



OPEN MEETINGS

Guide to
“The Sunshine Law”
for State and County Boards

Office of Information Practices
State of Hawaii

August 2024



Office of Information Practices
No. 1 Capitol District Building
250 South Hotel Street, Suite 107
Honolulu, Hawaii 96813
Tel. (808) 586-1400
E-mail: oiip@hawaii.gov
Website: oiip.hawaii.gov

OPEN MEETINGS

Guide to “The Sunshine Law” *for State and County Boards*

August 2024

Part I of Chapter 92,
Hawaii Revised Statutes

CONTENTS

Introduction...	4
1. General Information...	6
2. Public Meetings...	8
Meetings Defined.....	8
Multi-site and Remote Meetings.....	9
Board Packets.....	16
Testimony.....	18
Recessing, Continuing, Cancelling, or Relocating Meetings.....	22
Discussions Between Board Members Outside of a Meeting.....	24
Social Events.....	26
Permitted Interactions.....	26
Board Discussion of Legislative Issues.....	29
Discussions Between Multiple Boards.....	30
3. Executive Meetings.....	31
4. Other Types of Meetings.....	38
Emergency Meetings	38
Unanticipated Events	38
Limited Meetings.....	39
5. Procedural Requirements.....	41
Notice and Agenda.....	41
Minutes	45

Recordings by the Public..... 49

6. Court Remedies..... 50

7. Office of Information Practices..... 52

Appendices:

Public Meeting Notice Checklist.....53

Notice of Continuance of Meeting..... 58

*The Law: Chapter 92, Part I (Meetings),
updated through the 2023 legislative session..... 59*

INTRODUCTION

This Open Meetings Guide (Guide) was prepared by the Office of Information Practices (OIP) as a reference tool for board members and members of the public to understand the open meetings requirements of Hawaii’s “Sunshine Law” (Part I of Chapter 92, HRS). This edition of the Guide is applicable to all State and county boards, except neighborhood boards. A separate edition was developed by OIP specifically for neighborhood boards, which have some unique provisions under Part VII of Chapter 92, HRS. Boards may also have additional requirements set by other laws or their own bylaws; however, this Guide is focused on the Sunshine Law’s requirements and is not intended to cover other laws or bylaws, parliamentary procedure, or general best practices for conducting meetings.

Every year, in response to questions and complaints about the manner in which State and county boards conduct their business, OIP investigates alleged Sunshine Law violations. Many of the violations arise because of a misunderstanding or a lack of understanding about the law and its requirements.

The Sunshine Law imposes requirements and restrictions on the manner in which a State or county board can conduct its business. Many board members, especially those who have served on non-governmental boards, are surprised by the restrictions placed on how they, in their capacity as State or county board members, must conduct board business.

For instance, with a few exceptions, board members are not allowed to discuss board business with each other outside of a meeting, including by telephone or through email or social media. In addition, a board usually cannot consider at a meeting matters that were not included in its published agenda.

If you are elected or appointed to a government board, the honor and privilege of serving comes with the added responsibility of learning and complying with the Sunshine Law. We hope that this Guide will assist you and members of the public in generally understanding the statute’s requirements.

OIP has attempted to present the law in “plain English” through the types of questions that are most frequently asked. At the end of the Guide, you will find copies of the law, various forms, and checklists.

The information in this Guide is general in nature. OIP provides more detailed information on various topics in Quick Reviews and other guidance that can be found on the [Training page at oip.hawaii.gov](https://oip.hawaii.gov/training).

If you have questions about specific factual circumstances that may not be answered by this Guide, you should consult with your attorney, your board’s attorney, or OIP. OIP provides an “Attorney of the Day” (AOD) service, through which you may speak with an OIP staff attorney to receive, typically on the same day, general legal guidance and assistance with Sunshine Law issues.

Thank you for your participation in Hawaii’s open government.

Carlotta Amerino
Acting Director

1

GENERAL INFORMATION

What is the Sunshine Law?

The Sunshine Law is Hawaii’s open meetings law. It governs the manner in which all State and county boards must conduct their business. The law is codified at Part I of chapter 92, Hawaii Revised Statutes (HRS).

What is the general policy and intent of the Sunshine Law?

The intent of the Sunshine Law is to open up governmental processes to public scrutiny and participation by requiring State and county boards to conduct their business as openly as possible. The Legislature expressly declared in the statute that “it is the policy of this State that the formation and conduct of public policy — the discussions, deliberations, decisions, and actions of governmental agencies — shall be conducted as openly as possible.”

In implementing this policy, the Legislature directed that the provisions in the Sunshine Law requiring open meetings be liberally construed and the provisions providing for exceptions to open meeting requirements be strictly construed against closed meetings. Thus, with certain specific exceptions, all discussions, deliberations, decisions, and actions of a board relating to the official business of the board must be conducted in a public meeting.

In other words, absent a specific statutory exception, board business cannot be discussed in secret. There must be advance notice; public access to the board’s discussions, deliberations, and decisions; opportunity for public testimony; and board minutes.

What boards are covered by the Sunshine Law?

There is no list that specifically identifies the boards that are subject to the Sunshine Law. As a general statement, the Sunshine Law applies to all State and county boards, commissions, authorities, task forces, and committees that have supervision, control, jurisdiction, or advisory power over a specific matter and are created by the State Constitution, statute, county charter, rule, executive order, or some similar official act. A committee or other subgroup of a board that is subject to the Sunshine Law is also considered to be a “board” for purposes of the Sunshine Law and must comply with the statute’s requirements.

Examples of State and county boards that are subject to the Sunshine Law include the county councils, neighborhood boards, police commissions, liquor commissions, licensing boards, island burial councils, Board of Water Supply, Board of Land and Natural Resources, Land Use Commission, Board of Agriculture, Board of Health, University of Hawaii’s Board of Regents, Board of Education, Small Business Regulatory Review Board, Real Estate Commission, and the boards of the Hawaii Tourism Authority, Aloha Tower Development Corporation, Natural Energy Laboratory of Hawaii Authority, and Stadium Authority.

The Sunshine Law does not apply to the judicial branch or to the adjudicatory functions exercised by certain boards (with the exception of Land Use Commission hearings, which are open to the public). The Legislature sets its own rules and procedures concerning notice, agenda, minutes, enforcement, penalties, and sanctions, which take precedence over similar provisions in the Sunshine Law.

What government agency administers the Sunshine Law?

Since 1998, OIP has administered the Sunshine Law. OIP also oversees the Uniform Information Practices Act (Modified), chapter 92F, HRS (UIPA), which is commonly referred to as Hawaii’s “open records” law or Hawaii’s version of the federal Freedom of Information Act.

2

PUBLIC MEETINGS

MEETINGS DEFINED

Are all meetings of State and county boards open to the public?

Generally, yes. All meetings of State and county boards are required to be open to the public unless an executive meeting or other exception is authorized under the law. The open meeting requirement also applies to the meetings of a board's committees or subgroups.

Are site inspections, presentations, workshops, retreats and other informal sessions that involve board business considered to be meetings open to the public?

Generally, yes. Apart from the permitted interactions set forth in section 92-2.5, HRS, which are discussed below, the Sunshine Law requires a board to conduct, in either open or executive meeting, all of its discussions, deliberations, decisions, and actions regarding matters over which the board has supervision, control, jurisdiction, or advisory power.

Moreover, based upon the express policy and intent of the Legislature that the formation and conduct of public policy be conducted as openly as possible, OIP interprets the statute to require that any site inspection or presentation regarding a matter before the board, or which is reasonably likely to come before the board for a decision in the foreseeable future, be conducted as part of a properly noticed meeting.

Because the site inspection or presentation of a matter before the board are an integral part of the board's deliberation and decision-making process, they must be conducted in a properly noticed meeting. If it is not practical to allow the public to attend a site inspection as part of a meeting, the board may still be able to conduct the site inspection as a "limited" meeting under section 92-3.1, HRS.

With respect to board retreats, if board business is to be discussed, the retreat must be conducted as a meeting, which requires public notice, the keeping of minutes, the opportunity for public testimony, and public access to the board's discussions, deliberations, and decisions. Conversely, so long as no board business is discussed, the retreat is not considered a meeting subject to the Sunshine Law's requirements.

MULTI-SITE AND REMOTE MEETINGS

Can a member of the public attend public meetings in person?

Yes. Public meetings have traditionally been held in person, whether at a single site or multiple connected sites. Although the Sunshine Law now allows boards to hold remote meetings over the internet, as described below, a board must still provide at least one physical location where members of the public may attend a public meeting in person, even if the rest of the meeting is being conducted remotely.

Must board members attend public meetings in person?

It depends on what type of meeting the board is holding. For an in-person meeting held at a single site or multiple connected sites, members must generally attend in person at a public meeting site listed in the board's notice. However, if the board is holding a remote meeting, board members can attend the meeting remotely from private locations such as their homes or offices.

Even when a board is holding an in-person meeting, a board member with a disability that limits or impairs the member's ability to physically attend may participate from a location not noticed and not accessible to the public, so long as the member is connected by audio and video means and identifies where the member is and who else is present with the member. Thus, for example, a disabled board member may participate from a non-noticed location such as a private residence or hospital, so long as the other Sunshine Law requirements are met. § 92-3.5, HRS.

What is a remote meeting?

The Sunshine Law allows a board to hold a remote meeting by interactive conference technology (ICT). The law does not define a "remote meeting," but ICT is defined in section 92-2, HRS, as "any form of audio and visual conference technology, or audio conference

technology where permitted under this part, including teleconference, videoconference, and voice over internet protocol, that facilitates interaction between the public and board members.” Because remote meetings require video interactivity with limited exceptions, a remote meeting held by ICT will typically be hosted via an online meeting platform such as Zoom or WebEx.

The remote meeting option requires the ICT used by the board to allow interaction among all members of the board participating in the meeting and all members of the public attending the meeting. The new section also establishes various requirements for remote meetings discussed below that would allow members of boards and the public to participate in a public meeting held online, from the privacy of their own homes, offices, or other nonpublic locations.

What is the difference between a remote meeting and a multi-site meeting?

A remote meeting allows “remote” board and public participation, typically online, from private locations. By contrast, a multi-site meeting is an in-person meeting held at multiple public locations that are connected by ICT. Even though ICT is used to connect the different sites, **board members must attend a multi-site meeting in person** at one of the physical locations identified in the notice as a public meeting site, unless they are disabled and meet the requirements of section 92-3.5, HRS, to be able to participate remotely. Members of the public are not necessarily required to be in-person — the board has the option, but is not required, to allow members of the public to participate remotely in a multi-site meeting, such as by phoning in oral testimony.

What is the difference between an “additional location” and the official meeting location(s)?

Besides the official in-person meeting site(s) that a board is required to provide for every meeting, the Sunshine Law allows boards to also set up additional unofficial in-person sites, also known as “courtesy” sites. There are two differences between an official meeting site and an additional location. First, for any type of meeting, if a noticed “additional location” is cut off from the rest of the meeting by a connection failure, the meeting can still continue without that location so long as the notice made it clear that such an occurrence could happen. This is in contrast to an official meeting site where the meeting would have to recess and perhaps terminate if that site was cut off. Second, for an in-person meeting, board members cannot participate from an “additional location,” but instead must go to an official meeting site; the “additional

location” is offered as an option for the public rather than for board members.

This option allows boards with a widespread constituency to improve public access to their in-person meetings for constituents in rural areas or on other islands while still limiting the number of sites for which a communication failure could require cancellation of the whole meeting.

What are the requirements for a board to hold a remote meeting online?

A board must provide **public access to the remote meeting**. The meeting has to be on a platform that allows for audio-visual interaction between board members and the public, who can attend and participate from anywhere they wish via an online connection, or in some cases a phone connection. Board members and the public do not need to be at a public meeting site, and the meeting notice is not required to list private locations where board members are attending from or to allow the public to join members at private locations. Instead, **the notice must tell the public how to remotely view and testify at the meeting**. This will usually be in the form of a link to an online platform. A board can choose to have separate connections for viewing and for testifying at a meeting; for instance, a board expecting large public interest in a contentious issue might prefer to offer the public a view-only online connection for those who just want to watch the meeting, with a separate link for board members and people presenting oral testimony. In most cases, though, boards will find it easier to use the same online meeting link for all meeting attendees. In either case, public access to the meeting must be contemporaneous with the meeting and allow members and the public to hear the oral testimony provided.

Although board members and the public need not physically attend a remote meeting and can instead participate from private locations, the board must still **provide for the public at least one physical meeting site linked by ICT** to the remote meeting. This requirement recognizes that in-person meetings are the traditional way of holding public meetings and that not all persons, including board members, have the ability, equipment, internet capacity, or desire to attend online meetings.

Except during executive meetings closed to the public or when the ICT connection is interrupted, a **quorum of board members must be visible** to other members and the public during the public portion of a remote meeting. As with an in-person meeting, a board member’s brief absence from view during a meeting, such as to take a five-minute

restroom break, would not cause the board to lose quorum. However, if a board member who is needed to meet the quorum requirement will be out of view for an extended period of time or will be absent during a vote, the board should call for a recess until quorum can be reestablished.

At the start of the meeting, the presiding officer must **announce the names** of the participating board members, and board members attending from private locations must state who else is with them, though board members are not generally required to name anyone under 18 years old. All votes must be conducted by **roll call**, unless the vote is unanimous.

The notice and minutes requirements for remote meetings are discussed later in the Procedural Requirements section. The requirements when a remote meeting's ICT connection is interrupted or lost are discussed below.

What happens if the ICT connection is interrupted or lost?

If the audio-visual connection is lost during the public portion of a remote meeting or during a multi-site meeting, the Sunshine Law **requires the meeting to automatically recess for up to 30 minutes while the board attempts to restore the connection.** This requirement applies for all official meeting sites and the remote connection(s) provided as part of a remote meeting, however, it does not apply when the remote connection is working properly but a member of the public has lost internet connectivity or is otherwise unable to access the remote connection due to issues on that person's end.

The board **may reconvene with audio-only communication** if the visual link cannot be restored, **provided that the board has provided reasonable notice** to the public as to how to access the reconvened meeting after an interruption. For remote meetings only, the law specifically **requires speakers to state their names before speaking**, if the meeting has been reconvened with audio-only communication.

Within 15 minutes of establishing audio-only communication, copies of nonconfidential visual aids that are required by or brought to the meeting by board members or as part of a scheduled presentation must be made available by posting on the internet or other means to all meeting participants (including those participating remotely), otherwise agenda items with unavailable visual aids cannot be acted upon at the reconvened meeting.

If the meeting cannot be reconvened within 30 minutes after interruption to communication, and reasonable notice has not been provided to the public of how the meeting will be continued to another date or time, then the meeting is **automatically terminated**. OIP recommends that board prepare in advance for the possibility of technical difficulties and has provided tips in the next section.

What are some tips to provide reasonable notice to continue any Sunshine Law meeting, whether in person or connected by ICT?

Here are some tips for providing reasonable notice to continue any Sunshine Law meeting:

- The board's **notice may contain a contingency provision** stating that if the board loses online connection, then people should check the board's website (give address) for reconnection information. Alternatively, the notice could provide that if the connection is lost for more than 30 minutes, the meeting will be continued to a specific date and time, with the new link for the continued meeting either on the agenda itself or to be provided on the board's website.
- **At the start of the online meeting, the board could announce audibly** that if online connection is lost, information on reconvening or continuing the meeting will be posted on its website and give the website address.
- If the audio and video have gone down but there is still a chat function or something similar available, the board should also **post a visual notice** of the continuation of a meeting in that way.
- If visual connection has been lost during a meeting using ICT, the board could **audibly announce** that the meeting will be continued and direct people to its website where the relevant information has been posted.
- If time permits, the board can **email** people on its email list with a notice of continuation of the meeting. *See* the appendix or OIP's website for a form notice of continuation.

May a board hold an in-person multi-site meeting via telephone?

Yes. Section 92-3.5, HRS, continues to allow board members to

participate at an in-person meeting held at multiple meeting sites connected by ICT that provides for audio or audiovisual interaction among all board members and meeting participants. Unless the disability provisions of section 92-3.5, HRS, apply as described below, board members may participate only from the official, physical meeting sites noticed. Therefore, while the multiple sites may be connected only via telephone, board members must be at one of the in-person locations that was identified on the meeting notice as being open to the public.

If copies of visual aids are brought to such a meeting by board members or members of the public, they must be available to all meeting participants at all locations. Therefore, if audio-only interactive conference technology (*e.g.*, teleconference) is being used, all visual aids must be available within 15 minutes to all participants, or those agenda items for which visual aids are not available cannot be acted upon at the meeting.

If audio communication cannot be maintained at all noticed locations, then the meeting is automatically recessed for up to 30 minutes to restore communication. The meeting may reconvene if either audio or audiovisual communication is restored within 30 minutes. If it is not possible to timely reconvene the meeting, and the board has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically terminated. Note that the failure to maintain at least audio communication at all noticed locations will require termination of the meeting, even if all or a quorum of board members are physically present in one location.

May a sick or disabled board member participate in a meeting from home or another private location?

