

ACT 128

S.B. NO. 471

A Bill for an Act Relating to the Compensation of Public Officers and Employees and Making an Appropriation Therefor.

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

PART I

SECTION 1. Chapter 26, Hawaii Revised Statutes, is amended as follows:

1. Section 26-51 is amended to read:

“§26-51 Governor; lieutenant governor. Effective [July 1, 1981,] January 1, 1986, the salary of the governor of the State shall be [\$55,000] \$80,000 a year. [Effective July 1, 1982, the salary of the governor of the State shall be \$59,400 a year.] Effective [July 1, 1981,] January 1, 1986, the salary of the lieutenant governor shall be [\$49,500] \$76,000 a year. [Effective July 1, 1982, the salary of the lieutenant governor shall be \$53,460 a year.]”

2. Section 26-52 is amended to read:

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

- (1) [The] Effective January 1, 1986, the salary of the superintendent of education shall be [\$50,490] \$76,000 a year.
- (2) The salary of the president of the University of Hawaii shall be set by the board of regents, but shall not exceed \$95,000 a year.
- (3) [The] Effective January 1, 1986, the salaries of all department heads or executive officers of the departments of accounting and general services, agriculture, attorney general, budget and finance, commerce and consumer affairs, Hawaiian home lands, health, labor and industrial relations, land and natural resources, personnel services, planning and economic development, social services and housing, taxation, and transportation shall be [\$50,490] \$68,400 a year.
- (4) [The] Effective January 1, 1986, the salary of the adjutant general shall be [\$50,490] \$68,400 a year. If the salary is in conflict with the pay and allowance fixed by the tables of the regular army of the United States, the latter shall prevail.”

3. Section 26-53 is amended to read:

“§26-53 Deputies or assistants to department heads. (a) Effective [July 1, 1981,] January 1, 1986, the salaries of first deputies or first assistants to the head of any department of the State, other than the department of education, shall be [\$44,000] \$61,560 a year, and the salaries of second deputies or second assistants shall be [\$41,250] \$55,404 a year. [Effective July 1, 1982, the salaries of first deputies or first assistants to the head of any department of the State shall be \$47,520 a year, and the salaries of second deputies or second assistants shall be \$44,550 a year.]

(b) Effective January 1, 1986, the salary of the deputy to the superintendent of education shall be \$68,400 a year.”

4. Section 26-54 is amended to read:

“§26-54 Administrative director of the State. Effective [July 1, 1981,] January 1, 1986, the salary of the administrative director of the State shall be [\$46,750] \$68,400 a year. [Effective July 1, 1982, the salary of the administrative director of the State shall be \$50,490 a year.]”

SECTION 2. Section 29-1, Hawaii Revised Statutes, is amended to read as follows:

“§29-1 Establishment of office. There shall be in Washington, District of Columbia, a Hawaii office of federal programs coordinator. The office shall be headed by a coordinator who shall be appointed and removed by the governor, not subject to chapters 76, 77, and 89. [Effective July 1, 1981, the salary of the federal programs coordinator shall be \$35,750 a year.] Effective July 1, 1982, the salary shall be \$38,610 a year. Effective July 1, 1986, the salary of the federal

programs coordinator shall be \$0 a year. The coordinator shall appoint necessary staff, within available appropriations, not subject to chapters 76, 77, and 89.

The office is placed within the department of budget and finance for administrative purposes.”

SECTION 3. Section 89-5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is created a Hawaii labor relations board composed of three members of which (1) one member shall be representative of management, (2) one member shall be representative of labor, and (3) the third member, the chairperson, shall be representative of the public. All members shall be appointed by the governor for terms of six years each. Public employers and employee organizations representing public employees may submit to the governor for consideration names of persons representing their interests to serve as members of the board and the governor shall first consider these persons in selecting the members of the board to represent management and labor. Each member shall hold office until his successor is appointed and qualified. Because cumulative experience and continuity in office are essential to the proper administration of this chapter, it is declared to be in the public interest to continue board members in office as long as efficiency is demonstrated, notwithstanding the provision of section 26-34, which limits the appointment of a member of a board or commission to two terms.

