

ACT 57

H.B. NO. 575

A Bill for an Act Relating to Salaries.

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

SECTION 1. Act 85, Session Laws of Hawaii 2009, is amended by amending section 2 to read as follows:

“SECTION 2. (a) Notwithstanding any law to the contrary and notwithstanding the recommendations of the commission on salaries for salary increases, beginning July 1, 2009, and until ~~[June 30, 2011;]~~ December 31, 2013, the annual salaries of the governor, the lieutenant governor, the justices and judges of all state courts, the administrative director of the State or an equivalent position, and the department heads or executive officers and the deputies or assistants to the department heads or executive officers of the departments of:

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

shall be reduced by five per cent from what the salary is as of June 30, 2009, and shall remain at that salary rate until ~~[June 30, 2011;]~~ December 31, 2013; provided that on ~~[July 1, 2011;]~~ January 1, 2014, the salaries of these positions shall be restored to the level they would have been on July 1, 2009, without the salary decrease under this Act; provided further that ~~[the]~~ if any salary recommendations [of] for these positions are made and are to take effect on or after January 1, 2014, by the commission on salaries [for salary increases for these positions effective July 1, 2012;], and the recommendations are not disapproved by the legislature, then the salary recommendations shall become effective on [that] the date specified by the commission on salaries in accordance with [the] its recommendations.

(b) Notwithstanding any law to the contrary and notwithstanding the recommendations of the commission on salaries for salary increases, beginning July 1, 2009, and until ~~[June 30, 2011,]~~ December 31, 2013, the annual salaries of members of the legislature shall be reduced by five per cent from what the salary is as of June 30, 2009; provided that ~~[on July 1, 2011, the salaries of the legislators shall be restored to the level it would have been on July 1, 2009, without the salary decrease under this Act; provided further that]~~ the salary recommendations of the commission on salaries for ~~[salary increases for]~~ legislators effective January 1, ~~[2012,]~~ 2014, shall become effective on that date in accordance with the recommendations.

(c) For the period from July 1, 2009, to ~~[July 1, 2011,]~~ December 31, 2013, notwithstanding any law to the contrary, the leaves of absence for vacation and sick leave, with pay, of persons affected under ~~[subsection]~~ subsections (a) and (b) shall be the same as those negotiated, mediated, or arbitrated under chapter 89, Hawaii Revised Statutes, for collective bargaining unit (13); provided that on ~~[July 1, 2011,]~~ January 1, 2014, the leaves of absence under this subsection shall be either: restored to the level they would have been on July 1, 2009, but for this subsection[-]; or commensurate with any salary adjustment recommended for any period on or after January 1, 2014, by the commission on salaries and not disapproved by the legislature.

(d) This section shall not be construed to impart any right to additional compensation previously authorized through the adoption of the commission on salaries' recommendations for[-

(1) ~~The] the~~ period from January 1, 2009, through ~~[July 1, 2011, for positions covered under subsection (a); and~~

(2) ~~The period from January 1, 2009, through December 31, 2011,]~~ December 31, 2013, for positions covered under ~~[subsection (b).]~~ subsections (a) and (b).

(e) This section shall not be enforced to the extent that it is preempted by federal law.”

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

SECTION 3. This Act shall take effect on June 29, 2011.

(Approved May 26, 2011.)