Yes. If it is a remote meeting, that member can participate via the remote meeting link from a private location in the same way that other members and the general public can. Even for an in-person meeting, under the provisions for in-person multi-site meetings “a board member **with a disability** that limits or impairs the member’s ability to physically attend the meeting” may attend a meeting via a connection by **audio and video** means (*e.g.*, by videoconference, Skype, or Zoom) from a **private** location not open to the public, such as a home or hospital room. HRS § 92-3.5. The disability need not be permanent, so for example, a board member that has the flu or is hospitalized may participate via videoconference from home or a hospital room. A disabled board member attending from a private location must identify

the location and any persons who are present at that location with the member. To protect the disabled member's privacy interests and because members of the public are not able to participate from the private location, the disabled member's location during a meeting may be generally identified, such as "home" or "hospital," without providing an exact address.

Because members of the public are not able to participate from the private location, the filed notice does not have to state that a disabled board member will be participating from home, a hospital, or other location. It is sufficient for the disabled board member to announce at the meeting that he or she is participating from a stated location, without providing an exact address, and to state the names of any person that are present at the location with the member.

Must a board provide additional in-person meeting sites to allow the public to more easily participate?

No. The Sunshine Law does not require a board to provide more than the one in-person meeting site for any meeting. For an in-person meeting, it also does not require accommodating requests to remotely participate. At the same time, the Sunshine Law does not restrict remote participation in an in-person meeting by people who are not board members. However, it is **up to the board to decide** whether or not to allow testers, presenters, and other members of the public to watch, testify, or otherwise participate in an in-person meeting from places other than the official meeting site(s) by:

- Allowing testers to call in from home;
- Allowing their participation via audio or videoconferencing from a location not listed on the notice; or
- Setting up audio or videoconferencing at a location where no board member will be present, such as an additional location listed as such on the notice and not guaranteed to remain open for the whole meeting.

Boards are not required by the Sunshine Law to provide additional locations or accommodate requests from testers to testify remotely by telephone or other means. Boards may be required, however, to reasonably accommodate individuals with disabilities under the Americans with Disabilities Act (ADA), and should consult with their own attorneys or the State Disability and Communication Access Board at (808) 586-8121 (Voice) or (808) 586-8162 (TTY), email dcab@doh.hawaii.gov, or go to DCAB's website at health.hawaii.gov/dcab/ for advice on how to comply with the ADA.

OIP does not have authority to provide legal advice on the ADA.

If the notice lists one or more additional locations for the convenience of members of the public who cannot make it to the official in-person meeting location(s), the notice must make clear the distinction between the noticed official meeting location(s) and the listed additional location. An additional location may be cancelled or shut down early while the meeting continues at the public meeting locations listed on the filed notice. Moreover, in most cases, board members themselves cannot attend an in-person meeting from an additional location or another non-noticed location, which also means that they cannot call in, cannot participate or just listen in by phone, and cannot vote or be counted toward quorum for an in-person meeting if they are at an additional location or other non-noticed location. The only exception to this rule is for disabled board members, as described above.

BOARD PACKETS

What is a board packet?

A board packet consists of the documents that are compiled by the board or its staff and distributed to board members before a public meeting for use at that meeting. Not all boards create and distribute board packets, and the requirements relating to board packets only apply to those boards that actually distribute board packets.

Must board packets be made available to the public?

Yes, but documents may be redacted or withheld as discussed below. Any board packet prepared for a meeting must be made available for public inspection in the board's office at the time it is distributed to board members, **but no later than two business days before the meeting**. However, that deadline does not apply to written testimony, which can be distributed to members at any time before the meeting. Although the board is not required to automatically mail or email the packet itself to people on its notification list, it must notify them that the board packet is available for inspection in the board's office and list the documents in the packet, and must provide "reasonably prompt" access to the packet to any person upon request. As soon as practicable, the board must put a copy of the board packet on its website and accommodate requests for electronic access to the board packet.

What board packet documents may be withheld or redacted from public inspection?

The public disclosure requirement for board packets only applies to information that would be disclosable under the UIPA; in other words, non-public information within board packets can be redacted. In addition, the law allows the board to potentially withhold more records in creating the public version of the board packet than could have been withheld in response to a formal UIPA record request. Specifically, the public version of a board packet is not required to include executive meeting minutes, license applications, and other records for which the board cannot reasonably complete its redaction of nonpublic information in the time available before the meeting. In this way, the board packet provision recognizes the challenge facing a board when it must both put together a board packet and create a public version of the board packet in the short time before a meeting, when the board packet may include materials from third parties that the board has not previously reviewed, or materials with public information and nonpublic information mixed together.

For example, if a board packet includes a long document with confidential information embedded throughout it, which would make redaction unreasonable or overly time-consuming in the days before the board meeting, the board could withhold the entire record from the public board packet. On the other hand, if a similarly long document is made up of several distinct sections, only some of which are confidential, then it may be relatively straightforward for the board to separate them and include only the non-confidential sections in the public board packet. If a document includes some confidential information but is only a few pages long, then the confidential information can readily be redacted before the record is included in the public board packet. If a document of any length is fully public, then it should be included in an unredacted form in the public board packet.

If a board has made a public board packet available, does it still need to respond to a UIPA request for the original packet?

Yes. The UIPA has separate and different requirements from the Sunshine Law, and **the Sunshine Law's board packet disclosure requirement does not replace the right of a member of the public to request a board packet under the UIPA.** In responding to such a request, a board would follow the UIPA's deadlines, standards for what may be redacted, and fees. For most members of the public, however, free access to the public version of the board packet prior to the meeting under the Sunshine Law will be preferable to waiting two weeks or more to receive what may be a slightly less redacted version for which review and segregation fees may be assessed under the UIPA.

Do you have any practice tips for boards to prepare public board packets?

- When compiling a board packet, prepare the public version at the same time. As each document comes in, determine whether it must be included in the public packet and prepare a redacted version if necessary.
- Have a copy of the public board packet available in the board's office by the time the packet goes out to board members. If the public board packet is available for public inspection only in electronic format, have equipment available for the public to be able to view the packet.
- Have a PDF version of the public packet ready to post to the board's website and to email or fax upon request.

TESTIMONY

Must a board accept testimony at its meetings?

Yes. Boards are required to accept both oral and written testimony from the public on any item listed on the meeting agenda. Boards can decline to accept public testimony that is unrelated to a matter listed on the agenda.

Can the public provide testimony from a remote location by telephone, videoconference, or using other interactive technology?

If a board is holding a remote meeting via ICT, the public has a right to attend and testify at the meeting from a remote location using the ICT link(s) provided by the board.

If a board is conducting an in-person meeting, however, the law does NOT require a board to allow public testimony or participation from a location that was not listed on the notice as a meeting site, such as a person's home. Thus, unless the board is conducting a remote meeting, the **board may choose, but is not required** by the Sunshine Law, to hear testimony online or via telephone from members of the public who are not physically present at a meeting location.

Note, however, that a board may choose to establish additional locations to allow the public to testify remotely when holding an in-person meeting. See the discussion on additional locations in the earlier section for Multi-Site and Remote Meetings.

Is a board required to read aloud the written testimony during its meeting?

No. There is no requirement that a board read aloud each piece of written testimony during its meeting for the benefit of those attending the meeting. A board, however, must ensure that written testimony is distributed to each board member for that member's consideration before the board's action. Moreover, upon request, any member of the public is entitled to receive copies of the written testimony submitted to the board.

Is written communication received by only one board member regarding a matter on the board's meeting agenda considered written testimony?

Possibly. For instance, on occasion, the board chair or individual board members may receive email or other written correspondence regarding a matter on the board's agenda. If a written communication is received prior to the meeting and reasonably appears to be testimony relating to an agenda item (as opposed to correspondence directed only to the recipient), irrespective of whether the writing is specifically identified as "testimony," the board member receiving the communication must make reasonable efforts to cause the testimony to be distributed to the

other members of the board by the board's staff. The receiving board member should not directly distribute the testimony to other board members as it may be considered a serial communication or discussion outside of a meeting, which are prohibited by the Sunshine Law.

How can a board avoid the possible problem of only one board member receiving testimony intended for the entire board?

The Sunshine Law requires that the posted notice for a meeting provide the board's electronic and postal contact information for submission of testimony before the meeting. This requirement avoids possible confusion as to whether an email or other written communication received by only one board member is intended to be "testimony" to the entire board, because the public will know the mailing address and email address written testimony should be directed to.

Providing the board's contact information does not completely relieve individual board members of their obligation to consider whether written communication that they individually receive was intended by the sender to be "testimony" for consideration by the entire board. Nonetheless, it reduces the likelihood of written testimony being sent to individual board members and may excuse a board member's reasonable failure to recognize that a written communication was intended to be "testimony."

How must a board distribute written testimony to its members?

As a general rule, a board is empowered to determine how to best and most efficiently distribute the testimony to its members, *e.g.*, whether to transmit it electronically or to circulate copies in paper format, and whether to distribute it in advance of the meeting or at the beginning of the meeting, so long as the testimony is distributed in a way that is reasonably calculated to be received by each board member. However, distribution of testimony to members prior to the meeting is subject to the board packet requirements discussed above. Additionally, any distribution of testimony before the meeting should be done by the board's staff, not members, to avoid improper discussion of board business outside a meeting.

May a board limit the length of each person's oral testimony offered at its meetings?

Yes. Boards are authorized to adopt rules regarding oral testimony, including, among other things, rules setting limits on the amount of time that a member of the public may testify. For instance, a council could adopt rules limiting each person's oral testimony to three minutes per item. Boards also are not required to accept oral testimony unrelated to items on the agenda for the meeting.

To what extent can a board decide when to take oral testimony during its meeting?

Within certain limits, a board can choose when to hear oral testimony on agenda items. However, a board cannot hear all the oral testimony only at the beginning of the meeting, and it must hear the testimony on a given agenda item prior to its consideration of that agenda item. Beyond those restrictions, a board can choose when to hear testimony. For instance, a board could allow a limited testimony period at the beginning of the meeting to accommodate members of the public who prefer not to wait, and then continue to hear testimony immediately before each agenda item from those who have not testified earlier on that item. A board could also choose to hear testimony on several agenda items together (in which case it should still allow people testifying on multiple items a full opportunity to testify on each of those items).

May a board set a deadline for the public to submit written testimony or register for oral testimony?

No. The Sunshine Law does not authorize boards to set deadlines or require registration as a condition of giving oral testimony, and doing so would be inconsistent with the requirement to allow all interested persons the opportunity to provide written and oral testimony. However, a board may still request that the public submit written testimony by a set time or sign up in advance for oral testimony, so long as it **makes clear that the request is not a requirement, accepts written testimony submitted at a later time, and offers all public attendees the chance to present oral testimony even without prior registration.**

RECESSING, CONTINUING, CANCELLING, OR RELOCATING MEETINGS

Can a board recess and later reconvene a meeting?

Yes, as a general rule, boards are authorized to recess both public and executive meetings, and to reconvene at another date and time to continue and/or complete public testimony, discussion, deliberation, and decision-making relating to the items listed on the agenda. Meeting continuances were extensively discussed by the Hawaii Supreme Court in Kanahele v. Maui County Council, 130 Haw. 228, 307 P.3d 1174 (Kanahele) (2013). The Court recognized that section 92-7(d), HRS, requires items of reasonably major importance, which are not decided at a scheduled meeting, to “be considered only at a meeting continued to a reasonable date and time.” The Court also found that a board is not limited by this statute to only one continuance of a meeting and is not required to post a new agenda or accept oral testimony at a continued meeting.

There are specific procedures that boards must follow if the ICT connection to a remote or multi-site meeting has been interrupted or lost. See the previous sections on In-Person, Multi-Site, and Remote Meetings.

What kind of notice should a board provide for a meeting that will be continued?

Although the Sunshine Law contains no specific requirements for a written public notice or oral announcement for continued meetings, the Hawaii Supreme Court stated in Kanahele, discussed above, that “the means chosen to notify the public of the continued meeting must be sufficient to ensure that meetings are conducted “as openly as possible; and in a manner that ‘protect[s] the people’s right to know.’” Id. at 1198. When a meeting is being recessed for longer than 24 hours, the board should provide, if practicable, both oral and written (including, if possible, electronic) notice of the date, time, and place of a continuance. The date, time, and location of the reconvened meeting generally should be orally announced at the time that the meeting is recessed.

Based on the Court’s guidance and examples in Kanahele, OIP has prepared a “Notice of Continuance of Meeting” form, which is available on the [Forms page at oip.hawaii.gov](#) and as an appendix to this Guide. This notice may be used to continue an ongoing meeting that had been originally posted as required under section 92-7, HRS. Consequently,

the continuance notice is not subject to the same requirements of the original notice under section 92-7, HRS. Rather than post a new agenda for a continued meeting, a board should attach the agenda of the meeting being continued to a “Notice of Continuance of Meeting,” on which the board should type, hand write, or otherwise note the agenda item(s) being continued.

Can the meeting be reconvened at a different location?

Yes. A board may reconvene a meeting at a location different from where the meeting was initially convened, as long as the board announces the location where the meeting is to be reconvened at the time when it recesses the meeting or otherwise notifies the public of the new location. The new location should be included in all announcements and other such publications, if any, regarding the reconvened meeting.

Must the continuance notice be posted?

Yes. A board should physically post in the board’s office and, if practicable, at the physical meeting site, a “Notice of Continuance of a Meeting,” with the agenda from the continued meeting attached thereto. Additionally, if possible and time permits, the Notice and agenda should be electronically posted on the board’s website or the State or county electronic calendar, as appropriate, and emailed to persons on the board’s email list.

Keep in mind that because the meeting notice requirements of section 92-7, HRS, do not apply to the notice of continuance, the failure to electronically post the continuance notice on the State or county electronic calendar or to give six days’ advance notice would not require the cancellation of the continued meeting. State boards are also able to post a notice of a meeting being continued within six days by contacting Tyler Tech (not OIP) at Hawaiicalendar@ehawaii.gov from 7:45 a.m. to 4:30 p.m. on Mondays through Fridays (excluding state holidays).

Does a board have to re-hear testimony or accept new testimony at a continuation of a meeting?

No. A board does not need to re-hear or accept new testimony for completed agenda items at the continued meeting.

Must a notice be posted online when cancelling a meeting?

Boards are not required by the Sunshine Law to electronically file a notice when cancelling a meeting. A board's mere failure to be present at a noticed meeting automatically cancels the meeting. However, as a courtesy to the public, OIP recommends posting notification of a cancelled meeting at the board's office and at the meeting location, taking down the original meeting notice from the online calendar, and informing those people who have asked to receive notice by email.

What notice must be provided if a physical meeting location must be changed?

If a board must change the physical location of a meeting on the day of the meeting (for example, the room loses power or air conditioning), it may call the meeting to order at the noticed location and announce that it will be recessed and then reconvened shortly thereafter in the new location. A written notification of the new meeting location should be posted at the originally noticed physical location.

What happens if the link to a remote meeting provided in the meeting notice has changed or does not work?

The meeting notice for a remote meeting must include the remote meeting location, typically a link for an online meeting platform. If a board must change the online location of a meeting on the day of the meeting, perhaps because the original link is not working, it may do so if its meeting notice also provided the alternative online location in its meeting notice as a back-up link in case of connection problems with the first. If a board cannot use its noticed remote meeting location and it has not previously provided an alternative, it would be unable to convene the meeting in the first place, and thus would not have the option to convene it and announce its continuation at a different online location.

**DISCUSSIONS BETWEEN BOARD MEMBERS
OUTSIDE OF A MEETING**

**Can board members discuss board business
outside of a meeting?**

The Sunshine Law generally prohibits discussions about board business between board members outside of a properly noticed meeting, with

certain statutory exceptions. While the Sunshine Law authorizes interactions between board members outside of a meeting in specified circumstances, the statute expressly cautions that such interactions cannot be used to circumvent the requirements or the spirit of the law to make a decision or to deliberate towards a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power.

In practical terms, this means that board members cannot “caucus” or meet privately before, during, or after a meeting to discuss business that is before the board or that is reasonably likely to come before the board in the foreseeable future.

The statute, however, does not prohibit discussion between board members outside of a properly noticed meeting about matters over which the board does not have supervision, control, jurisdiction, or advisory power. For instance, where the chair of a board has the sole discretion to set the agenda, the board has no “power” over that decision and, therefore, board members may request the addition of possible agenda items outside of a properly noticed meeting, so long as they do not discuss the substance of items. Similarly, logistical issues, such as when members are available to meet, are typically not “board business” and thus may be discussed in an email sent to all board members.

Does the Sunshine Law also prohibit board members from communicating between themselves about board business by telephone, memo, fax, or email outside of a meeting?

Yes. Board members cannot discuss board business between themselves outside of a properly noticed meeting by way of the telephone or by memoranda, fax, email, or social media, such as Facebook. As a general rule, if the statute prohibits board members from discussing board business face-to-face, board members cannot have that same discussion through other media.

Can board members discuss board business with non-board members outside of a meeting?

Generally, yes. The Sunshine Law only applies to boards and their discussions, deliberations, decisions, and actions. Because the Sunshine Law does not apply to **non**-board members, a board member may discuss board business with **non**-board members outside of a meeting.