The members shall devote full-time to their duties as members of the board. Effective [July] January 1, [1982,] 1986, the salary of the chairperson of the board shall be [\$47,520] \$61,560 a year[,] and the salary of each of the other members shall be [\$44,550] \$55,404 a year. No member shall hold any other public office or be in the employment of the State or a county, or any department or agency thereof, or any employee organization during his term.

Any action taken by the board shall be by a simple majority of the members of the board. All decisions of the board shall be reduced to writing and shall state separately its finding of fact and conclusions. Any vacancy in the board shall not impair the authority of the remaining members to exercise all the powers of the board. The governor may appoint an acting member of the board during the temporary absence from the State or the illness of any regular member. An acting member, during his term of service, shall have the same powers and duties as the regular member.

The chairperson of the board shall be responsible for the administrative functions of the board. The board may appoint an executive officer, mediators, members of fact-finding boards, arbitrators, and hearing officers, and employ other assistants as it may deem necessary in the performance of its functions, prescribe their duties, and fix their compensation and provide for reimbursement of actual and necessary expenses incurred by them in the performance of their duties within the amounts made available by appropriations therefor. The provisions of section 103-3 notwithstanding, an attorney employed by the board as a full-time staff member may represent the board in litigation, draft legal documents for the board, and provide other necessary legal services to the board and shall not be deemed to be a deputy attorney general.

The board shall be within the department of labor and industrial relations for budgetary and administrative purposes only. The members of the board and employees other than clerical and stenographic employees shall be exempt from chapters 76 [and 77.], 77, and 89. Clerical and stenographic employees shall be appointed in accordance with chapters 76 and 77.

At the close of each fiscal year, the board shall make a written report to the governor of such facts as it may deem essential to describe its activities, including the cases and their dispositions, and the names, duties, and salaries of its officers and employees. Copies of the report shall be transmitted to the legislative bodies.”

SECTION 4. Section 89A-1, Hawaii Revised Statutes, is amended to read as follows:

“**§89A-1 Office of collective bargaining in the state government established.** There shall be established an office of collective bargaining in the office of the governor to assist the governor in negotiating with and entering into written agreements between the public employers and the exclusive representatives on matters of wages, hours, and other negotiable terms and conditions of employment.

The position of chief negotiator for the State is hereby established to head the office. The chief negotiator shall be experienced in labor relations. The governor shall appoint and remove the chief negotiator and the deputy negotiators, who shall not be subject to chapters 76 [and], 77[.], and 89. Effective [July] January 1, [1982,] 1986, the salary of the chief negotiator shall be [\$47,520] \$61,560 a year. The chief negotiator and deputy negotiators shall be included in any benefit program generally applicable to the officers and employees of the State. All other employees shall be appointed in accordance with chapters 76 and 77. The chief negotiator shall serve as one of the governor’s designated representatives as set forth in section 89-6(b).”

SECTION 5. Section 109-2, Hawaii Revised Statutes, is amended to read as follows:

“**§109-2 Stadium authority; powers and duties.** The powers and duties of the stadium authority shall be as follows:

- (1) To maintain, operate, and manage the stadium and related facilities.
- (2) To prescribe and collect rents, fees, and charges for the use or enjoyment of the stadium or any of its facilities.
- (3) To make and execute contracts and other instruments necessary or convenient to exercise its powers under this chapter and subject to any limitations in this chapter, to exercise all powers necessary, incidental, or convenient to carry out and effectuate the purposes and provisions of this chapter.
- (4) To make, amend, and repeal in accordance with chapter 91 such rules as it may deem necessary.
- (5) To appoint a manager and a deputy manager who shall have such qualifications as the authority deems necessary and who shall hold their respective offices at the pleasure of the authority. The manager and deputy manager shall be exempt from the requirements of chapters 76 [and 77.], 77, and 89. Effective [July 1, 1981,] January 1, 1986, the salary of the manager shall be [\$46,750] \$61,560 a year [and, effective July 1, 1982, the salary of the manager shall be \$47,520 a year]. Effective [July 1, 1981,] January 1, 1986, the salary of the deputy manager shall be [\$42,075] \$55,404 a year [and, effective July 1, 1982, the salary of the deputy manager shall be \$44,550 a year]. The manager shall have full power to administer the affairs of the stadium and related facilities, subject to the direction and approval of the authority. The manager shall, subject to the approval of the authority, have power to appoint, suspend,

and discharge such other employees, subordinates, and assistants as may be necessary for the proper conduct of the business of the authority. Except for persons hired on contract or otherwise as provided in section 109-3 and except for the manager and deputy manager, all appointments, suspensions, or discharges shall be made in conformity with the applicable provisions of chapters 76 and 77.”

