

ACT 295

S.B. NO. 1223

A Bill for an Act Relating to the Hawaiian Homes Commission Act, 1920, as amended.

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

SECTION 1. Section 202, Hawaiian Homes Commission Act, 1920, as amended, is amended by amending subsection (b) to read as follows:

“(b) The provisions of section 76-16, Hawaii Revised Statutes, shall apply to the positions of¹ first deputy and private secretary to the chairman of the commission. The department may hire [a] temporary staff [consisting of

qualified aides in finance and funding, planning and development, legal matters, agriculture and ranching, and other individuals] on a contractual basis not subject to chapters 76, 77, and 78, Hawaii Revised Statutes, when the services to be performed will assist in carrying out the purposes of the Act. These positions may be funded through appropriations for capital improvement program projects and by the administration account, development, [or] operating funds[.], or native Hawaiian rehabilitation fund. No contract shall be for a period longer than two years, but individuals hired under contract may be employed for a maximum of six years; provided that the six-year limitation shall not apply if the department, with the approval of the governor, determines that such contract individuals are needed to provide critical services for the efficient functioning of the department. All other positions in the department shall be subject to chapters 76 and 77, Hawaii Revised Statutes[, and employees having tenure, according to the employment practices of the department, immediately prior to June 20, 1963, and occupying positions in accordance with the State's position classifications and compensation plans shall be given permanent appointment status under chapter 76 without a reduction in pay or the loss of seniority, prior service credit, vacation, or sick leave earned heretofore. An employee with tenure who does not occupy a position under chapters 76 and 77, Hawaii Revised Statutes, shall be appointed to the position after it has been classified and assigned to an appropriate salary range by the director of personnel services and such employee shall not suffer a reduction in pay or loss of seniority and other credits earned heretofore.]

All vacancies and new positions which are covered by chapters 76 and 77, Hawaii Revised Statutes, shall be filled in accordance with sections 76-23 and 76-31, Hawaii Revised Statutes, provided that the provisions of these sections shall be applicable first to qualified persons of Hawaiian extraction."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. The provisions of this amendment are declared to be severable, and if any section, sentence, clause or phrase, or the application thereof to any person or circumstances is held ineffective because there is a requirement of having the consent of the United States to take effect then, that portion only shall take effect upon the granting of consent by the United States and the effectiveness of the remainder of this amendment or the application thereof shall not be affected.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 12, 1985.)

Note

1. Prior to amendment, "the" appeared here.