Board members should not discuss with non-board members any matters discussed during a closed executive meeting, or the members could risk waiving the board's ability to keep the matters confidential.

SOCIAL EVENTS

What about social and ceremonial events attended by board members?

The Sunshine Law does not apply to social or ceremonial gatherings where board business is not discussed. Therefore, board members can attend functions such as Christmas parties, dinners, inaugurations, orientations, and ceremonial events without posting notice or allowing public participation, so long as they do not discuss official business that is pending or that is reasonably likely to come before the board in the foreseeable future.

If I am a board member, what should I do if another board member starts talking about board business at a social event?

The Sunshine Law is, for the most part, self-policing. It is heavily dependent upon board members understanding what they can and cannot do under the law. In the situation where a board member raises board business with other board members outside of a meeting, board members should remind each other that such discussion can only occur at a duly noticed meeting. If a board member persists in discussing the matter, the other board members should not participate in the discussion and should physically remove themselves from the discussion.

PERMITTED INTERACTIONS

What are “permitted interactions”?

Over the years, the Sunshine Law has been revised to recognize eight “permitted interactions,” which are designed to address instances when members of a board may discuss certain board matters outside of a meeting and without the procedural requirements, such as notice, that would otherwise be necessary. The statute specifically states that the “[c]ommunications, interactions, discussions, investigations, and presentations described in [the permitted interaction] section are not

meetings for purposes of [the Sunshine Law].” These permitted interactions are summarized below.

What are the types of “permitted interactions” allowed by the Sunshine Law?

- ***Two Board Members.*** Two board members may discuss board business outside of a meeting as long as no commitment to vote is made or sought and the two members do not constitute a quorum of their board. Nevertheless, it would be a serial communication contrary to the Sunshine Law for a board member to discuss the same board business with more than one other board member through a series of one-on-one meetings.
- ***Investigations.*** A board can designate two or more board members, but less than the number of members that would constitute a quorum of the board, to investigate matters concerning board business. The board members designated by the board are required to report their resulting findings and recommendations to the entire board at a properly noticed meeting. This permitted interaction can be used by a board to allow some of its members (numbering less than a quorum) to participate in, for instance, a site inspection outside of a meeting or to gather information relevant to a matter before the board.
- ***Presentations/Negotiations/Discussion.*** The board can assign two or more of its members, but less than the number of members that would constitute a quorum of the board, to present, discuss, or negotiate any position that the board has adopted.
- ***Selection of Board Officers.*** Two or more board members, but less than the number of members that would constitute a quorum of the board, can discuss between themselves the selection of the board’s officers.
- ***Acceptance of Testimony at Cancelled Meetings.*** If a board meeting must be cancelled due to lack of quorum or conference technology problems, the board members present may still receive testimony and presentations on agenda items from members of the public and may question them, so long as there is no deliberation or decision-making at the cancelled meeting. The members present must create a record of the oral testimony or presentations. At the next duly noticed meeting of the board, the members who were present at the cancelled meeting must provide the record and copies of the testimony or presentations received at the cancelled meeting. Deliberation and

decision-making on any item, for which testimony or presentation were received at the cancelled meeting, can only occur at a subsequent duly noticed meeting of the board.

- ***Discussions with the Governor.*** Discussions between one or more board members and the Governor are authorized to be conducted in private, provided that the discussion does not cover a matter over which a board is exercising its adjudicatory function. This permitted interaction does not allow discussions with county mayors.

- ***Administrative Matters.*** Certain routine administrative matters, such as board budget or employment matters, can be discussed between two or more members of a board and the head of a department to which the board is administratively assigned.

- ***Attendance at Informational Meetings or Presentations.*** The Sunshine Law allows two or more members of a board, but less than a quorum, to attend an informational meeting. The board members may participate in discussions, even among themselves, so long as the discussions occur as part of the informational meeting or presentation and no commitment relating to a vote on the matter is made or sought. At the next duly noticed meeting of the board, the members who attended the informational meeting or presentation must report their attendance and the matters presented and discussed that related to official board business.

This informational meeting provision thus allows less than a quorum of board members to attend, for example, neighborhood board meetings, legislative hearings, and seminars, at which official board business is discussed, so long as no commitment to vote is made and the subsequent reporting requirements are met. The law is intended to improve communication between the public and board members and to enable board members to gain a fuller understanding of the issues and various perspectives. As with the rest of the law, this permitted interaction will be interpreted to prevent circumvention of the spirit of the Sunshine Law and its open meeting requirements.

- ***Circulation of proposed testimony.*** A board that has previously adopted a position on a legislative measure may circulate its proposed testimony among board members for review and written comment to meet a tight legislative deadline, so long as all proposed testimony drafts and board member communications about the testimony are publicly posted online within 48 hours of the statement's circulation to the board. This permitted interaction is best used for proposed testimony drafted by board staff or a single member, as

discussed in OIP's Quick Review on Sunshine Law Options to Address State Legislative Issues and Measures, which is posted on the [Training page at oip.hawaii.gov](https://oip.hawaii.gov/training).

For a more detailed discussion, please see OIP's three-part "Quick Review: Who Board Members Can Talk to and When," which is posted on the [Training page at oip.hawaii.gov](https://oip.hawaii.gov/training).

BOARD DISCUSSION OF LEGISLATIVE ISSUES

How can a Sunshine Law board keep up with the fast-paced legislative calendar and submit timely testimony on legislative issues?

When dealing with legislative matters, one major hurdle that boards face is the Sunshine Law's six-day notice requirement prior to conducting a meeting to discuss a legislative measure, even though legislative committees often give less than six days' notice of their hearings. Since most boards typically meet on a monthly or less frequent basis, their meeting schedule together with the notice requirement leave them with limited options to timely notice a meeting and discuss the adoption of its legislative testimony or position prior to the legislative hearing.

The Sunshine Law, however, allows board members to discuss board business outside a meeting in limited circumstances, as set forth in the "permitted interactions" section of the law, as discussed above. The permitted interactions that are most useful in developing or adopting positions on legislative measures are the ones allowing: (1) two members of a board to discuss board business between themselves so long as no commitment to vote is made or sought and the two members do not constitute a quorum of their board; (2) a board to assign less than a quorum of its membership to present, discuss, or negotiate any board position that the board had previously adopted at a meeting; (3) less than a quorum of board members to attend a legislative hearing (or other "informational meeting") and report their attendance at the next board meeting; and (4) a board to circulate draft testimony for members' review and written comment.

Besides permitted interactions, other options for a board to address legislative matters are through emergency or limited meetings or delegation to staff.

The various options or practical approaches that a board could take to

discuss and submit timely testimony on legislative issues or measures are discussed in more detail in OIP's "Quick Review: Sunshine Law Options to Address State Legislative Issues and Measures," which is posted on the [Training page at oip.hawaii.gov](https://oip.hawaii.gov/training).

DISCUSSIONS BETWEEN MULTIPLE BOARDS

When members of multiple Sunshine Law boards hold a joint meeting, roundtable discussion or similar event, how can they do so without violating the Sunshine Law?

When planning an event that will bring together members of multiple Sunshine Law boards, every attendee who is a member of a Sunshine Law board must be able to justify his or her presence under the Sunshine Law with respect to his or her own board. The justification could be that no one else from that particular board was present, so there was no discussion of board business among that board's members; or it could be that one of the Sunshine Law's permitted interactions applied to the particular board's members who attended; or it could be that the event was noticed as a meeting of the members' own board (or a joint meeting of multiple boards including theirs). The justification does not have to be the same for all the boards with members attending, but all members of each board should have a Sunshine Law justification before attending and participating in the discussion of their board's business during the roundtable meeting.

For a more detailed discussion, please see OIP's "Quick Review: Roundtable Discussions with Multiple Boards Subject to the Sunshine Law," which is posted on OIP's [Training page at oip.hawaii.gov](https://oip.hawaii.gov/training).

3

EXECUTIVE MEETINGS

What is an executive meeting?

An executive meeting (also called an executive session) is a meeting of the board that is closed to the public. Because an executive meeting is a narrowly construed exception to the Sunshine Law's presumption that all government board meetings will be open to the public, board members are advised to carefully weigh the interests at stake before voting to exercise their discretion to close a meeting. Because the "final action" taken by the board in an executive meeting may be voided by the courts if the board has violated the procedural requirements for going into such a closed meeting, boards must be careful to follow all requirements.

Must a board give notice that it intends to convene an executive meeting?

Yes, if the executive meeting is anticipated in advance.

What must the agenda contain when the board anticipates convening an executive meeting?

In addition to listing the topic the board will be considering (as is required for all items the board will consider whether in public or executive session), the agenda for the open meeting generally must indicate that an executive meeting is anticipated and should cite the statutory authority for convening the anticipated executive meeting. For an executive meeting, the listing of the topic should describe the subject of the executive meeting with as much detail as possible without compromising the closed meeting's purpose. For instance, if the board is to consider a proposed settlement of a lawsuit in an executive meeting, the agenda would note that the purpose of the executive session was consulting with the board's attorney on questions or issues regarding the board's powers, duties, privileges, immunities, and liabilities, and cite section 92-5(a)(4), HRS. The agenda in such a case should also describe the topic of the meeting as, at a minimum, the lawsuit identified by case name and civil number, and unless such description would compromise the purpose of closing the meeting from the public, that the board would consider a proposed settlement.

Can a board convene an executive meeting when it is not anticipated in advance?

With significant restrictions, the Sunshine Law allows the board to convene an executive meeting when the need for excluding the general public from the meeting was not anticipated in advance. If, for example, during the discussion of an open meeting agenda item, the board determines that there are legal issues that need to be addressed by its attorney, the board may announce and vote to immediately convene an executive meeting to discuss those matters pursuant to section 92-5(a)(4), HRS.

The board, however, cannot convene an executive meeting to discuss an item that is not already on its meeting agenda without first amending the agenda to add the item in accordance with the Sunshine Law's requirements. No item can be added to an agenda if it is of reasonably major importance and the board's action will affect a significant number of persons. At least two-thirds of the board's total members (present or absent) must vote in favor of amending the agenda.

How does a board convene an executive meeting?

To convene an executive meeting, a board must vote to do so in an open meeting and must publicly announce the purpose of the executive meeting. The minutes of the open meeting must reflect the vote of each board member on the question of closing the meeting to the public. Two-thirds of the board members present must vote in favor of holding the executive meeting, and the members voting in favor must also make up a majority of all board members, including members not present at the meeting and vacant membership position. Note that the 2/3 vote of all members present that is required to convene an executive meeting is different from the 2/3 vote of a board's total membership (including vacant positions) that is required to amend an agenda.

Is a board required to report to the public on what happened in an executive meeting?

When a board reconvenes in public session, it must report, in general terms, its discussion and any final action it took during the executive session. The board is not required to disclose any information that would be inconsistent with the purpose of the executive session. If disclosure would frustrate the purpose of the executive session, the board can keep the information confidential for as long as that continues to be true. Instead, a board should briefly summarize what happened in the

executive session, without disclosing any sensitive details, and give the public an idea of what topic the board discussed during the session. In the limited instances where a board can and did properly vote during an executive session, it must also inform the public what action it took.

What are the eight purposes for which an executive meeting can be convened?

Section 92-5(a), HRS, gives the board the discretion to go into an executive meeting only for the following eight specific reasons:

(1) ***Licensee Information.*** A board is authorized to meet in an executive meeting to evaluate personal information of applicants for professional and vocational licenses.

(2) ***Personnel Decisions.*** A board may hold an executive meeting to “consider the hire, evaluation, dismissal or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved.” However, if the person who is the subject of the board’s meeting requests that the board conduct its business about him or her in an open meeting, the request must be granted and an open meeting must be held.

(3) ***Labor Negotiations/Public Property Acquisition.*** A board is allowed to deliberate in an executive meeting concerning the authority of people designated by the board to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations.

(4) ***Consult with Board’s Attorney.*** A board is authorized to consult in an executive meeting with its attorneys concerning the board’s powers, duties, immunities, privileges, and liabilities.

(5) ***Investigate Criminal Misconduct.*** A board with the power to investigate criminal misconduct is authorized to do so in an executive meeting.

(6) ***Public Safety/Security.*** A board may hold an executive meeting to consider sensitive matters related to public safety or security.

(7) ***Private Donations.*** A board may consider matters relating to the solicitation and acceptance of private donations in executive meetings.

(8) ***State/Federal Law or Court Order.*** A board may hold an

executive meeting to consider information that a State or federal law or a court order requires be kept confidential.

Does “embarrassing” or “highly personal” information allow a board to hold an executive meeting?

A board may not hold such discussions in an executive meeting unless the discussion falls within one of the eight circumstances listed in the statute for which an executive meeting is allowed.

Can confidential or proprietary information be considered in a closed-door meeting?

Again, unless there is an exception that permits the board to convene in an executive meeting, no matter how sensitive the information may be, a board cannot consider such information in a closed meeting. In such a case, a board may be better off using an applicable permitted interaction in section 92-2.5, HRS, to allow less than a quorum of board members to take a close look at the sensitive information so that it can be discussed in more general terms at the board’s meeting.

Does the Sunshine Law require a closed meeting when one of the eight purposes is applicable?

No. A board may, but is not required to, enter an executive meeting closed to the public when one of the eight purposes listed above is applicable.

Is a board subject to the Sunshine Law’s criminal penalties for holding an open meeting, even if one of the eight purposes is applicable?

No. Although section 92-13, HRS, provides for the criminal prosecution of board members who willfully violate the Sunshine Law, the Hawaii Supreme Court has held that holding an open meeting does not violate the Sunshine Law. Consequently, board members are not subject to criminal prosecution under section 92-13, HRS, for holding an open meeting.

When personnel matters concerning an individual will be discussed, can an open meeting be held only upon the subject employee’s request?

No. Section 92-5(a)(2), HRS, gives the subject employee the right to

request an open meeting, but does not require the employee's consent to hold an open meeting. Because the Sunshine Law presumptively requires open meetings, the board may choose to discuss personnel matters in the open. Meetings related to personnel matters are not required to be closed to the public.

Must all personnel matters be discussed in a closed executive meeting?

No. Certain personnel matters must be discussed in an open meeting. Under the Uniform Information Practices Act (Modified), chapter 92F, HRS (UIPA), certain types of government employment information must be disclosed upon request, such as employee names, job titles, and salary information. HRS § 92F-12(a)(4). Consequently, government employees do not have a legitimate expectation of privacy in such information, and the board cannot justify closing a meeting simply to discuss those types of personnel matters. Additionally, if the discussion is about personnel policies, and not about an individual, then there is no legitimate expectation of privacy at stake, so the meeting cannot be closed to discuss such policies. To the extent possible, policy-making must be conducted in public meetings.

The personnel matters that may be discussed in a closed meeting under section 92-5(a)(2), HRS, must relate to “the hire, evaluation, dismissal or discipline” of an individual officer or employee, or to “charges brought against” such an individual, and also requires a showing that “consideration of matters affecting privacy will be involved.” Just because a matter involves an employee's personnel status does not necessarily mean that a legitimate privacy interest will be impacted. If no legitimate privacy interest will be involved in the board's discussion, then the board cannot properly close the meeting to the public.

How do you determine if there is a legitimate privacy interest under the personnel exception allowing closed executive meetings?

Unlike the test balancing private interests against the public interest that is set forth in the UIPA at section 92F-14(a), HRS, to determine if disclosure of a record would constitute a clearly unwarranted invasion of personal privacy, the Sunshine Law requires a case-by-case analysis of the specific person and information at issue to see whether the person being discussed has a legitimate expectation of privacy. Only people, not companies or entities, can have an expectation of privacy. There is a legitimate expectation of privacy in “highly personal and intimate” information, which may include medical, financial, education, or

employment records. Some circumstances, however, may reduce or entirely defeat the legitimacy of a person's expectation of privacy, as in the case of government officials with high levels of discretionary and fiscal authority, like the University's president or a head coach. Moreover, if the information must be disclosed by law, rule or regulation, or if it has already been disclosed, then there is no legitimate expectation of privacy that would warrant holding a closed executive meeting to discuss such information.

May a board vote in an executive meeting?

Generally, no. In most instances, the board must vote in an open meeting on the matters considered in an executive meeting. In rare instances, the Sunshine Law allows the board to vote in the executive meeting when the vote itself, if conducted in an open meeting, would defeat the purpose of the executive meeting, such as by revealing the matter for which confidentiality may be needed. In those rare instances where a board can and does vote in an executive meeting, it must report any action taken when it returns to public session and summarize in general terms what happened in the executive session without disclosing information that would frustrate the reason for going into executive session in the first place.

Can non-board members participate in an executive meeting?

The board is entitled to invite into an executive meeting any non-board member whose presence is either necessary or helpful to the board in its discussion, deliberation, and decision-making regarding the topic of the executive meeting. Once the non-board member's presence is no longer needed, however, the non-board member must be excused from the executive meeting. Because the meeting is closed to the general public, the board should allow the non-board members to be present during the executive meeting only for the portions of the meeting for which their presence is necessary or helpful, such as when a board staff member, attorney, or applicant is there to address a particular issue. Non-board members who may be needed throughout an executive session may include those providing technical or production support, or who are taking the minutes of the meeting. All persons attending an executive meeting, however, would be required to maintain the confidentiality of what was discussed in the meeting.

