment, amends statutory provisions to delete references to the commission on salaries.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