SECTION 6. Section 164-1, Hawaii Revised Statutes, is amended to read as follows:

“§164-1 Establishment of the governor’s agriculture coordinating committee. There is established, in the governor’s office for administrative purposes, the governor’s agriculture coordinating committee, whose membership shall include the special assistant for agriculture, office of the governor, who shall be the chairperson, the director of planning and economic development, the chairperson of the board of land and natural resources, the chairperson of the board of agriculture, the director of transportation, the chairperson of the Hawaiian Homes Commission, or their respective deputies, the dean of the college of tropical agriculture and human resources, or at the designation of the dean, the director of the Hawaii institute of tropical agriculture and human resources, and three farmers, one of whom shall be a representative of a recognized nonprofit association of farmers. All members of the committee shall serve without pay but shall be entitled to reimbursement for necessary expenses while attending meetings and while in the discharge of the duties and responsibilities of the committee. Effective [July 1, 1981,] January 1, 1986, the salary of the special assistant to the governor for agriculture shall be [\$26,466. Effective July 1, 1982, the salary of the special assistant to the governor for agriculture shall be \$28,584.] \$36,026 a year.”

SECTION 7. Section 269-2, Hawaii Revised Statutes, is amended to read as follows:

“§269-2 Public utilities commission; number, appointment of commissioners, qualifications; compensation; persons having interest in public utilities. There shall be a public utilities commission of three members, to be called commissioners, and who shall be appointed in the manner prescribed in section 26-34, except as otherwise provided in this section. All members shall be appointed for terms of six years each, except that the terms of the members first appointed shall be for two, four, and six years, respectively, as designated by the governor at the time of appointment. The governor shall designate a member to be [chairman] chairperson of the commission. Each member shall hold office until his successor is appointed and qualified. Section 26-34 shall not be applicable insofar as it relates to the number of terms and consecutive number of years a member can serve on the commission; provided that no member shall serve more than twelve consecutive years.

In appointing commissioners, the governor shall select persons who have had experience in accounting, business, engineering, government, finance, law, or other similar fields. The commissioners shall devote full time to their duties as members of the commission and no commissioner shall hold any other public office or other employment during his term of office. No person owning any stock or bonds of any public utility corporation, or having any interest in, or deriving any remuneration from, any public utility shall be appointed a commissioner.

Effective [July 1, 1981,] January 1, 1986, the [chairman] chairperson of the commission shall be paid a salary of [\$46,750] \$61,560 a year, and each of

the other commissioners shall be paid a salary of [~~\$44,413~~] \$55,404 a year. [Effective July 1, 1982, the chairman shall be paid a salary of \$47,520 a year, and each of the other commissioners shall be paid a salary of \$44,550 a year.] The commissioners shall be exempt from chapters 76 [and 77], 77, and 89 but shall be members of the state employees retirement system and shall be eligible to receive the benefits of any state or federal employee benefit program generally applicable to officers and employees of the State, including those under chapter 87.

The commission is placed within the department of budget and finance for administrative purposes."

SECTION 8. Section 297-31.5, Hawaii Revised Statutes, is amended to read as follows:

"§297-31.5 Salary; assistant superintendents, district superintendents, deputy district superintendents. The salaries of assistant superintendents, district superintendents, and deputy district superintendents shall be set by the board. Effective [July 1, 1981,] January 1, 1986, the salaries of assistant superintendents and district superintendents shall be not more than [~~\$41,250~~] \$61,560 a year and the salaries of deputy district superintendents shall be not more than [~~\$38,500~~] \$55,404 a year. [Effective July 1, 1982, the salaries of assistant superintendents and district superintendents shall be not more than \$44,550 a year, and the salaries of deputy district superintendents shall be not more than \$41,580 a year.]"

