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H. B. NO. 315

A Bill for an Act Relating to the Hawaii Public Broadcasting Authority.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Purpose. The purpose of this Act is to provide for the transfer of employees to the Hawaii public broadcasting authority, and to provide for a means to compensate the employees of the Hawaii public broadcasting authority.

SECTION 2. Section 314-10, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 314-10 Executive director and staff. The board shall appoint an executive director who shall not be subject to chapters 76 and 77. The board shall, subject to approval of the governor, determine the salary of the executive director which shall not be more than eighty-five per cent of the salary of the director of regulatory agencies.”

SECTION 3. Section 314-11, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 314-11 Transfer provisions. Upon the appointment of not less than six members of the board of public broadcasting by the governor as provided in section 314-2, the board shall assume all responsibilities and functions heretofore performed by the state educational television council and the University of Hawaii board of regents with respect to educational television.

The board, in cooperation with the agencies affected by this chapter, shall submit to the seventh state legislature, twenty days before the regular session of 1973 convenes, (1) such proposals as it may deem necessary or desirable to effect the transfer of real property, personal property and personnel to carry out the purposes of this chapter, (2) a budget for the next fiscal bi-

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ennium and program and financial plans as prescribed by chapter 37, (3) such other related matters as it may determine should properly be considered by the legislature at said regular session.

Pending the approval by the legislature of the transfer of real property, personal property and personnel to carry out the purposes of this chapter, all employees of the University of Hawaii division of educational television shall be temporarily assigned to the authority, and the University of Hawaii shall continue to be responsible for expenditures for personnel, property, facilities, equipment, and all other costs relating to the management, operations, and maintenance of the educational television network as authorized by appropriations of the legislature."

SECTION 4. Chapter 314, Hawaii Revised Statutes, is amended by adding the following new sections to be appropriately designated and to read as follows:

"Sec. 314- Transfer of personnel. All officers and employees of the University of Hawaii, division of educational television, are hereby transferred with their respective functions and duties to the Hawaii public broadcasting authority and shall (except for clerical employees employed under the provisions of chapters 76 and 77) upon their transfer continue to perform their regular duties.

No officer or employee employed prior to the effective date of this Act and still so employed upon transfer of functions by this chapter, shall suffer any loss of salary, vacation, or sick leave or other employee benefits as a consequence of this action, provided that subsequent changes in status may be made pursuant to applicable personnel laws."

"Sec. 314- Personnel categories. Personnel transferred to, assigned to, or hired by the Hawaii public broadcasting authority shall be placed in one of the following categories subject to review and approval by the director of personnel services:

- (1) Category (a)—Clerical, nonprofessional, and nontechnical;
- (2) Category (b)—Professional and technical; and
- (3) Category (c)—Student help."

"Sec. 314- Employment status. All employees of the Hawaii public broadcasting authority shall be employed in their respective categories as follows:

- (1) Category (a)—Clerical, nonprofessional, and nontechnical. All employees in this category shall be subject to chapters 76 and 77, provided that nonprofessional and nontechnical employees (except those in Category (c) who were employed prior to the effective date of this Act shall receive appropriate civil service status without necessity of examination.
- (2) Category (b)—Professional and technical. All employees in this category shall be exempt from chapters 76 and 77, provided that such exempt employment shall be subject to review by the director of personnel services to determine the propriety of continued exemption, such a review to be accomplished by December 31, 1973. Should

this review indicate that continuance of exempt status is warranted, such employment shall be subject to subsequent reviews on a periodic basis. Whenever employees are to be hired in this category, they shall be subject to review and approval of the director of personnel services in accordance with procedures concerning exempt hiring.

If the director determines that exempt status is not appropriate, such employees shall be subject to chapters 76 and 77, provided that such employees who were employed prior to the effective date of the Act and still so employed shall receive appropriate civil service status without necessity of examination.

All full time employees in this exempt category shall be hired on annual contract and shall be eligible for the state employees' retirement system and for other benefits generally applicable to officers and employees of the State. Contracts with such employees shall contain a clause providing for notification to the employee of renewal or nonrenewal ninety days prior to the expiration of the contract. Nonrenewals of such contracts shall be subject to review by the board of public broadcasting.

- (3) Category (c)—Student help. All employees in this category shall be exempt from chapters 76 and 77, provided that employment in this category shall be subject to review and approval by the director of personnel service.”

“Sec. 314- Compensation. Employees of the Hawaii public broadcasting authority shall be compensated in their respective categories as follows:

- (1) Category (a)—Clerical, nonprofessional and nontechnical. All employees in this category shall be compensated in accordance with chapter 77.
- (2) Category (b)—Professional and technical. All employees in this category shall be compensated in accordance with the University of Hawaii APT salary schedule until such time that an appropriate means of compensation is approved by the legislature. A proposal for an appropriate compensation plan shall be developed by the director of personnel services and submitted to the 1974 session of the legislature for approval.
- (3) Category (c)—Student help. All employees in this category shall be compensated in accordance with student help wage rates.”

SECTION 5. Material to be repealed is bracketed. In printing this Act, the revisor of statutes need not include the brackets or the bracketed material.*

SECTION 6. This Act shall take effect on July 1, 1973.

(Approved May 11, 1973.)

*Edited accordingly.