There are additional requirements for an executive meeting held as part of a remote meeting, which are discussed next.

What are the requirements for an executive meeting when the meeting is held remotely?

During a remotely held meeting when board members go into an executive session closed to the public, they can participate via telephone or audio only, without being visible online as is generally required for the public portion of a remote meeting. Because participants may not be visible during an online executive session, and to preserve the executive nature of any portion of a meeting closed to the public, the presiding officer must **publicly state the names and titles of all authorized participants**. Upon convening the executive session, **all participants must confirm that no unauthorized person is present or able to hear them** at their remote locations or via another audio or audiovisual connection. Additionally, if the remote meeting platform allows doing so, **the person organizing the ICT must look at the listed participants and confirm that no unauthorized person has access to the executive session**.

These statutory requirements are intended to prevent the executive session from being breached by or remotely transmitted to unauthorized persons during remote meetings. The “authorized participants” that the presiding officer must identify at the start of an executive session would generally be anyone properly included in the closed portion of the meeting, such as board members, staff members necessary to running the meeting (*e.g.*, technical or production staff), and in some cases, third parties whose presence is necessary to the closed meeting (*e.g.*, applicant, witness, or attorney).

For additional discussion of executive session issues, see OIP’s **Quick Review: Executive Meetings Closed to the Public**.

4

OTHER TYPES OF MEETINGS

EMERGENCY MEETINGS

Where public health, safety, or welfare requires a board to take action on a matter, can a board convene a meeting with less than six days' notice?

A board may hold an emergency meeting with less notice than required by the statute or, in certain circumstances, no notice when there is “an imminent peril to the public health, safety, or welfare.” When the board finds that an emergency meeting is appropriate, (1) the board must state its reasons in writing; (2) two-thirds of all members to which the board is entitled must agree that an emergency exists; (3) the board must electronically file an emergency agenda and the board’s reasons in the same way it would file its regular notice and agenda, except for the usual six-days’ advance notice deadline; and (4) persons requesting notification on a regular basis must be contacted by postal or electronic mail or telephone as soon as practicable.

UNANTICIPATED EVENTS

When an unanticipated event requires a board to take immediate action, can a board convene a meeting with less than six days' notice?

A board may convene a special meeting with less than six calendar days’ notice because of an unanticipated event when a board must take action on a matter over which it has supervision, control, jurisdiction, or advisory power. The law defines an unanticipated event to mean (1) an event that the board did not have sufficient advance knowledge of or reasonably could not have known about; (2) a deadline beyond the board’s control established by a legislative body, a court, or an agency; and (3) the consequence of an event for which the board could not have reasonably taken all necessary action.

The usual rule is that a State or county board may deliberate and decide whether and how to respond to the unanticipated event as long as (1) the board states, in writing, its reasons for finding that an unanticipated

event has occurred and that an emergency meeting is necessary; (2) the attorney general and two-thirds of all members to which the board is entitled concur with the board's finding; (3) the board's findings and the agenda for the emergency meeting are electronically filed in the same way it would file its regular notice and agenda, except for the usual six-days' advance notice deadline; and (4) persons requesting notification on a regular basis are contacted by postal or electronic mail or telephone as soon as practicable. At an emergency meeting, the board can only take those actions that need to be immediately taken.

LIMITED MEETINGS

If a board finds it necessary to inspect a location that is dangerous or impracticable for public attendance, may the board hold a meeting that is not open to the public?

Yes. A board may hold a "limited meeting" that is not open to the public when either (1) the meeting location is dangerous to health or safety, or (2) an on-site inspection of the meeting location is necessary and public attendance at that location is impracticable. Prior to the limited meeting, the board must publicly deliberate in a regular meeting on the need for the limited meeting, two-thirds of all members to which the board is entitled must vote to adopt the determination that it is necessary to hold a limited meeting for one of the reasons specified above, and the board must obtain the OIP Director's concurrence in its determination. Note that the board may be unable to meet the two-thirds voting requirement due to board vacancies or absences; for example, if a board should have five members but only four are appointed, then it would need all four members to vote to adopt the determination and would not be able to do so if one of the members is absent.

Public notice of a limited meeting must still be provided, and a videotape of the meeting must be made available at the next regular board meeting, unless the OIP Director waives the videotape requirement. No decision-making can occur during the limited meeting.

See the Sunshine Law forms section of OIP's website at <https://oip.hawaii.gov/forms/> for a fillable checklist to use when requesting the OIP Director's concurrence for a limited meeting or to request a waiver of the videotaping requirement.

Can county councils have limited meetings to attend other boards' or community groups' meetings, such as candidate forums?

Yes. County councils have a special limited meeting provision that allows an unlimited number of councilmembers to be the guests of a board or community group holding its own meeting, such as for candidate forums or neighborhood board meetings. To qualify for this “guest meeting,” the council must follow the requirements to hold a limited meeting, as described above. But unlike the regular limited meetings described above, the guest meeting must be open to the public. The council need not file an agenda. However, if the host organization itself is a board which must follow the Sunshine Law requirements, then that board must file an agenda. The council can have no more than one guest meeting per month for any one board or community group, and no guest meetings can be held outside of Hawaii.

See the appendices to this Guide for a checklist to use when requesting the OIP Director’s concurrence for a council to attend a meeting as guests of another board or community group meeting or to request a waiver of the videotaping requirement.

5

PROCEDURAL REQUIREMENTS

NOTICE AND AGENDA

What are the Sunshine Law's requirements for giving notice of meetings?

With the exception of emergency meetings, **a board must give at least six calendar days' advance notice** of any regular, special, or rescheduled meeting or any anticipated executive meeting. Meetings held by interactive conference technology (section 92-3.5, HRS), and limited meetings (section 92-3.1, HRS) are subject to the following provisions on notice as well as other conditions set forth in the applicable sections of the Sunshine Law. Emergency meetings (section 92-8, HRS) must also be noticed, but notice may be filed within a shorter time period than the normal six days, and there are additional conditions.

Sunshine Law meeting notices must be posted on State and county electronic calendars as the official notice of the meeting.

If there is a dispute as to whether an agenda was electronically filed at least six calendar days prior to the meeting, a printout of the electronic time-stamped agenda is conclusive evidence of the posting date.

A board must also file the notice with the Lt. Governor's office or the county clerk's office, and retain proof of filing it there. The electronic calendar, however, will provide the official notice required by the Sunshine Law. Therefore, the failure to file timely copies of notices with the Lt. Governor's office or county clerks does not require cancellation of the meeting. Moreover, the Lt. Governor or county clerks have the discretion to determine whether they want paper documents to be provided to them, or if electronic copies can be faxed to them or emailed to an email address designated by them.

The notice must also be posted at the meeting site, whenever feasible. Newspaper publication is not required for Sunshine Law meeting notices.

In addition to the date, time, and place of the meeting, the meeting notice must **include an agenda**, which lists all of the items to be considered at the forthcoming meeting. (The “guest meeting” form of limited meeting, discussed above, is an exception to this requirement.) The agenda requirements are discussed later herein.

If an executive meeting is anticipated, the notice must also state the **purpose of the executive meeting**. The Sunshine Law also requires all meeting notices to include the **board’s electronic and postal contact information for submission of testimony** before the meeting, and provide instructions on **how to request an auxiliary aid or service or an accommodation due to a disability**, which may include a reasonable deadline. Sample language is provided on page 44 of this Guide.

Does a board have to notify individual members of the public of every meeting?

The Sunshine Law requires the board to maintain a list of names and addresses of those persons who have requested notification of meetings and to mail or email a copy of the notice to those persons at the time that the notice is filed. A meeting must be cancelled if the board fails to send notice at least six days in advance of the meeting via postal mail (as determined by postmark date) or email to people on its notification list.

What happens if a board files its notice less than six days before the date of the meeting?

The State electronic calendar will not allow a board to file a regular meeting notice with less than six days’ notice, unless authorization is received after contacting Tyler Tech (not OIP) at hawaiicalendar@ehawaii.gov from 7:45 a.m. to 4:30 p.m. on Mondays through Fridays (excluding state holidays). Unless the short notice is specifically allowed (such as for an emergency meeting), if a board files its notice less than six calendar days before the meeting, the meeting is cancelled as a matter of law and no meeting can be held. The board chair or the director of the department within which the board is established must ensure that a notice is posted at the meeting site to inform the public of the cancellation of the meeting.

Note that notices for emergency meetings may be posted on the State calendar with less than six days’ notice, but only after special permission is obtained from the calendar’s administrator (not OIP).

What happens if there is a joint meeting of two boards that are both subject to the Sunshine Law?

If there is a joint meeting with two or more boards, then each board is responsible for meeting the Sunshine Law's requirements, but they can coordinate to avoid duplicative actions. All boards must ensure that notices are timely mailed or emailed to persons on their own notification lists; but if a person is on more than one mailing list, then only one of the boards must send the notice to that person. If one board meets all Sunshine Law requirements, but the other board in a joint meeting fails to do so, then the first board can proceed with the meeting without the second board. The second board must cancel its meeting and cannot have a quorum or more of its members in attendance at what would have been a joint meeting with the first board.

Do you have any practice tips for boards to help them comply with the notice requirements?

- Be careful to keep accurate records of postal and email addresses of persons on the notification list, and any changes to those addresses, so that notices will be timely and properly sent to them, as the board's errors in an address that made a notice non-deliverable could potentially require the cancellation of a meeting.
- Reduce opportunities for clerical errors by board employees, particularly with email addresses. If possible, have requesters directly enter their own email or mailing addresses online to be added to the board's notification list, and keep a record of the addresses entered by the requesters so that any mistakes will be attributed to the correct source. Consider emailing an acknowledgement after requesters register for email notification, to ensure that the correct email address has been entered onto the board's email notification list.
- If mail is not deliverable, check the address to make sure that it was sent to the correct postal or email address. Keep a record of postal and email addresses that are returned as undeliverable and dates that they were sent to provide proof that the notification was timely sent to the address provided by the requester.
- Consider filing agendas well before the six-day requirement, so that any potential errors in postal or email addresses can be corrected and timely notices can be sent to people on the notification list.

- Use technology to automate the notification process, reduce duplicative requests to the boards themselves, and eliminate potential clerical errors by the board in entering email addresses. Check to see whether the State or county electronic calendars will automatically notify those persons who subscribe to certain meeting notices.
- Keep a time-stamped copy of the agenda to provide conclusive evidence of the date when the notice was filed. The State electronic calendar shows the date and time that a meeting notice was posted or last updated. If a county calendar does not have this feature, then the board could print out and time-stamp a copy of the electronically filed meeting notice to keep in its files as evidence of the date that the meeting notice was posted.

What must the agenda contain?

The agenda must list all of the business to be considered by the board at the meeting. It must be sufficiently detailed so as to provide the public with adequate notice of the matters that the board will consider so that the public can choose whether to participate.

For anticipated executive meetings, as noted above, the agenda must be as descriptive as possible without compromising the purpose of closing the meeting to the public and must identify the statutory basis that allows the board to convene an executive meeting regarding the particular matter.

To meet the Sunshine Law's requirement to include instructions on how to request an auxiliary aid or accommodation, the Disability and Communication Access Board recommends that boards include the following language on its agendas: "If you need an auxiliary aid/service or other accommodation due to a disability, contact [Name] at [phone number and email address] as soon as possible, preferably by [reply date]. If a response is received after [reply date], we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy."

For a more detailed discussion, please see OIP's "Agenda Guidance for Sunshine Law Boards," which is posted on the [Training page at oip.hawaii.gov](https://oip.hawaii.gov).

Are general descriptions such as “Unfinished Business” or “Old Business” allowed?

No. The practice of listing general descriptions on agendas such as “Unfinished Business” or “Old Business” without any further description is insufficient and does not satisfy the agenda requirements.

Can a board amend its meeting agenda once it has been filed?

Adding an item to the agenda is **not** permitted if (1) the item to be added is **of reasonably major importance** and (2) action on the item by the board **will affect a significant number of persons**. Determination of whether a specific matter may be added to an agenda must be done on a case-by-case basis.

If the requirements above are met, boards may amend an agenda during a meeting to add items for consideration, but only after the affirmative vote of two-thirds of **all** board members to which the board is entitled, which **includes members not present at the meeting and vacant membership positions**. For example, if a board is entitled to 9 members, but only 5 are appointed and present, then it does not have the 6 votes needed to meet the 2/3 requirement to amend an agenda during the meeting.

Note that the voting requirement for amending an agenda **is not the same** as, and is typically harder to obtain than, the vote of two-thirds of members present and a majority of the total membership that is needed to go into an executive meeting.

MINUTES

Is a board required to keep minutes of its meetings?

Yes. Boards must either keep written minutes, or recorded minutes with a written summary. If a board chooses to keep written minutes, those minutes must include:

- The date, time, and place of the meeting;
- The members recorded as either present or absent;
- The substance of all matters proposed, discussed, or decided;
- A record by individual member of votes taken;

- If a recording of the meeting is available online, a link to the recording placed at the beginning of the minutes; and
- Any information that a board member specifically asks at the meeting to have included.

Boards are not required to create a transcript of or (except for remote meetings) to electronically record a meeting. But a board may choose to keep a recording of the entire meeting with a **written summary** instead of doing **written minutes**. If a board chooses to keep **recorded minutes with a written summary**, those minutes must include an audio or audiovisual recording of the meeting accompanied by a written summary, which must include:

- The date, time, and place of the meeting;
- The members of the board recorded as either present or absent, and the times when individual members entered or left the meeting;
- A record, by individual members, of motions and votes made by the board; and
- A time stamp or other reference indicating when in the recording the board began discussion of each agenda item and when motions and votes were made by the board.

The written summary requirements will allow the public to quickly find key information about a meeting and skip to the point in the recording where an item of interest was discussed, without having to listen to the entire recording which may be hours long. Although a board does have the choice to record its minutes in either digital (e.g., audio or video computer file) or analog (e.g., a magnetic tape recording) format, OIP recommends that boards record in a digital format to avoid having to convert an analog recording into digital format to be able to place the recording online.

The option to create recorded minutes does not impose any general requirement to record meetings for boards that prefer using written minutes. Moreover, if a board is recording a meeting solely to help it prepare written minutes and plans to delete or record over the recording once those minutes are prepared, the temporary recording need not be posted online and typically need not be retained once the board no longer needs it.

However, **for one specific type of meeting — a remote meeting held using ICT — boards are required to record the meeting**

“when practicable.” The remote meeting recording provision recognizes that it is usually easy to record an online meeting, but still allows boards to skip doing so in those unusual circumstances where recording an online meeting presents a more significant challenge. **A board must make the recording of a remote meeting electronically available to the public as soon as practicable after the meeting** and until the board’s actual minutes (whether written or recorded) are posted on the board’s website. **Even after minutes are posted, the law explicitly encourages a board to keep the recording online, and requires that a copy of the recording be sent to the State Archives before removing it from a board’s website.**

For a more detailed discussion of what must be included in minutes, please see OIP’s “Quick Review: Sunshine Law Requirements for Public Meeting Minutes,” which is posted on the [Training page at oip.hawaii.gov](http://oip.hawaii.gov).

Must the minutes of a board’s meeting be posted online?

Yes. The Sunshine Law requires all boards to post their written or recorded minutes online within 40 days after the meeting. If the board chooses to post a recording of its meeting, it still needs to also post a written summary within 40 days after its meeting, because the written summary is part of the recorded minutes.

A board that is preparing written minutes for an in-person meeting does not need to post a recording, even if it has one – for instance, temporary recordings intended to be used for note-taking to prepare written minutes do not need to be posted online, since the written minutes will be posted online instead. However, if a board is preparing written minutes for a meeting for which a recording is available online, a link to that recording must be included at the beginning of the written minutes. Additionally, for a remote meeting held via ICT, a board is required to record the meeting “when practicable” and make that recording available to the public until its actual minutes are posted online, at which point it is encouraged to keep the recording online but permitted to take it down so long as it first sends a copy to the State Archives.

Must draft minutes be posted online within 40 days after a meeting, even if they have not yet been approved by the board?

Yes. The Sunshine Law does not require boards to approve minutes. If a board does approve its minutes as a usual practice but has not had the opportunity to approve minutes for a meeting, minutes that satisfy the Sunshine Law's requirements must nevertheless be posted online within 40 days after the meeting, because there is no exception to the posting requirement when a board has not approved its minutes. The board can post its draft minutes online, marked as a "draft," and replace them with the board-approved minutes when those are ready, so long as it has minutes that satisfy the Sunshine Law's requirements posted within the required 40 days.

If the board does not have its own website, where must its minutes be posted?

A board that has its own website will most likely prefer to post its minutes there, but a board that does not have its own website may post its minutes on an appropriate State or county website instead, such as the website for the department to which the board is administratively attached.

To provide enough time for an IT office or website administrator to post minutes online after they have been prepared by the board, the deadline for posting is 40 days after a meeting.