SECTION 9. Section 312-2.1, Hawaii Revised Statutes, is amended to read as follows:

"§312-2.1 Appointment of state librarian; duties; salary. The state librarian shall be appointed by the board of education, without regard to chapters 76 and 77, shall serve at the pleasure of the board, shall be under the direction of the board, and shall be responsible for the operation, planning, programming, and budgeting of all community/school and public libraries within the State. Notwithstanding any other law to the contrary, the salary of the state librarian shall be set by the board of education. Effective [July 1, 1982,] January 1, 1986, the salary shall not exceed [~~\$44,550~~] \$55,404 a year."

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

"§314-10 Executive director and staff. The board shall appoint an executive director subject to the approval of the governor who shall not be subject to chapters 76, 77, and 89. Effective [July 1, 1981,] January 1, 1986, the salary of the executive director shall be [~~\$35,750~~] \$55,404 a year. [Effective July 1, 1982, the salary of the executive director shall be \$38,610 a year.]"

SECTION 11. Section 349-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The head of this office shall be known as the director of the executive office on aging, hereinafter referred to as director. The director shall have professional training in the field of social work, education, public health, and other related fields; extensive direct experience in programs or services related to the elderly; and recent experience in a supervisory, consultative, or administrative position. The director shall be nominated and appointed by the governor without regard to chapters 76 [and], 77[.], and 89. Effective [July 1, 1981,] January 1, 1986, the salary of the director shall be [~~\$41,250~~] \$41,250 annually.

Effective July 1, 1982, the salary of the director shall be \$44,550 annually.] ~~\$49,864 a year.~~ The director shall be included in any benefit program generally applicable to the officers and employees of the State.”

SECTION 12. Section 353-63, Hawaii Revised Statutes, is amended to read as follows:

“**§353-63 Service of Hawaii paroling authority members compensation; expenses.** The [chairman] chairperson of the Hawaii paroling authority shall serve on a full-time basis. ~~The other two members shall serve on a part-time basis. Effective [July 1, 1981,] January 1, 1986,~~ the annual salary of the [chairman] chairperson shall be [~~\$41,250.~~] \$55,404. The compensation of each of the ~~part-time~~ members shall be eighty per cent of the hourly wage paid the [chairman. Effective July 1, 1982, the annual salary of the chairman shall be \$44,550.] chairperson. For each hour engaged in the official duties of the authority from [July 1, 1981 to June 30, 1982,] January 1, 1986, each member of the authority other than the [chairman] chairperson shall be paid an hourly wage at the percentage rate specified in this section based on the hourly wage paid the [chairman] chairperson effective [July 1, 1981. Effective July 1, 1982, each member other than the chairman shall be paid at the percentage rate specified in this section based on the hourly wage paid the chairman effective July 1, 1982, for each hour in which the member is engaged in official duties.] January 1, 1986. All paroling authority members shall receive their necessary expenses for travel and incidentals which shall be paid from appropriations provided the authority for such purposes, on vouchers approved by the director of social services.”

SECTION 13. Section 356-5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The authority shall employ, not subject to chapters 76 [and 77], 77, and 89 and section 26-35(4), an executive director. Effective [July 1, 1981,] January 1, 1986, the salary of the executive director shall be [~~\$44,000~~] \$61,560 a year. [Effective July 1, 1982, the salary of the executive director shall be \$47,520 a year.] The authority may employ, subject to chapters 76 and 77, technical experts and officers, agents, and employees, permanent and temporary, as required. When, in the determination of the authority, services to be performed are unique and essential to the execution of the functions of the authority, it may hire persons on a contractual basis not subject to chapters 76, 77, and 78; provided that no individual contract shall be for a period longer than two years per term. The authority may call upon the attorney general for such legal services as it may require or may employ its own counsel and legal staff. The authority may delegate to one or more of its agents or employees such powers or duties as it deems proper.”

SECTION 14. Section 371-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is created a labor and industrial relations appeals board composed of three members nominated and, by and with the advice and consent of the senate, appointed by the governor for terms of ten years each, except that the terms of members first appointed shall be for six, eight, and ten years respectively as designated by the governor at the time of appointments. The governor shall designate the [chairman] chairperson of the board who shall be an attorney at law licensed to practice in all of the courts of this State. Each member shall hold office until his successor is appointed and qualified. Because

cumulative experience and continuity in office are essential to the proper handling of appeals under workers' compensation law and other labor laws, it is hereby declared to be in the public interest to continue board members in office as long as efficiency is demonstrated. The members shall devote full time to their duties as members of the board. Effective [July 1, 1981,] January 1, 1986, the salary of the [chairman] chairperson of the board shall be [~~\$46,750~~] \$61,560 a year, and the salary of each of the other members shall be [~~\$44,413~~] \$55,404 a year. [Effective July 1, 1982, the salary of the chairman shall be \$47,520 a year, and the salary of each of the other members shall be \$44,550 a year.]”

SECTION 15. Section 410-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The powers and duties of the commissioner shall include, but are not limited to:

- (1) Enforcing the provisions of this chapter and other laws relating to credit unions;
- (2) Conferring with the credit union review board on matters affecting credit unions incorporated under this chapter on a regular basis as shall be determined by the [chairman] chairperson and the commissioner; provided that the commissioner shall confer with the review board at least once every six months[.];
- (3) Make files available for inspection by the review board relating to decisions of the commissioner regarding credit unions[.];
- (4) Appointing a deputy not subject to chapters 76, 77, and 89 who shall receive a salary, effective [July 1, 1981,] January 1, 1986, of [~~\$35,750~~] \$49,864 a year [and, effective July 1, 1982, of \$38,610 a year]. The deputy shall possess all powers and perform all duties attached to the office of the commissioner of credit unions during a vacancy or during the absence or inability of the commissioner; and
- (5) Employing examiners and clerks pursuant to chapters 76 and 77 to assist the commissioner and the commissioner's deputy in the discharge of the duties of the office.”

SECTION 16. Section 487-4, Hawaii Revised Statutes, is amended to read as follows:

“**§487-4 Salaries; benefits.** Effective [July 1, 1981,] January 1, 1986, the salary of the director of the office of consumer protection shall be [~~\$41,250~~] \$55,404 a year. [Effective July 1, 1982, the salary of the director shall be \$44,550 a year.] The director and attorney staff members shall be entitled to participate in any employee benefit plan.”

SECTION 17. Section 581-1, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The director of the office shall be known as the director of the office of children and youth, hereinafter referred to as director. The director shall have training or experience, or both, in the field of social work, education, public health, or other related fields; direct experience in programs and services related to children and youth; and experience in a supervisory, consultative, or administrative position. The director shall be appointed by the governor without regard to chapters 76 [and 77.], 77, and 89. Effective [July 1, 1982,] January 1, 1986, the salary of the director shall be [~~\$44,550.~~] \$49,864. The director shall be included in any benefit program generally applicable to the officers and employees of the State.”

SECTION 18. Section 802-11, Hawaii Revised Statutes, is amended to read as follows:

“§802-11 Appointment of state public defender. The state public defender shall be appointed by the defender council without regard to chapters 76, 77, and 89. His appointment shall be for a term of four years except as otherwise provided herein, and until his successor is appointed and qualified. He shall be qualified to practice law before the supreme court of this State. Effective [July 1, 1981,] January 1, 1986, the salary of the state public defender shall be [\$41,250] \$55,404 a year. [Effective July 1, 1982, the salary of the state public defender shall be \$44,550 a year.] The state public defender shall devote full time to the performance of his duties and shall not engage in the general practice of law.”

SECTION 19. There is appropriated out of the general revenues of the State of Hawaii to Program Planning, Analysis, and Budgeting (BUF 101) in the operating cost category the sum of \$528,180 for fiscal year 1985-1986 and \$1,056,360 for fiscal year 1986-1987, or so much thereof as may be necessary to provide salary increases and retroactive salary payments for executive branch officers of the State whose salaries are increased under this part.

Special and federal funds shall be used to the maximum extent before state funds are utilized. Any unexpended or unencumbered balance of any appropriations made by this part as of the close of business on June 30, 1987, shall lapse into the general fund.

The sum appropriated shall be expended by the department of budget and finance for the purposes of this part.