Must executive meeting minutes be posted online?

No. Minutes of an executive meeting closed to the public need not be posted online if the disclosure would defeat the purpose of going into executive meeting.

Keep in mind, however, that the Sunshine Law is different from the UIPA. The Sunshine Law permits boards to delay publication of executive meeting minutes for so long as publication would defeat the lawful purpose of the executive meeting. At some point in the future, the minutes may have to be disclosed in response to a UIPA request, when disclosure would no longer compromise the purpose for going into the executive meeting. For example, minutes of an executive meeting to discuss a property's acquisition should be disclosed after the property has been acquired. Thus, boards must review the minutes to determine if the need for confidentiality has passed, and may be required to

disclose all or part of the executive meeting minutes in response to a UIPA request for the minutes.

RECORDINGS BY THE PUBLIC

Must a board allow a member of the public to record the meeting?

The board must allow the public to record any portion or all of an open meeting, as long as the recording does not actively interfere with the meeting.

6

COURT REMEDIES

Can a member of the public file a lawsuit for an alleged Sunshine Law violation?

Yes. Within two years of the alleged violation, any person can bring a lawsuit against a board to require compliance with the Sunshine Law, or prevent future violations. A person can also file a lawsuit to void a board's action in violation of the open meetings and the notice provisions of the Sunshine Law, within 90 days of the allegedly improper board action. An OIP determination of wrongdoing is not necessary for a lawsuit to be filed. If a person appeals to OIP first and OIP determines that the board did not violate the Sunshine Law, the person can still appeal OIP's decision by filing a lawsuit against the board, which will be heard *de novo*.

A lawsuit for enforcement should be filed in the circuit court of the circuit in which the prohibited act occurred, and the person bringing it must notify OIP of the suit in writing. Under certain circumstances, the judge may grant an injunction, but the filing of a lawsuit challenging a board's action does not stay enforcement of the action. Attorneys' fees and costs may be awarded to the prevailing party.

What is the penalty for an intentional violation of the statute?

A willful violation of the Sunshine Law is a misdemeanor and, upon conviction, may result in the person being removed from the board. The Attorney General and the county prosecutor have the power to enforce any violations of the statute.

Can a board appeal an OIP decision regarding the Sunshine Law?

Yes. OIP issues decisions in response to complaints that a board violated the Sunshine Law, and also on the question of whether a particular body is a board subject to the Sunshine Law. A board may appeal an OIP decision to the courts in accordance with section 92F-43, HRS. For more information, see OIP's Guide to Appeals to the Office of Information

Practices, available on the Training page at OIP's website at oip.hawaii.gov.

7

OFFICE OF INFORMATION PRACTICES

If I have additional questions about the Sunshine Law, where can I go?

For general information on the Sunshine Law, please visit OIP's website at oip.hawaii.gov, call OIP at (808) 586-1400, or email oiip@hawaii.gov. The full text of the Sunshine Law, as well as OIP's opinions relating to various open meeting issues, are posted on the website.

Office of Information Practices
(September 2022)

Sunshine Law:
PUBLIC MEETING NOTICE CHECKLIST

1. Notice Includes:

- Date:** In addition to the date itself, if the notice also specifies the day of the week, make sure it matches the date.
- Time:** While the starting time must be provided, an ending time is not required.
- Location: All notices must list at least one physical location** for the meeting. For an in-person meeting, the notice must list all locations where board members will be physically present and must state that the public can attend the meeting at any of those locations.
- For a **remote meeting using interactive conference technology (ICT)**, the link(s) allowing the public to contemporaneously view and hear the meeting and provide remote oral testimony.
- If **additional locations** (formerly known as “courtesy” locations) are being provided for the public’s convenience, specify whether the meeting will continue without the additional location if the ICT connection between the additional location and the public meeting site(s) is lost, or will be automatically recessed to restore communication.
- Board’s **electronic and postal contact information** for submission of testimony before the meeting.
- Instructions** on how to request an auxiliary aid or service or an accommodation due to a **disability**. The Sunshine Law allows these instructions to include a reasonable response deadline; however, the requirements of other laws may differ on this point and current guidance from the State Disability and Communication Access Board (DCAB) advises against setting a firm response deadline. As explained in section 7 below, OIP does not have the authority to advise on reasonable accommodations and such questions should be directed to DCAB or a board’s own attorney.

- Agenda** describing with reasonable specificity all matters to be considered.
- If an **executive meeting** is anticipated, the agenda describes the purpose and statutory authority in section 92-5(a), HRS, or other laws applicable to your board that allow the executive meeting. Use as much detail as possible without compromising the executive meeting's purpose.
- Optional: For a meeting **using ICT**, information about what will happen in the event of a connection failure, such as where to find **reconnection information and any necessary visual aids** online or an alternative date, time, and place for **continuation** of the meeting if the ICT connection cannot be restored.

2. Filing Notice:

- 6 calendar days prior to meeting:

Electronically post on:

- State Calendar: <http://calendar.ehawaii.gov/calendar/html/event> (State only)
- County Calendar (counties only)
- Board's website (unlike the above, this is not a legal requirement)

Physically post for public inspection in:

- Board's Office
- Site of meeting (when feasible or if meeting is canceled)

File (and keep proof of filing) with:

- Lieutenant Governor's Office (State)
- County Clerk (counties)

Mail or email to persons who requested notification of meetings (MUST be postmarked/emailed no later than 6 calendar days before the meeting):

- Postal mailing list
- Email list

3. Meeting Canceled for Late Filing of Notice:

It is suggested but not required that the board post a notice canceling the meeting at:

- Meeting site
- State Calendar: <http://calendar.ehawaii.gov/calendar/html/event> (State only)

- County Calendar (counties only)
- Anywhere else notice was previously posted, mailed, or filed such as county or board website (not a legal requirement)

4. Special Instructions for Emergency Meetings

(held less than 6 calendar days prior to meeting):

- Board must first decide to hold emergency meeting by vote of two-thirds of members to which board is entitled (include authorized but vacant positions)
 - Must meet criteria in section 92-8, HRS, either:
 - when “imminent peril to the public health, safety, or welfare,” or
 - because of an “unanticipated event” and board must take action.
 - For an unanticipated event, the Attorney General must concur (even for county boards).
- File board’s findings justifying emergency meeting with emergency agenda as set forth in section 2 above (but without the 6-day notice requirement).

5. Special Instructions for Limited Meetings

- Limited meetings not open to the public may be held when a board determines it necessary to inspect a location that is dangerous or that is impracticable for public attendance.
 - Must obtain concurrence from OIP’s Director.
See OIP’s Request for the Office of Information Practices’ Concurrence for a Limited Meeting form at www.oip.hawaii.gov/forms/.
 - For county councils only: *See OIP’s Checklist and County Council’s Request to Waive Videotaping of a Meeting as Guests of a Board or Community Group form at www.oip.hawaii.gov/forms/.*
 - Notice must be filed 6 days before limited meeting.
- File board’s limited meeting agenda as set forth in section 2 above.

6. Special Instructions for In-Person Meetings Involving Board Members with a Disability

- Notwithstanding the general requirements for multi-site in-person meetings in section 1 above, a “board member with a disability that limits or impairs the member’s ability to physically attend the meeting” may attend an in-person meeting via a connection by **audio and video** means from a private location (e.g., home or hospital room). The specific address of the private location need not be listed on the notice, but a board member with a disability attending from a private location must generally identify the location (e.g., home; hospital) and all persons present with the member.
- See OIP’s *Quick Review: Sunshine Law Requirements for In-Person Meetings held at Multiple Sites* on OIP’s [Training Page at oip.hawaii.gov](#).

7. Other Considerations

There are matters outside of OIP’s jurisdiction that you may wish to consider when preparing a meeting notice, such as:

- Although the Sunshine Law requires a notice to include instructions for requesting a reasonable accommodation for disabled persons (for example, provision of sign language interpreters for individuals who are deaf or hard of hearing), OIP does not have authority to advise as to what constitutes a reasonable accommodation. If you have questions about what accommodations or auxiliary aids must be provided in response to a request, you may wish to contact your board’s attorney or DCAB: website <https://health.hawaii.gov/dcab/>, telephone (808) 586-8121 (Voice or TTY), or email dcab@doh.hawaii.gov for assistance.
- Applicable statutes or administrative rules related to your board.
- For county boards, your County’s applicable charter, ordinances, or other provisions.
- Your board’s own procedural rules or policies; or instructions for the public regarding, among other things, your board’s preferred method for submission of written testimony and opportunity to provide oral testimony at the meeting (but note that the Sunshine Law does not allow all testimony to be taken at the beginning of a meeting and does not authorize setting a deadline for

submission of testimony or requiring people to register for oral testimony: a board can **request, but not require**, pre-registration or submission by a specified date).

- Whether the public can find and get into the meeting site. For example, is the meeting site large enough that someone might have trouble finding the right room? Are there improper barriers to public access such as a security checkpoint requiring attendees to show identification?

BOARD:

ADDRESS:

WEBSITE:

E-MAIL:

TELEPHONE:

FAX:

NOTICE OF CONTINUANCE OF MEETING

ORIGINALLY CONVENED ON _____, 20__, AT _____ .M.
See attached agenda for original meeting

TO BE CONTINUED TO:

DATE: _____
TIME: _____ .M.
PLACE: _____

___ Public testimony will be allowed in the manner described and on the items shown on the attached agenda as being continued.

___ Public testimony has concluded and no further testimony will be allowed on the items described in the attached agenda. The board will discuss, deliberate, decide, and/or act upon the items described in the attached agenda.

This notice has been physically posted at the following location(s):

___ Board Office

___ Meeting Site

(Optional) This notice has been electronically posted at _____

(This notice is not subject to the filing requirements of HRS Sec. 92-7.)

OIP Form 1/2014

Chapter 92, Hawaii Revised Statutes
PUBLIC AGENCY MEETINGS AND RECORDS

The following is an unofficial copy of Part I of chapter 92, Hawaii Revised Statutes, which is current through the 2024 legislative session, including new provisions enacted by Acts 011, 012, 013, 160 and 166, SLH 2024.

PART I. MEETINGS

Section

- 92-1 Declaration of Policy and Intent**
- 92-1.5 Administration of This Part**
- 92-2 Definitions**
- 92-2.5 Permitted Interactions of Members**
- 92-3 Open Meetings**
- 92-3.1 Limited Meetings**
- 92-3.5 Meeting by Interactive Conference Technology; Notice; Quorum**
- 92-3.7 Remote meeting by Interactive Conference Technology; Notice; Quorum.**
- 92-4 Executive Meetings**
- 92-5 Exceptions**
- 92-6 Judicial Branch, Quasi-Judicial Boards and Investigatory Functions; Applicability**
- 92-7 Notice**
- 92-7.5 Board Packet; Filing; Public Inspection; Notice**
- 92-8 Emergency Meetings**
- 92-9 Minutes**
- 92-10 Legislative Branch; Applicability**
- 92-11 Voidability**
- 92-12 Enforcements**
- 92-13 Penalties**

§92-1 Declaration of policy and intent. In a democracy, the people are vested with the ultimate decision-making power. Governmental agencies exist to aid the people in the formation and conduct of public policy. Opening up the governmental processes to public scrutiny and participation is the only viable and reasonable method of protecting the public's interest. Therefore, the legislature declares that it is the policy of this State that the formation and conduct of public policy - the discussions, deliberations, decisions, and action of governmental agencies - shall be conducted as openly as possible. To implement this policy the legislature declares that:

- (1) It is the intent of this part to protect the people's right to know;
 - (2) The provisions requiring open meetings shall be liberally construed;
- and

- (3) The provisions providing for exceptions to the open meeting requirements shall be strictly construed against closed meetings. [L 1975, c 166, pt of §1]

§92-1.5 Administration of this part. The director of the office of information practices shall administer this part. The director shall establish procedures for filing and responding to complaints filed by any person concerning the failure of any board to comply with this part. An agency may not appeal a decision by the office of information practices made under this chapter, except as provided in section 92F-43. The director of the office of information practices shall submit an annual report of these complaints along with final resolution of complaints, and other statistical data to the legislature, no later than twenty days prior to the convening of each regular session. [L 1998, c 137, §2; am L 2012, c 176, §2]

§92-2 Definitions. As used in this part:

“Board” means any agency, board, commission, authority, or committee of the State or its political subdivisions which is created by constitution, statute, rule, or executive order, to have supervision, control, jurisdiction, or advisory power over specific matters and which is required to conduct meetings and to take official actions.

"Board business" means specific matters over which a board has supervision, control, jurisdiction, or advisory power, that are actually pending before the board, or that can be reasonably anticipated to arise before the board in the foreseeable future.

"Informal gathering" means a social or informal assemblage of two or more board members at which matters relating to board business are not discussed.

“Interactive conference technology” means any form of audio and visual conference technology, or audio conference technology where permitted under this part, including teleconference, videoconference, and voice over internet protocol, that facilitates interaction between the public and board members.

“Meeting” means the convening of a board for which a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power. [L 1975, c 166, pt of §1; am L 1976, c 212, §1; am L 2012, c 202, §1; am L 2021, c 220, §3; am L 2022, c 264, §2]

§92-2.5 Permitted interactions of members.

- (a) Two members of a board may discuss between themselves matters relating to board business to enable them to perform their duties faithfully, as long as no commitment to vote is made or sought and the two members do not constitute a quorum of their board.
- (b) Two or more members of a board, but less than the number of members that would constitute a quorum for the board, may be assigned to:
 - (1) Investigate a matter relating to board business; provided that:
 - (A) The scope of the investigation and the scope of each member’s authority are defined at a meeting of the board;
 - (B) All resulting findings and recommendations are presented to

- the board at a meeting of the board; and
- (C) Deliberation and decision-making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held no less than six business days after the meeting at which the findings and recommendations of the investigation were presented to the board; or
- (2) Present, discuss, or negotiate any position that the board has adopted at a meeting of the board; provided that the assignment is made and the scope of each member's authority is defined at a meeting of the board before the presentation, discussion, or negotiation.
- (c) Discussions between two or more members of a board, but less than the number of members that would constitute a quorum for the board, concerning the selection of the board's officers may be conducted in private without limitation or subsequent reporting.
- (d) Board members present at a meeting that must be canceled for lack of quorum or terminated pursuant to section 92-3.5(c) may nonetheless receive testimony and presentations on items on the agenda and question the testifiers or presenters; provided that:
- (1) Deliberation or decisionmaking on any item, for which testimony or presentations are received, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the testimony and presentations were received;
- (2) The members present shall create a record of the oral testimony or presentations in the same manner as would be required by section 92-9 for testimony or presentations heard during a meeting of the board; and
- (3) Before its deliberation or decisionmaking at a subsequent meeting, the board shall:
- (A) Provide copies of the testimony and presentations received at the canceled meeting to all members of the board; and
- (B) Receive a report by the members who were present at the canceled or terminated meeting about the testimony and presentations received.
- (e) Two or more members of a board, but less than the number of members that would constitute a quorum for the board, may attend an informational meeting or presentation on matters relating to board business, including a meeting of another entity, legislative hearing, convention, seminar, or community meeting; provided that the meeting or presentation is not specifically and exclusively organized for or directed toward members of the board. The board members in attendance may participate in discussions, including discussions among themselves; provided that the discussions occur during and as part of the informational meeting or presentation; provided further that no commitment relating to a vote on the matter is made or sought.

At the next duly noticed meeting of the board, the board members shall report their attendance and the matters presented and discussed that related to board business at the informational meeting or presentation.

- (f) Discussions between the governor and one or more members of a board may be conducted in private without limitation or subsequent reporting; provided that the discussion does not relate to a matter over which a board is exercising its adjudicatory function.
- (g) Discussions between two or more members of a board and the head of a department to which the board is administratively assigned may be conducted in private without limitation; provided that the discussion is limited to matters specified in section 26-35.
- (h) Where notice of the deadline to submit testimony to the legislature is less than the notice requirements in this section, a board may circulate for approval a statement regarding a position previously adopted by the board; provided that the position previously adopted by the board, the statement to be submitted as testimony, and communications among board members about the statement, including drafts, shall be in writing and accessible to the public, within forty-eight hours of the statement's circulation to the board, on the board's website, or, if the board does not have a website, on an appropriate state or county website.
- (i) Communications, interactions, discussions, investigations, and presentations described in this section are not meetings for purposes of this part. [L 1996, c 267, §2; am L 2005, c 84, §1; am L 2012, c 177, §1; am L 2022, c 264, §3; am L 2024, c 13, §2]

§92-3 Open meetings. Every meeting of all boards shall be open to the public and all persons shall be permitted to attend any meeting unless otherwise provided in the state constitution or as closed pursuant to sections 92-4 and 92-5; provided that the removal of any person or persons who wilfully disrupts a meeting to prevent and compromise the conduct of the meeting shall not be prohibited. The boards shall afford all interested persons an opportunity to submit data, views, or arguments, in writing, on any agenda item. The boards shall also afford all interested persons an opportunity to present oral testimony on any agenda item; provided that the oral testimonies of interested persons shall not be limited to the beginning of a board's agenda or meeting. The boards may provide for reasonable administration of oral testimony by rule. [L 1975, c 166, pt of § 1; am L 1985, c 278, §1; am L 2022, c 264, §4]

§92-3.1 Limited meetings.