PART II

SECTION 20. Section 571-8.2, Hawaii Revised Statutes, is amended to read as follows:

“§571-8.2 Salary of district family judges. Effective [July 1, 1981,] January 1, 1986, the salary of each district family court judge of the various district family courts of the State shall be [\$44,000] \$59,500 a year. [Effective July 1, 1982, the salary of each district family court judge of the various district family courts of the State shall be \$47,520 a year.]

Whenever the chief justice appoints a district family court judge of any of the various district family courts of the State to serve temporarily as a circuit court judge of any of the various circuit courts of the State, the judge shall receive per diem compensation for the days on which actual service is rendered based on the monthly rate of compensation paid to a circuit court judge. For the purpose of determining per diem compensation in this section, a month shall be deemed to consist of twenty-one days.”

SECTION 21. Section 601-3, Hawaii Revised Statutes, is amended to read as follows:

“§601-3 Administrative director. The chief justice, with the approval of the supreme court, shall appoint an administrative director of the courts to assist him in directing the administration of the judiciary. The administrative director shall be a resident of the State for a continuous period of three years prior to his appointment, and shall be appointed without regard to chapters 76 and 77 and shall serve at the pleasure of the chief justice. He shall hold no other office or employment. Effective [July 1, 1981,] January 1, 1986, the administrative director shall receive a salary of [\$46,750] \$68,400 a year. [Effective July 1, 1982, the administrative director shall receive a salary of \$50,490 a year.] He

shall, subject to the direction of the chief justice, perform the following functions:

- (1) Examine the administrative methods of the courts and make recommendations to the chief justice for their improvement;
- (2) Examine the state of the dockets of the courts, secure information as to their needs of assistance, if any, prepare statistical data and reports of the business of the courts and advise the chief justice to the end that proper action may be taken;
- (3) Examine the estimates of the courts for appropriations and present to the chief justice his recommendations concerning them;
- (4) Examine the statistical systems of the courts and make recommendations to the chief justice for a uniform system of judicial statistics;
- (5) Collect, analyze, and report to the chief justice statistical and other data concerning the business of the courts;
- (6) Assist the chief justice in the preparation of the budget, the six-year program and financial plan, the variance report and any other reports requested by the legislature;
- (7) Carry out all duties and responsibilities that are specified in title 7 as it pertains to employees of the judiciary; and
- (8) Attend to such other matters as may be assigned by the chief justice.

The administrative director shall, with the approval of the chief justice, appoint a deputy administrative director of the courts subject to chapter 76 but not subject to chapter 77 and such assistants as may be necessary. Such assistants shall be appointed subject to chapters 76 and 77. Effective [July 1, 1981,] January 1, 1986, the salary of the deputy administrative director shall be [\$44,000] \$61,560 a year. [Effective July 1, 1982, the salary of the deputy administrative director shall be \$47,520 a year.] The administrative director shall be provided with necessary office facilities.

The judges, clerks, officers, and employees of the courts shall comply with all requests of the administrative director for information and statistical data relating to the business of the courts and expenditure of public funds for their maintenance and operation."

SECTION 22. Section 602-2, Hawaii Revised Statutes, is amended to read as follows:

"**§602-2 Salary, supreme court justices.** Effective [July 1, 1981,] January 1, 1986, the salary of the chief justice of the supreme court shall be [\$52,250] \$80,000 a year and the salary of each associate justice of the supreme court shall be [\$49,500] \$78,500 a year. [Effective July 1, 1982, the salary of the chief justice of the supreme court shall be \$56,430 a year and the salary of each associate justice of the supreme court shall be \$53,460 a year.]"

SECTION 23. Section 602-52, Hawaii Revised Statutes, is amended to read as follows:

"**§602-52 Salary.** Effective [July 1, 1981,] January 1, 1986, the salary of the chief judge of the intermediate appellate court shall be [\$49,500] \$75,500 a year and the salary of each associate judge shall be [\$48,125] \$73,500 a year. [Effective July 1, 1982, the salary of the chief judge shall be \$53,460 a year and the salary of each associate judge shall be \$51,975 a year.]"

SECTION 24. Section 603-5, Hawaii Revised Statutes, is amended to read as follows:

“§603-5 Salary of circuit court judges. Effective [July 1, 1981,] January 1, 1986, the salary of each circuit court judge of the various circuit courts of the State shall be [\$46,750] \$69,500 a year. [Effective July 1, 1982, the salary of each circuit court judge of the various circuit courts of the State shall be \$50,490 a year.]”