- (a) If a board determines that it is necessary to meet at a location that is dangerous to health or safety, or if a board determines that it is necessary to conduct an on-site inspection of a location that is related to the board's business at which public attendance is not practicable, and the director of the office of information practices concurs, the board may hold a limited meeting at that location that shall not be open to the public; provided that at a regular meeting of the board prior to the limited meeting:
 - (1) The board determines, after sufficient public deliberation, that it is necessary to hold the limited meeting and specifies that the location is dangerous to health or safety or that the on-site inspection is necessary and public attendance is impracticable;
 - (2) Two-thirds of all members to which the board is entitled vote to adopt the determinations required by paragraph (1); and

- (3) Notice of the limited meeting is provided in accordance with section 92-7.
- (b) A county council may hold a limited meeting that is open to the public, as the guest of a board or community group holding its own meeting, and the council shall not be required to have a quorum of members in attendance or accept oral testimony; provided that:
 - (1) Notice of the limited meeting shall be provided in accordance with section 92-7, shall indicate the board or community group whose meeting the council is attending, and shall not be required to include an agenda;
 - (2) If the board or community group whose meeting the council is attending is subject to part I, chapter 92, then that board or community group shall comply with the notice, agenda, testimony, minutes, and other requirements of part I, chapter 92;
 - (3) No more than one limited meeting per month shall be held by a county council for any one board or community group;
 - (4) No limited meetings shall be held outside the State; and
 - (5) Limited meetings shall not be used to circumvent the purpose of part I, chapter 92.
- (c) At all limited meetings, the board shall:
 - (1) Videotape the meeting, unless the requirement is waived by the director of the office of information practices, and comply with all requirements of section 92-9;
 - (2) Make the videotape available at the next regular meeting; and
 - (3) Make no decisions at the meeting.
- (d) Each county council shall submit an annual report to the legislature no later than twenty days prior to the convening of each regular session on the effectiveness and application of limited meeting procedures provided in subsection (b), including any recommendations or proposed legislation. [L 1995, c 212, §1; am L 2008, c20, §1; am L 2014, c 221, §2; am L 2016, c 56, §1, 2]

§92-3.5 In-person meeting at multiple sites by interactive conference technology; notice; quorum.

- (a) A board may hold an in-person meeting at multiple meeting sites connected by interactive conference technology; provided that the interactive conference technology used by the board allows audio or audiovisual interaction among all members of the board participating in the meeting and all members of the public attending the meeting, and the notice required by section 92-7 identifies all of the locations where participating board members will be physically present and indicates that members of the public may join board members at any of the identified locations. The board may provide additional locations open for public participation but where no participating board members will be physically present. The notice required by section 92-7 shall list any additional locations open for public participation but where no participating board members will be physically present and specify, in the event one of those additional locations loses its audio connection to the

meeting, whether the meeting will continue without that location or will be automatically recessed to restore communication as provided in subsection (c).

- (b) Any board member participating in a meeting by interactive conference technology under this section shall be considered present at the meeting for the purpose of determining compliance with the quorum and voting requirements of the board.
- (c) A meeting held by interactive conference technology under this section shall be automatically recessed for up to thirty minutes to restore communication when audio communication cannot be maintained with all locations where the meeting by interactive technology is being held, even if a quorum of the board is physically present in one location. The meeting may reconvene when either audio or audiovisual communication is restored. Within fifteen minutes after audio-only communication is established, copies of nonconfidential visual aids that are required by or brought to the meeting by board members or as part of a scheduled presentation shall be made available either by posting on the Internet or by other means to all meeting participants, and those agenda items for which visual aids are not available for all participants at all meeting locations shall not be acted upon at the meeting. If it is not possible to reconvene the meeting as provided in this subsection within thirty minutes after an interruption to communication, and the board has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically terminated.
- (d) Notwithstanding the other provisions of this section to the contrary, a board member with a disability that limits or impairs the member's ability to physically attend the meeting may participate in a board meeting from a location not accessible to the public; provided that the member with a disability is connected to other members of the board and the public by both visual and audio means, and the member identifies where the member is located and who, if anyone, is present at that location with the member. [L 1994, c 121, §1; am L 2000, c 284, §2; am L 2006, c 152, §1; am L 2012, c 202, §2; am L 2021, c 220, §4]

§92-3.7 Remote meeting by interactive conference technology; notice; quorum.

- (a) A board may hold a remote meeting by interactive conference technology; provided that the interactive conference technology used by the board allows audiovisual interaction among all members of the board participating in the meeting and all members of the public attending the meeting, except as otherwise provided under this section; provided further that there is at least one meeting location that is open to the public and has an audiovisual connection. A board holding a remote meeting pursuant to this section shall not be required to allow members of the public to join board members in person at nonpublic locations where board members are physically present or to identify those locations in the notice required by section 92-7; provided that at the meeting, each board member shall state the name of any person eighteen years of age or older who is present at the nonpublic location with the member; provided further that the name of a person under the age of eighteen years shall be stated if the person has a personal business, property, or financial interest on any issue before the board at the

meeting. The notice required by section 92-7 shall:

- (1) List at least one meeting location that is open to the public that shall have an audiovisual connection; and
- (2) Inform members of the public how to contemporaneously:
 - (A) Remotely view the video and audio of the meeting through internet streaming or other means; and
 - (B) Provide remote oral testimony in a manner that allows:
 - (i) Board members and other meeting participants to hear the testimony; and
 - (ii) The testifier to be visible to board members and other meeting participants upon request by the testifier.

The board may provide additional locations open for public participation. The notice required by section 92-7 shall list any additional locations open for public participation and specify, in the event an additional location loses its audiovisual connection to the remote meeting, whether the meeting will continue without that location or will be automatically recessed to restore communication as provided in subsection (c).

- (b) For a remote meeting held by interactive conference technology pursuant to this section:
 - (1) The interactive conference technology used by the board shall allow interaction among all members of the board participating in the meeting and all members of the public attending the meeting;
 - (2) Except as provided in subsections (c) and (d), a quorum of board members participating in the meeting shall be visible and audible to other members and the public during the meeting; provided that no other meeting participants shall be required to be visible during the meeting;
 - (3) Any board member participating in a meeting by interactive conference technology shall be considered present at the meeting for the purpose of determining compliance with the quorum and voting requirements of the board;
 - (4) At the start of the meeting the presiding officer shall announce the names of the participating members;
 - (5) All votes shall be conducted by roll call unless unanimous; and
 - (6) Boards shall record meetings open to the public, when practicable, and make the recording of any meeting electronically available to the public as soon as practicable after a meeting and until a time as the minutes required by section 92-9 are electronically posted on the board's website. Boards are encouraged to keep recordings available on their website.
- (c) A meeting held by interactive conference technology shall be automatically recessed for up to thirty minutes to restore communication when audiovisual communication cannot be maintained with all members participating in the meeting or with the public location identified in the board's notice pursuant to subsection (a)(1) or with the remote public broadcast identified in the board's notice pursuant to subsection (a)(2)(A). This subsection shall not apply based on the inability of a member of the public to maintain an audiovisual connection to the remote public broadcast, unless the remote public broadcast itself is not transmitting an audiovisual

link to the meeting. The meeting may reconvene when either audiovisual communication is restored, or audio-only communication is established after an unsuccessful attempt to restore audiovisual communication, but only if the board has provided reasonable notice to the public as to how to access the reconvened meeting after an interruption to communication. If audio-only communication is established, then each speaker shall be required to state their name before making their remarks. Within fifteen minutes after audio-only communication is established, copies of nonconfidential visual aids that are required by or brought to the meeting by board members or as part of a scheduled presentation shall be made available either by posting on the Internet or by other means to all meeting participants, including those participating remotely, and those agenda items for which visual aids are not available for all participants shall not be acted upon at the meeting. If it is not possible to reconvene the meeting as provided in this subsection within thirty minutes after an interruption to communication and the board has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically terminated.

- (d) During executive meetings from which the public has been excluded, board members shall be audible to other authorized participants but shall not be required to be visible. To preserve the executive nature of any portion of a meeting closed to the public, the presiding officer shall publicly state the names and titles of all authorized participants, and, upon convening the executive session, all participants shall confirm to the presiding officer that no unauthorized person is present or able to hear them at their remote locations or via another audio or audiovisual connection. The person organizing the interactive conference technology shall confirm that no unauthorized person has access to the executive meeting as indicated on the control panels of the interactive conference technology being used for the meeting, if applicable.
- (e) Nothing in this section shall prohibit a board from removing or blocking any person who wilfully disrupts or compromises the conduct of a meeting. [L 2021, c 220, §2; am L 2022, c 177, § 2; am L 2023, c 125, § 1; am L 2024, c 012, §2]

§92-4 Executive meetings.

- (a) A board may hold an executive meeting that is closed to the public upon an affirmative vote, taken at an open meeting, of two-thirds of the members present; provided the affirmative vote constitutes a majority of the members to which the board is entitled. A meeting closed to the public shall be limited to matters exempted by section 92-5. The reason for holding such a meeting shall be publicly announced and the vote of each member on the question of holding a meeting that is closed to the public shall be recorded and entered into the minutes of the meeting.
- (b) Any discussion or final action taken by a board in an executive meeting shall be reported to the public when the board reconvenes in the open meeting at which the executive meeting is held; provided that in describing the discussion or final action taken by the board:
 - (1) The information reported shall not be inconsistent with the purpose for which the executive meeting was convened pursuant to section 92-5, including matters affecting the privacy of individuals; and

- (2) The board may maintain confidentiality for the information described in paragraph (1) for as long as disclosure would defeat the purpose of convening the executive meeting. [L 1975, c 166, pt of §1; am L 1985, c 278, §2; am L 2023, c 019, § 1]

§92-5 Exceptions.

- (a) A board may hold a meeting closed to the public pursuant to section 92-4 for one or more of the following purposes:
 - (1) To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;
 - (2) To consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held;
 - (3) To deliberate concerning the authority of persons designated by the board to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations;
 - (4) To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities;
 - (5) To investigate proceedings regarding criminal misconduct;
 - (6) To consider sensitive matters related to public safety or security;
 - (7) To consider matters relating to the solicitation and acceptance of private donations; and
 - (8) To deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order.
- (b) In no instance shall the board make a decision or deliberate toward a decision in an executive meeting on matters not directly related to the purposes specified in subsection (a). No informal gathering, permitted interaction, or electronic communication shall be used to circumvent the spirit or requirements of this part to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power. [L 1975, c 166, pt of §1; am L 1985, c 278, §3; gen ch 1985; am L 1996, c 267, §3; am L 1998, c 48, §1; am L 1999, c 49, §1; am L 2022, c 264, §5]

§92-6 Judicial branch, quasi-judicial boards and investigatory functions; applicability.

- (a) This part shall not apply:
 - (1) To the judicial branch.
 - (2) To adjudicatory functions exercised by a board and governed by sections 91-8 and 91-9, or authorized by other sections of the Hawaii Revised Statutes. In the application of this subsection, boards

exercising adjudicatory functions include, but are not limited to, the following:

- (A) Hawaii labor relations board, chapters 89 and 377;
 - (B) Labor and industrial relations appeals board, chapter 371;
 - (C) Hawaii paroling authority, chapter 353;
 - (D) Civil service commission, chapter 26;
 - (E) Board of trustees, employees' retirement system of the State of Hawaii, chapter 88;
 - (F) Crime victim compensation commission, chapter 351; and
 - (G) State ethics commission, chapter 84.
- (b) Notwithstanding provisions in this section to the contrary, this part shall apply to require open deliberation of the adjudicatory functions of the land use commission. [L 1975, c 166, pt of §1; am L 1976, c 92, §8; am L 1985, c 251, §11; am L 1998, c 240, §6]

§92-7 Notice.

- (a) The board shall give written public notice of any regular, special, emergency, or rescheduled meeting, or any executive meeting when anticipated in advance. The notice shall include an agenda that lists all of the items to be considered at the forthcoming meeting; the date, time, and place of the meeting; the board's electronic and postal contact information for submission of testimony before the meeting; instructions on how to request an auxiliary aid or service or an accommodation due to a disability, including a response deadline, if one is provided, that is reasonable; and in the case of an executive meeting the purpose shall be stated. If an item to be considered is the proposed adoption, amendment, or repeal of administrative rules, an agenda meets the requirements for public notice pursuant to this section if it contains a statement on the topic of the proposed rules or a general description of the subjects involved, as described in section 91-3(a)(1)(A), and a statement of when and where the proposed rules may be viewed in person and on the Internet as provided in section 91-2.6. The means specified by this section shall be the only means required for giving notice under this part notwithstanding any law to the contrary.
- (b) No less than six calendar days before the meeting, the board shall post the notice on an electronic calendar on a website maintained by the State or the appropriate county and post a notice in the board's office for public inspection. The notice shall also be posted at the site of the meeting whenever feasible. The board shall file a copy of the notice with the office of the lieutenant governor or the appropriate county clerk's office and retain a copy of proof of filing the notice, and the office of the lieutenant governor or the appropriate clerk's office shall ensure access to paper or electronic copies of all meeting notices; provided that a failure to do so by the board, the office of the lieutenant governor, or the appropriate county clerk's office shall not require cancellation of the meeting. The copy of the notice to be provided to the office of the lieutenant governor or the appropriate county clerk's office may be provided via electronic mail to an electronic mail address designated by the office of the lieutenant governor or the appropriate county clerk's office, as applicable.
- (c) If the written public notice is electronically posted on an electronic calendar less than six calendar days before the meeting, the meeting shall be canceled as a matter of law and shall not be held. The chairperson or the director shall

ensure that a notice canceling the meeting is posted at the place of the meeting. If there is a dispute as to whether a notice was timely posted on an electronic calendar maintained by the State or appropriate county, a printout of the electronic time-stamped agenda shall be conclusive evidence of the electronic posting date. The board shall provide a copy of the time-stamped record upon request.

- (d) No board shall change the agenda, less than six calendar days prior to the meeting, by adding items thereto without a two-thirds recorded vote of all members to which the board is entitled; provided that no item shall be added to the agenda if it is of reasonably major importance and action thereon by the board will affect a significant number of persons. Items of reasonably major importance not decided at a scheduled meeting shall be considered only at a meeting continued to a reasonable day and time.
- (e) The board shall maintain a list of names and postal or electronic mail addresses of persons who request notification of meetings and shall mail or electronically mail a copy of the notice to the persons by the means chosen by the persons at their last recorded postal or electronic mail address no later than the time the agenda is required to be electronically posted under subsection (b). [L 1975, c 166, pt of §1; am L 1976, c 212, §2; am L 1984, c 271, §1; am L 1985, c 278, §4; am L 1995, c 13, §2; am L 2012, c 177, §2; am L 2014, c 68, §1; am L 2017, c 64, §2; am L 2018, c 63, §1; am L 2019, c 244, §2; am L 2021, c 220, §5; am L 2024, c 166, §1]

§92-7.5 Board packet; filing; public inspection; notice. At the time the board packet is distributed to the board members, but no later than two business days before the meeting, the board shall also make the board packet available for public inspection in the board's office; provided that nothing in this section shall require creation of a board packet; provided further that nothing in this section shall prohibit the distribution of public testimony to board members before the meeting. The board shall provide notice to persons requesting notification of meetings pursuant to section 92-7(e) that includes a list of the documents that were compiled by the board and distributed to board members before a meeting for use at that meeting and that the board packet is available for inspection in the board's office and shall provide reasonably prompt access to the board packet to any person upon request. The board is not required to mail board packets. As soon as practicable, the board shall accommodate requests for electronic access to the board packet and shall post the board packet on its website.

For purposes of this section:

"Board packet" means documents that are compiled by the board and distributed to board members before a meeting for use at that meeting, to the extent the documents are public under chapter 92F; provided that this section shall not require disclosure of executive session minutes, license applications, or other records for which the board cannot reasonably complete its redaction of nonpublic information in the time available before the public inspection required by this section.

"Business day" shall have the same meaning as in section 11-1. [L 2017, c 64, §1; am L 2022, c 264, §6; am L 2024, c 011, §2]

§92-8 Emergency meetings.