SECTION 25. Section 604-2.5, Hawaii Revised Statutes, is amended to read as follows:

“§604-2.5 Salary of district judges. Effective [July 1, 1981,] January 1, 1986, the salary of each district court judge of the various district courts of the State shall be [\$44,000] \$59,500 a year. [Effective July 1, 1982, the salary of each district court judge of the various district courts of the State shall be \$47,520 a year.]

Whenever the chief justice appoints a district court judge of any of the various district courts of the State to serve temporarily as a circuit court judge of any of the various circuit courts of the State, the judge shall receive per diem compensation for the days on which actual service is rendered based on the monthly rate of compensation paid to a circuit court judge. For the purpose of determining per diem compensation in this section, a month shall be deemed to consist of twenty-one days.”

SECTION 26. There is appropriated out of the general revenues of the State of Hawaii the sum of \$598,432, for fiscal year 1985-1986 and \$1,196,864 for fiscal year 1986-1987, or so much thereof as may be necessary to provide salary increases and retroactive salary payments for justices, judges, and judicial branch officers, whose salaries are increased under this part.

The sum appropriated shall be expended by the judiciary for the purposes of this part.

PART III

SECTION 27. Chapter 23, Hawaii Revised Statutes, is amended as follows:

1. Section 23-3 is amended to read:

“§23-3 Salary of the auditor and appropriations. The salary of the auditor shall be fixed by the legislature and shall not be diminished during the auditor’s term of office. Effective [July 1, 1981,] January 1, 1986, the salary of the auditor shall be [\$46,750] \$68,400 a year. [Effective July 1, 1982, the salary of the auditor shall be \$50,490 a year.]

The funds for the support of the auditor’s office shall be provided for in the act providing for the expenses of the legislature.”

2. Section 23-8 is amended to read:

“§23-8 Assistance and staff. In the performance of his duties, the auditor may employ the services of one or more certified public accountants or accounting firms, and such other assistants and clerical workers as may be necessary, provided the cost thereof shall not exceed such sums as may be available out of the appropriation provided by law for the conduct of his office and provided further, that such accountants, firms, and assistants are entirely independent of the departments, offices, and agencies of the State and its political subdivisions whose affairs are subject to audit by the auditor. All employees shall be hired by the auditor subject to the approval of the president of the senate and the speaker of the house of representatives and shall serve at his pleasure; provided that in the establishment of the salary of each employee

the auditor shall consult with the department of personnel services and shall follow as closely as possible the recommendations of the department; and provided further that, effective [July 1, 1981,] January 1, 1986, the salary of the first assistant or first deputy shall be [\$44,000] \$61,560 a year [and, effective July 1, 1982, the salary of the first assistant or first deputy shall be \$47,520 a year]. The auditor and his full-time staff shall be entitled to participate in any employee benefit program privileges.”

SECTION 28. Chapter 23G, Hawaii Revised Statutes, is amended as follows:

1. Section 23G-1 is amended to read:

“**§23G-1 Legislative reference bureau; director, appointment, tenure, removal, compensation, vacancy.** The office of the legislative reference bureau is established. The legislature, by a majority vote of each house in joint session, shall appoint a director for the bureau who shall serve for a period of six years and thereafter until a successor shall have been appointed. The legislature, by two-thirds vote of the members in joint session, may remove or suspend the director from office, but only for neglect of duty, misconduct, or disability.

If the director dies, resigns, becomes ineligible to serve, or is removed or suspended from office, the first assistant to the director shall become the acting director until a new director is appointed.

Effective [July 1, 1981,] January 1, 1986, the salary of the director shall be [\$46,750] \$68,400 a year. [Effective July 1, 1982, the salary of the director shall be \$50,490 a year.] The salary of the director shall not be diminished during his term of office, unless by general law applying to all salaried officers of the State.”