- (a) If a board finds that an imminent peril to the public health, safety, or welfare requires a meeting in less time than is provided for in section 92-7, the board may hold an emergency meeting provided that:
- (1) The board states in writing the reasons for its findings;
 - (2) Two-thirds of all members to which the board is entitled agree that the findings are correct and an emergency exists;
 - (3) An emergency agenda and the findings are electronically posted pursuant to section 92-7(b), filed with the office of the lieutenant governor or the appropriate county clerk's office, and posted in the board's office; provided further that the six calendar day requirement for filing and electronic posting shall not apply; and
 - (4) Persons requesting notification on a regular basis are contacted by postal or electronic mail or telephone as soon as practicable.
- (b) If an unanticipated event requires a board to take action on a matter over which it has supervision, control, jurisdiction, or advisory power, with less time than is provided for in section 92-7 to notice and convene a meeting of the board, the board may hold an emergency meeting to deliberate and decide whether and how to act in response to the unanticipated event; provided that:
- (1) The board states in writing the reasons for its finding that an unanticipated event has occurred and that an emergency meeting is necessary and the attorney general concurs that the conditions necessary for an emergency meeting under this subsection exist;
 - (2) Two-thirds of all members to which the board is entitled agree that the conditions necessary for an emergency meeting under this subsection exist;
 - (3) The finding that an unanticipated event has occurred and that an emergency meeting is necessary and the agenda for the emergency meeting under this subsection are electronically posted pursuant to section 92-7(b), filed with the office of the lieutenant governor or the appropriate county clerk's office, and posted in the board's office; provided further that the six calendar day requirement for filing and electronic posting shall not apply;
 - (4) Persons requesting notification on a regular basis are contacted by postal or electronic mail or telephone as soon as practicable; and
 - (5) The board limits its action to only that action which must be taken on or before the date that a meeting would have been held, had the board noticed the meeting pursuant to section 92-7.
- (c) For purposes of this part, an "unanticipated event" means:
- (1) An event which members of the board did not have sufficient advance knowledge of or reasonably could not have known about from information published by the media or information generally available in the community;
 - (2) A deadline established by a legislative body, a court, or a federal, state, or county agency beyond the control of a board; or
 - (3) A consequence of an event for which reasonably informed and knowledgeable board members could not have taken all necessary action. [L 1975, c 166, pt of §1; am L 1996, c 267, §4; am L 2017, c 64 §3; am L 2019, c 244 §3]

§92-9 Minutes.

- (a) The board shall keep written or recorded minutes of all meetings. Unless otherwise required by law, neither a full transcript nor a recording of the meeting is required, but the minutes shall give a true reflection of the matters discussed at the meeting and the views of the participants. Before the removal of a recording that was maintained on a board's website pursuant to section 92-3.7(b)(6), the board shall provide the state archives with a copy of the recording. Written minutes shall include at a minimum:
- (1) The date, time, and place of the meeting;
 - (2) The members of the board recorded as either present or absent;
 - (3) The substance of all matters proposed, discussed, or decided; and a record, by individual member, of any votes taken;
 - (4) If an electronic audio or video recording of the meeting is available online, a link to the electronic audio or video recording of the meeting, to be placed at the beginning of the minutes; and
 - (5) Any other information that any member of the board requests be included or reflected in the minutes.
- (b) The minutes shall be made available to the public by posting on the board's website or, if the board does not have a website, on an appropriate state or county website within forty days after the meeting except where such disclosure would be inconsistent with section 92-5; provided that minutes of executive meetings may be withheld so long as their publication would defeat the lawful purpose of the executive meeting, but no longer. A written summary shall accompany any minutes that are posted in a digital or analog recording format and shall include:
- (1) The date, time, and place of the meeting;
 - (2) The members of the board recorded as either present or absent, and the times when individual members entered or left the meeting;
 - (3) A record, by individual member, of motions and votes made by the board; and
 - (4) A time stamp or other reference indicating when in the recording the board began discussion of each agenda item and when motions and votes were made by the board.
- (c) All or any part of a meeting, of a board may be recorded by any person in attendance by any means of reproduction, except when a meeting is closed pursuant to section 92-4; provided the recording does not actively interfere with the conduct of the meeting. [L 1975, c 166, pt of §1; am L 2017, c 64, §4; am L 2023, c 125, § 2]

§92-10 Legislative branch; applicability. Notwithstanding any provisions contained in this chapter to the contrary, open meeting requirements, and provisions regarding enforcement, penalties and sanctions, as they are to relate to the state legislature or to any of its members shall be such as shall be from time to time prescribed by the respective rules and procedures of the senate and the house of representatives, which rules and procedures shall take precedence over this part. Similarly, provisions relating to notice, agenda and minutes of meetings, and such other requirements as may be necessary, shall also be governed by the respective rules and procedures of the senate and the house of representatives. [L 1975, c 166, pt of §1]

§92-11 Voidability. Any final action taken in violation of sections 92-3 and 92-7 may be voidable upon proof of violation. A suit to void any final action shall be commenced within ninety days of the action. [L 1975, c 166, pt of §1; am L 2005, c 84, §2]

§92-12 Enforcement.

- (a) The attorney general and the prosecuting attorney shall enforce this part.
- (b) The circuit courts of the State shall have jurisdiction to enforce the provisions of this part by injunction or other appropriate remedy.
- (c) Any person may commence a suit against a board or alleged board in the circuit court of the circuit in which a prohibited act occurs for the purpose of:
 - (1) Requiring compliance with or preventing violations of this part;
 - (2) Determining the applicability of this part to discussions or decisions of the public body; or
 - (3) Challenging an opinion or ruling of the office of information practices concerning a complaint by that person.

The person may bring the action within two years of a prohibited act; provided that a decision to appeal to the office of information practices for review shall not prejudice the person's right to appeal to the circuit court after a decision is made by the office of information practices. If the person prevails, the court may order payment of reasonable attorney's fees and costs by the board in a suit brought under this section.

- (d) In an action under this section, the circuit court shall hear the matter de novo. Opinions and rulings of the office of information practices shall be admissible in an action brought under this part and shall be considered as precedent unless found to be palpably erroneous; provided that in an action under this section challenging an opinion or ruling of the office of information practices concerning a complaint by the plaintiff, the circuit court shall hear the challenged adverse determination de novo. Except as provided in section 92F-43, a board or alleged board shall not challenge an opinion or ruling of the office of information practices about the board or alleged board.
- (e) When filing a suit that is under, related to, or affected by this part, a person shall notify the office of information practices in writing at the time of the filing. The office of information practices may intervene in the action.
- (f) Except as to cases the circuit court considers of greater importance, proceedings before the court, as authorized by this section, and appeals therefrom, shall take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way when the suit seeks to void any final action pursuant to section 92-11.
- (g) The proceedings for review shall not stay the enforcement of any agency decisions; provided that the reviewing court may order a stay if the following criteria have been met:
 - (1) There is likelihood that the party bringing the action will prevail on the merits;
 - (2) Irreparable damage will result if a stay is not ordered;
 - (3) No irreparable damage to the public will result from the stay order;and

(4) Public interest will be served by the stay order. [L 1975, c 166, pt of §1; am L 1985, c 278, §5; am L 2012, c 176, §3; am L 2024, c 160, § 2]

§92-13 Penalties. Any person who wilfully violates any provisions of this part shall be guilty of a misdemeanor, and upon conviction, may be summarily removed from the board unless otherwise provided by law. [L 1975, c 166, pt of §1]

THE CONSTITUTION OF THE STATE OF HAWAII
ARTICLE XVI

GENERAL AND MISCELLANEOUS PROVISIONS

Section [3.5]. There shall be a commission on salaries as provided by law, which shall review and recommend salaries for the justices and judges of all state courts, members of the legislature, department heads or executive officers of the executive departments and the deputies or assistants to department heads of the executive departments as provided by law, excluding the University of Hawaii and the department of education. The commission shall also review and make recommendations for the salary of the administrative director of the State or equivalent position and the salary of the governor and the lieutenant governor.

Any salary established pursuant to this section shall not be decreased during a term of office, unless by general law applying to all salaried officers of the State.

Not later than the fortieth legislative day of the 2007 regular legislative session and every six years thereafter, the commission shall submit to the legislature its recommendations and then dissolve.

The recommended salaries submitted shall become effective as provided in the recommendation, unless the legislature disapproves the entire recommendation as a whole by adoption of a concurrent resolution prior to adjournment sine die of the legislative session in which the recommendation is submitted; provided that any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted. [Add HB 1917 (2006) and election Nov 7, 2006]

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

The commission shall consist of seven members of whom:

- (1) Two members shall be appointed by the governor;
- (2) Two members shall be appointed by the president of the senate;
- (3) Two members shall be appointed by the speaker of the house of representatives; and
- (4) One member shall be appointed by the chief justice of the supreme court.

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

(b) The commission shall review and recommend an appropriate salary for the governor, lieutenant governor, members of the legislature, justices and judges of all state courts, administrative director of the State or an equivalent position, and department heads or executive officers and the deputies or assistants to the department heads 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) Corrections and rehabilitation;
- (8) Defense;
- (9) Hawaiian home lands;
- (10) Health;
- (11) Human resources development;
- (12) Human services;
- (13) Labor and industrial relations;
- (14) Land and natural resources;
- (15) Law enforcement;
- (16) Taxation; and
- (17) Transportation.

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

The commission may recommend different salaries for department heads and executive officers and different salary ranges for deputies or assistants to department heads; provided that the commission shall recommend the same salary range for deputies or assistants to department heads within the same department; provided further that the appointing official shall specify the salary for a particular position within the applicable range.

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

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

(d) The commission shall convene in the month of November 2006, and every six years thereafter. Not later than the fortieth legislative day of the regular session of 2007, and every six years thereafter, the commission shall submit a report of its findings and its salary recommendations to the legislature, through the governor. The commission may include incremental increases that take effect prior to the convening of the next salary commission.

The recommended salaries submitted by the commission shall become effective July 1 of the next fiscal year unless the legislature disapproves the recommended salaries submitted by the commission through the adoption of a concurrent resolution, which shall be approved by a simple majority of each house of the legislature, prior to adjournment sine die of the legislative session in which the

recommended salaries are submitted; provided that any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted.

The governor shall include the salary amounts recommended by the commission and approved by the legislature for employees of the executive branch in the executive budget. If the salary amounts recommended by the commission are disapproved by the legislature, the commission shall reconvene in the November next following the legislative disapproval to review the legislature's reasons for disapproving its salary recommendation. The commission may submit a report of its findings and submit a new salary recommendation to the legislature at the next regular session. The commission's reconvening following a legislative disapproval shall not toll the six-year cycle. [L 2006, c 299, §1; am L 2022, c 278, §23]

[Previous](#)

[Vol01_Ch0001-0042E](#)

[Next](#)

PART III. SALARIES, CERTAIN STATE OFFICERS

§26-51 Governor; lieutenant governor. Effective at noon on December 4, 2006, the salaries of the governor and the lieutenant governor shall be as last recommended by the executive salary commission. Effective July 1, 2007, and every six years thereafter, the salaries of the governor and lieutenant governor shall be as last recommended by the commission on salaries pursuant to section 26-56, unless rejected by the legislature. [L 1959, c 273, §3; am L 1962, c 28, §23; am L 1965, c 223, pt of §5; Supp, §4A-1; HRS §26-51; am L 1969, c 127, §1; am L 1975, c 58, §5; am L 1982, c 129, §1(1); am L 1986, c 128, §1(1); am L 1989, c 329, §1(1); am L 2003, c 122, §2; am L 2006, c 299, §2]

[Previous](#)[Vol01_Ch0001-0042E](#)[Next](#)

§26-52 Department heads and executive officers. *[Repeal and reenactment on June 30, 2024. L 2014, c 90, §4.]* The salaries of the following state officers shall be as follows:

- (1) The salary of the superintendent of education shall be set by the board of education at a rate no greater than \$250,000 a year. The superintendent shall be subject to an annual performance evaluation that is in alignment with other employee evaluations within the department of education and are based on outcomes determined by the board of education; provided that nothing shall prohibit the board of education from conditioning a portion of the salary on performance;
- (2) The salary of the president of the University of Hawaii shall be set by the board of regents;
- (3) Effective July 1, 2004, the salaries of all department heads or executive officers of the departments of accounting and general services, agriculture, attorney general, budget and finance, business, economic development, and tourism, commerce and consumer affairs, corrections and rehabilitation, Hawaiian home lands, health, human resources development, human services, labor and industrial relations, land and natural resources, law enforcement, taxation, and transportation shall be as last recommended by the executive salary commission. Effective July 1, 2007, and every six years thereafter, the salaries shall be as last recommended by the commission on salaries pursuant to section 26-56, unless rejected by the legislature; and
- (4) The salary of the adjutant general shall be \$85,302 a year. Effective July 1, 2007, and every six years thereafter, the salary of the adjutant general shall be as last recommended by the commission on salaries pursuant to section 26-56, unless rejected by the legislature, except that if the state salary is in conflict with the pay and allowance fixed by the tables of the regular Army or Air Force of the United States, the latter shall prevail. [L 1965, c 223, pt of §5; Supp, §4A-2; HRS §26-52; am L 1969, c 127, §2; am L 1970, c 105, §5; am L 1975, c 58, §6; am L 1982, c 129, §1(2) and c 204, §8; am L 1984, c 282, §1; am L 1986, c 128, §1(2); am L 1987, c 336, §3(3), c 338, §1(4), and c 339, §2(3); am L 1989, c 211, §5 and c 329, §1(2); am L 1990, c 293, §8; am L 1991, c 310, §2; am L 1992, c 203, §1; am L 1994, c 56, §3; am L 1996, c 219, §1; am L 1998, c 115, §4; am L 2000, c 183, §1; am L 2003, c 122, §3; am L 2006, c 299, §3; am L 2014, c 90, §2; am L 2022, c 278, §§4, 22]

Note

The L 2022, c 278 amendment is exempt from the repeal and reenactment condition of L 2014, c 90, §4. L 2022, c 278, §62.

Contracts entered into prior to June 30, 2024, shall remain in effect for the duration of the contract. L 2014, c 90, §4.

Attorney General Opinions

Salary of superintendent of education should not be payable after removal from office. Att. Gen. Op. 75-20.

"Salary" does not mean "compensation"; fringe benefits are not "salary"; salary of university president is exception to norm, but unclear whether fringe benefits can be paid from private donations. Att. Gen. Op. 85-1.

§26-53 Deputies or assistants to department heads. Effective July 1, 2004, the salaries of deputies or assistants to the head of any department of the State, other than the department of education, shall be within the range or ranges for the specific positions as last recommended by the executive salary commission. Effective July 1, 2007, and every six years thereafter, the salaries shall be as last recommended by the commission on salaries and specified by the appointing official, if appropriate, pursuant to section 26-56, unless rejected by the legislature. [L 1965, c 223, pt of §5; Supp, §4A-3; HRS §26-53; am L 1975, c 58, §7; am L 1982, c 129, §1(3); am L 1986, c 128, §1(3); am L 1989, c 329, §1(3); am L 2003, c 122, §4 and c 187, §2; am L 2006, c 299, §4]

Cross References

Nonapplicability to:

Administrative services manager of department of attorney general, see §28-7.5.

Special assistant to attorney general, see §28-8.5.

Special assistant to state librarian, see §312-2.2.

Salary of various department of education deputies and assistants, see §302A-621.

[Previous](#)

[Vol01_Ch0001-0042F](#)

[Next](#)

§602-2 Salary, supreme court justices. Effective July 1, 2004, the salary of the chief justice of the supreme court and the salary of each associate justice of the supreme court shall be as last recommended by the judicial salary commission. Effective July 1, 2007, and every six years thereafter, the salary of the chief justice of the supreme court and the salary of each associate justice of the supreme court shall be as last recommended by the commission on salaries pursuant to section 26-56, unless disapproved by the legislature. [L Sp 1959 1st, c 4, §1; am L 1962, c 28, §30a; am L 1965, c 223, §12; Supp, §214-1.5; HRS §602-2; am L 1969, c 127, §10; am L 1975, c 58, §26; ree L 1979, c 111, pt of §2; am L 1982, c 129, §25(1); am L 1986, c 128, §22; am L 1990, c 72, §3; am L 1999, c 65, §4; am L 2000, c 2, §2; am L 2003, c 123, §2; am L 2006, c 299, §7]

Case Notes

Cited: 57 H. 348, 555 P.2d 1329 (1976).

[Previous](#)

[Vol13_Ch0601-0676](#)

[Next](#)

§602-52 Salary. Effective July 1, 2004, the salary of the chief judge of the intermediate appellate court and the salary of each associate judge shall be as last recommended by the judicial salary commission. Effective July 1, 2007, and every six years thereafter, the salary of the chief judge of the intermediate appellate court and the salary of each associate judge shall be as last recommended by the commission on salaries pursuant to section 26-56, unless disapproved by the legislature. [L 1979, c 111, pt of §3; am L 1982, c 129, §25(2); am L 1986, c 128, §23; am L 1990, c 72, §4; am L 1999, c 65, §5; am L 2000, c 2, §3; am L 2003, c 123, §3; am L 2006, c 299, §8]

[Previous](#)

[Vol13_Ch0601-0676](#)

[Next](#)

§603-5 Salary of circuit court judges. Effective July 1, 2004, the salary of a circuit court judge shall be as last recommended by the judicial salary commission. Effective July 1, 2007, and every six years thereafter, the salary of each circuit court judge of the various circuit courts of the State shall be as last recommended by the commission on salaries pursuant to section 26-56, unless disapproved by the legislature. [L Sp 1959 1st, c 4, §2; am L 1962, c 28, §30b; am L 1965, c 223, §13; Supp, §215-4.5; HRS §603-5; am L 1969, c 127, §11; am L 1975, c 58, §27; am L 1982, c 129, §26; am L 1986, c 128, §24; am L 1990, c 72, §5; am L 1999, c 65, §6; am L 2000, c 2, §4; am L 2003, c 123, §4; am L 2006, c 299, §9]

Cross References

Appointment, tenure, removal, retirement, see Const. art. VI, §§3, 5.