2. Section 23G-2 is amended to read:

“**§23G-2 Assistant; staff.** The director shall appoint a first assistant and such other officers and employees as may be necessary to carry out the functions of the bureau. All employees, including the first assistant, shall be hired by the director and shall serve at his pleasure. In determining the salary of the employees of the bureau, the director shall consult with the department of personnel services; provided that, effective January 1, 1986, the salary of the first assistant shall be [\$44,000] \$61,560 a year [and, effective July 1, 1982, the salary of the first assistant shall be \$47,520 a year]. The director and his full-time staff shall be entitled to participate in any employee benefit program plan or privilege.”

SECTION 29. Section 84-35, Hawaii Revised Statutes, is amended to read as follows:

“**§84-35 Staff.** The ethics commission may employ and at pleasure remove such persons, including an executive director, as it may deem necessary for the performance of its functions. Effective [July 1, 1981,] January 1, 1986, the salary of the executive director shall be [\$34,096] \$42,384 a year. [Effective July 1, 1982, the salary of the executive director shall be \$34,824 a year.] The commission shall fix the compensations of other employees within the amounts made available by appropriation therefor. The employees of the commission shall be exempt from chapters 76 and 77.”

SECTION 30. Chapter 96, Hawaii Revised Statutes, is amended as follows:

1. Section 96-2 is amended to read:

“§96-2 Ombudsman; office established, appointment, tenure, removal, qualifications, salary, vacancy. The office of ombudsman is established. The legislature, by a majority vote of each house in joint session, shall appoint an ombudsman who shall serve for a period of six years and thereafter until a successor shall have been appointed. An ombudsman may be reappointed but may not serve for more than three terms. The legislature, by two-thirds vote of the members in joint session, may remove or suspend the ombudsman from office, but only for neglect of duty, misconduct, or disability.

No person may serve as ombudsman within two years of the last day on which he served as a member of the legislature, or while he is a candidate for or holds any other state office, or while he is engaged in any other occupation for reward or profit. Effective [July 1, 1981,] January 1, 1986, the salary of the ombudsman shall be [\$46,750] \$68,400 a year. [Effective July 1, 1982, the salary of the ombudsman shall be \$50,490 a year.] The salary of the ombudsman shall not be diminished during his term of office, unless by general law applying to all salaried officers of the State.

If the ombudsman dies, resigns, becomes ineligible to serve, or is removed or suspended from office, the first assistant to the ombudsman becomes the acting ombudsman until a new ombudsman is appointed for a full term.”

2. Section 96-3 is amended to read:

“§96-3 Assistance, staff, delegation, funding. The ombudsman shall appoint a first assistant and such other officers and employees as may be necessary to carry out this chapter. All employees, including the first assistant, shall be hired by the ombudsman and shall serve at his pleasure. In determining the salary of each such employee, the ombudsman shall consult with the department of personnel services and shall follow as closely as possible the recommendations of the department. Effective [July 1, 1981,] January 1, 1986, the first assistant’s salary shall be [\$44,000] \$61,560 a year. [Effective July 1, 1982, the first assistant’s salary shall be \$47,520 a year.] The ombudsman and his full-time staff shall be entitled to participate in any employee benefit plan.

The ombudsman may delegate to his appointees any of his duties except those specified in sections 96-12 and 96-13; provided that during the absence of the ombudsman from the island of Oahu, or his temporary inability to exercise and discharge the powers and duties of his office, such powers and duties as contained in sections 96-12 and 96-13 shall devolve upon the first assistant during such absence or inability.

The funds for the support of the office of the ombudsman shall be provided for in the act providing for the expenses of the legislature.”

SECTION 31. There is appropriated out of the general revenues of the State of Hawaii to the legislative agencies indicated below the following sums, or so much thereof as may be necessary for the fiscal year 1986-1987, to provide salary increases and retroactive salary payments for the legislative auditor and the auditor’s assistants, the director of the legislative reference bureau and the director’s assistants, executive director of the ethics commission, and the ombudsman and the ombudsman’s first assistant:

	FY 1986-1987
Office of the Legislative Auditor	\$50,517
Ethics Commission	\$11,340
Office of the Legislative Reference Bureau	\$62,343
Ombudsman	\$47,925

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The sum appropriated shall be expended by the auditor, office of the legislative reference bureau, or office of the ombudsman, as applicable, for the purpose of this part.

PART IV

SECTION 32. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 33. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 34. This Act shall take effect upon its approval.

(Approved May 12, 1986.)