Retirement allowance, see §88-74.

Case Notes

Cited: 57 H. 348, 555 P.2d 1329 (1976).

[Previous](#)

[Vol13_Ch0601-0676](#)

[Next](#)

§604-2.5 Salary of district judges. Effective July 1, 2004, the salary of a district court judge shall be as last recommended by the judicial salary commission. Effective July 1, 2007, and every six years thereafter, the salary of each district court judge of the various district courts of the State shall be as last recommended by the commission on salaries pursuant to section 26-56, unless disapproved by the legislature.

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. [L 1970, c 188, §12; am L 1975, c 58, §28; am L 1982, c 129, §27; am L 1986, c 128, §25; am L 1988, c 396, §2; am L 1990, c 72, §6; am L 1999, c 65, §7; am L 2000, c 2, §5; am L 2003, c 123, §5; am L 2006, c 299, §10]

[Previous](#)

[Vol13_Ch0601-0676](#)

[Next](#)

§601-3 Administrative director. (a) The chief justice, with the approval of the supreme court, shall appoint an administrative director of the courts to assist the chief justice 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 the administrative director's appointment, and shall be appointed without regard to chapter 76 and shall serve at the pleasure of the chief justice. The administrative director shall hold no other office or employment. Effective July 1, 2014, the salary of the administrative director of the courts shall be equal to the salary of the administrative director of the State as set by the commission on salaries pursuant to section 26-56.

(b) The administrative director 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 the administrative director's 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.

(c) The administrative director, with the approval of the chief justice, shall appoint a deputy administrative director of the courts without regard to chapter 76 and such assistants as may be necessary. The assistants shall be appointed without regard to chapter 76. Effective July 1, 2014, the salary of the deputy administrative director shall be equal to ninety-five per cent of the salary of the administrative director. The administrative director shall be provided with necessary office facilities.

(d) 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.

(e) The salary levels of the administrative director and deputy administrative director shall be disclosed in the judiciary's annual budget submission to the legislature. [L 1959, c 259, pt of §1(b); am imp L 1965, c 97, §24; am L 1965, c 223, §11; Supp, §213-1.6; HRS §601-3; am L 1969, c 127, §9; am L 1974, c 159, §16; am L 1975, c 58, §25; am L 1976, c 82, §1; am L 1977, c 159, §18; am L 1982, c 129, §24(1); gen ch 1985; am L 1986, c 128, §21; am L 1990, c 72, §7; am L 1991, c 130, §2; am L 2000, c 142, §2 and c 253, §150; am L 2003, c 123, §1; am L 2006, c 299, §6; am L 2014, c 180, §1]

Cross References

See Const. art. VI, §6.

[Previous](#)

[Vol13_Ch0601-0676](#)

[Next](#)

[\$78-18.3] Prohibition on certain increases in salaries for certain state and county officers or employees. Any law to the contrary notwithstanding, neither the State nor any of the counties shall provide or pay to the following state or county officers or employees any adjustment or increase in the officer's or employee's respective salary or compensation where such adjustment or increase constitutes a mandatory adjustment or increase which is, directly or indirectly, dependent upon and related to negotiated salary adjustments or increases received under collective bargaining agreements by civil service or other public employees covered by collective bargaining: any elected or appointed officer or employee in the executive and judicial branches of state government and the executive branch of any county government (1) whose salary or compensation is fixed, limited, or otherwise specified by statute, ordinance, or other legislative enactment whether or not in express dollar amounts or express dollar amount ceilings; (2) who is not subject to chapter 76; and (3) who is excluded from collective bargaining and not subject to chapter 89C. [L 1982, c 129, pt of §34A; gen ch 1985; am L 2000, c 253, §150]

Case Notes

Constitutional. 67 H. 412, 689 P.2d 757.

Power of legislature to enact laws of statewide concern not limited by article VIII, §2 of state constitution; §46-21.5 and this section not unconstitutional under article VIII, §2 of state constitution as provisions intended to allow for integrated, equitable, and reasonable salaries among top-level officers of all jurisdictions was a matter of statewide concern and thus was a matter within the powers of the legislature. 67 H. 412, 689 P.2d 757.

[Previous](#)

[Vol02_Ch0046-0115](#)

[Next](#)

LINDA LINGLE
GOVERNOR



RECEIVED
MARK J. BENNETT
ATTORNEY GENERAL

'07 MAR -1 08:51

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
426 QUEEN STREET
HONOLULU, HAWAII 96813
(808) 586-1500

LISA M. GINOZA
FIRST DEPUTY ATTORNEY GENERAL
2007 FEB 27 A 10:49

SPEAKER'S OFFICE

HUMAN RESOURCES DIV

February 26, 2007

The Honorable Calvin K.Y. Say
Speaker of the House of Representatives
The Twenty-Fourth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

J CKYS
[Signature]

Dear Speaker Say:

Re: Act 299, SLH 2006

By letters dated February 6 and February 13, 2007, you requested advice regarding the 2006 constitutional amendment providing for a salary commission and Act 299, Session Laws of Hawaii 2006 (SLH 2006), the statute that implements the constitutional amendment. Your questions are:

1. Is the provision in section 26-___(d), Hawaii Revised Statutes (HRS), allowing a salary commission to reconvene following the disapproval of its recommendation, legally valid?
2. If the Legislature rejects the salary recommendations of the 2006-2007 Commission on Salaries that are submitted during the 2007 Regular Session, what will be the salaries on July 1, 2007 of the state officers subject to Act 299?

We advise that although statutes enacted by the Legislature are presumptively valid, given the clear and unambiguous language in the constitutional amendment that "[n]ot later than the fortieth legislative day of the 2007 regular legislative session and every six years thereafter, the commission shall submit to the legislature its recommendations and then dissolve," we believe that section 26-___(d) of Act 299, SLH 2006, that allows a salary commission to reconvene following the disapproval of its recommendation, is invalid because it conflicts with the constitutional provision.

The new section added to article XVI of the State

The Honorable Calvin K.Y. Say
February 26, 2007
Page 2

Constitution, as proposed by the Legislature by H.B. No. 1917 and ratified by the electorate at the 2006 November General Election, provides as follows:

There shall be a commission on salaries as provided by law, which shall review and recommend salaries for the justices and judges of all state courts, members of the legislature, department heads or executive officers of the executive departments and the deputies or assistants to department heads of executive departments as provided by law, excluding the University of Hawaii and the department of education. The commission shall also review and make recommendations for the salary of the administrative director of the State or equivalent position and salary of the governor and lieutenant governor.

Any salary established pursuant to this section shall not be decreased during a term of office, unless by general law applying to all salaried officers of the State.

Not later than the fortieth legislative day of the 2007 regular legislative session and every six years thereafter, the commission shall submit to the legislature its recommendations and then dissolve.

The recommended salaries submitted shall become effective as provided in the recommendation, unless the legislature disapproves the entire recommendation as a whole by adoption of a concurrent resolution prior to adjournment sine die of the legislative session in which the recommendation is submitted; provided that any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted. [Emphasis added.]

The wording of the constitutional amendment is clear and unambiguous in providing that once the commission submits its recommendations to the Legislature it must then dissolve. It does not provide for a second recommendation upon disapproval. When the words used in a constitutional provision "are clear and unambiguous, they are to be construed as they are written."

The Honorable Calvin K.Y. Say
February 26, 2007
Page 3

Spears v. Honda, 51 Haw. 1, 6, 449 P.2d 130, 134 (1968). The provision of the constitutional amendment that says that "the commission shall submit to the legislature its recommendations and then dissolve," we believe, precludes the commission from reconvening should its recommendations be disapproved by the Legislature.

The legislative history clearly shows that the Legislature intended a six-year cycle. The Senate Committee on Ways and Means, in Standing Committee Report No. 3485, dated April 7, 2006, stated, "[t]his measure requires the commission to make salary recommendations to the legislature every six years."

In enacting Act 299, SLH 2006, the Legislature provided that "[i]f the salary amounts recommended by the commission are disapproved by the legislature, the commission shall reconvene in the November next following the legislative disapproval to review the legislature's reasons for disapproving its salary recommendation. The commission may submit a report of its findings and submit a new salary recommendation to the legislature at the next regular session." The constitutional amendment is clear in requiring the commission to submit its salary recommendations to the "2007 regular legislative session and every six years thereafter." The constitutional amendment does not contemplate submissions outside of this six-year cycle.

As to your second question, we believe that, if the Legislature rejects the salary recommendations of the 2006-2007 Commission on Salaries, the salaries of state officers of the executive, judicial, and legislative branches, who are subject to Act 299, would, on July 1, 2007, continue to be the salaries determined pursuant to the last recommendations of the Executive Salary Commission, the Judicial Salary Commission, and the Commission on Legislative Salary, including percentage increases as described in the recommendations. Act 299 amended several sections pertaining to state officers' salaries to expressly state that the salaries shall be as last recommended by the Executive Salary Commission or the Judicial Salary Commission and that, effective July 1, 2007, and every six years thereafter, the salaries shall be as last recommended by the Commission on Salaries, "unless rejected by the legislature" or "unless disapproved by the legislature." If the recommendations of the Commission on Salaries are "rejected" or "disapproved" by the Legislature, then, on July 1, 2007, the last recommendations of the Executive Salary Commission or the Judicial Salary Commission

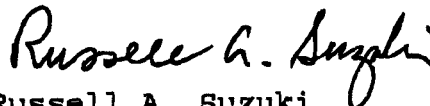
The Honorable Calvin K.Y. Say
February 26, 2007
Page 4

would remain in effect.

For the Legislature, the constitutional amendment and Act 299 provide that "any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted." Consequently, whether the recommendations of the Commission on Salaries for the legislators' salaries are approved or disapproved by the Twenty-Fourth Legislature, there would be no change in salary on July 1, 2007, and the salaries of legislators would remain the same, including percentage increases, as last recommended by the Commission on Legislative Salaries.

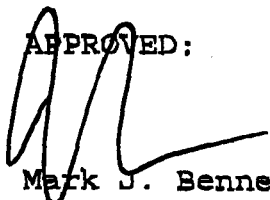
We hope that we have adequately responded to your inquiry. Please let us know if we can be of further assistance.

Very truly yours,



Russell A. Suzuki
Deputy Attorney General

APPROVED:



Mark J. Bennett
Attorney General

CALVIN K.Y. SAY
SPEAKER

HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813



February 13, 2007

Mr. Mark J. Bennett, Attorney General
State of Hawaii
Hale Auhau
425 Queen Street
Honolulu, HI 96813

Dear Mr. Bennett:

Act 299, Session Laws of Hawaii 2006, amends the salary statutes for various state officers by adding language in substantially the following form: "Effective July 1, 2007, and every six years thereafter, the salary of [state officer] shall be as last recommended by the commission on salaries pursuant to section 26-____, [which establishes the commission on salaries under Act 299] unless rejected by the legislature."

Your opinion on the following question would be appreciated:

If the Legislature rejects the salary recommendations of the 2006-07 Commission on Salaries that are submitted during the 2007 Regular Session, what will be the salaries on July 1, 2007 of the state officers subject to Act 299?

I would appreciate your response by March 5, 2007.

Sincerely,

A handwritten signature in black ink that reads "Calvin K.Y. Say".

Calvin K.Y. Say
Speaker



CALVIN K.Y. SAY
SPEAKER

HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

February 6, 2007

Mr. Mark J. Bennett, Attorney General
State of Hawaii
Hale Auhau
425 Queen Street
Honolulu, HI 96813

Dear Mr. Bennett:

At the general election in November 2006, a constitutional amendment was approved to require the periodic establishment of a salary commission to review and make recommendations on salary adjustments for certain state officers. The amendment includes the following provision: "Not later than the fortieth legislative day of the 2007 regular legislative session and every six years thereafter, the commission shall submit to the legislature its recommendations and then dissolve (underscoring added)."

Act 299, Session Laws of Hawaii 2006, is the implementing legislation for the constitutional amendment. The last paragraph of section 26-__ (d), Hawaii Revised Statutes (HRS), as added by the Act, provides that, if the Legislature disapproves the salary commission's recommendation during a regular session, the salary commission may reconvene in the following November to submit a new recommendation to the Legislature.

Please provide an opinion on whether the provision in section 26-__ (d), HRS, allowing a salary commission to reconvene following the disapproval of its recommendation is legally valid.

A response to this request by March 16, 2007 would be appreciated.

Sincerely,

CALVIN K.Y. SAY
Speaker

NEIL ABERCROMBIE
GOVERNOR



DAVID M. LOUIE
ATTORNEY GENERAL

RUSSELL A. SUZUKI
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
425 QUEEN STREET
HONOLULU, HAWAII 96813
(808) 586-1500

November 2, 2012

TO: The Honorable Barbara A. Krieg
Director
Department of Human Resources and Development

FROM: Russell A. Suzuki *Russell A. Suzuki*
First Deputy Attorney General

SUBJECT: Salary Commission

This responds to your question emailed on October 31, 2012.

Q. Can the Commission on Salaries set an incremental increase for legislators to take effect after November 2018 or does the Commission instead have to schedule the last increase for a date before November 2018 (when the next Commission is expected to convene)?

A. We believe that Section 26-56(d), Hawaii Revised Statutes clearly requires that the last incremental increase for legislators must be scheduled for a date prior to **November 2018**.

Section 26-56(d), Hawaii Revised Statutes, provides in part that:

The commission shall convene in the month of November 2006, and every six years thereafter. Not later than the fortieth legislative day of the regular session of 2007, and every six years thereafter, the commission shall submit a report of its findings and its salary recommendations to the legislature, through the governor. The commission may include incremental increases that take effect **prior** to the convening of the next salary commission. (Emphasis added).

We believe that the prior commission did not correctly apply section 26-56(d) when it set an incremental increase for legislators that was to take effect beyond the convening of the next commission. We do not agree that the same six-year measure is required for legislators.

The Honorable Barbara A. Krieg

November 2, 2012

Page 2

Paragraph 2 of Section 26-56(d) provides that:

The recommended salaries submitted by the commission shall become effective July 1 of the next fiscal year unless the legislature disapproves the recommended salaries submitted by the commission through the adoption of a concurrent resolution, which shall be approved by a simple majority of each house of the legislature, prior to adjournment sine die of the legislative session in which the recommended salaries are submitted; **provided that any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted.** (Emphasis added).

If you are asking whether the incremental increases for legislators must be identical amongst the categories of public officers who are within the purview of the Commission, we advise that they do not. The Commission could take into consideration the fact that for legislators any recommendation would not be applicable to the Twenty-seventh State Legislature and would be applied to legislators of the Twenty-eighth State Legislature until November 2018. The standard by which the Commission's adjustments would be tested is generally whether the differences amongst the categories of officers bear a reasonable relationship to a legitimate state interest. See Eielson v. Parker, 179 Conn. 552, 427 A.2d 814 (1980); New York City Managerial Employees Ass'n. v. Dinkins, 807 F.Supp. 958 (U.S.D.C., S.D.N.Y. 1992) (Equal protection challenge based upon economic classification must be judged under a rational basis standard.) We believe that the incremental increases could be adjusted for legislators by taking into consideration the fact that the effective period for them would not include increases for the first two years that other public officers would receive.

The entire Commission on Salaries
Report and Recommendations to the 2019 Legislature
dated March 13, 2019, including Appendices for
materials and reports reviewed by the Commission on Salaries, can be
found at the Department of Human Resources Development website at:
<https://dhrd.hawaii.gov/reports/legislative-reports/>

COMMISSION ON SALARIES
REPORT AND RECOMMENDATIONS
TO THE 2019 LEGISLATURE

March 13, 2019

Members:

Michael P. Irish, Chairperson
Rachael Wong, Vice Chairperson
Haunani Apoliona
Danna Holck
Cameron Nekota
Beth Tokioka
Dwayne Yoshina

TABLE OF CONTENTS

Executive Summary	1
Overview	3
Process	5
Rationales and Recommendations:.....	7
General Rationale	7
Executive Branch	9
Judicial Branch.....	11
Legislative Branch.....	12
Conclusion.....	13
Tables	15
Table 1 - Executive Salaries and Costs.....	16
Table 2 - Judicial Salaries and Costs	17
Table 3 - Legislative Salaries and Costs	17
Table 4 – Summary of Salaries and Costs	18
Appendices.....	19
Appendix A – Appendices for Material Reviewed by the 2019 Commission on Salaries	19
A-1 Commission on Salaries Report and Recommendations to the 2013 Legislature, March 18, 2013.....	20
A-2 Article XVI of the Constitution of the State of Hawai'i.....	46
A-3 Hawai'i Revised Statutes, §26-56 Commission on Salaries	47
A-4 Council on Revenues Reports: January 10, 2019 and March 12, 2019	50
A-5 Comparative Analysis of Leaders of the Legislative, Judicial, and Executive Branches from 1999-2018	60
A-6 Cumulative Dollar Increases Over 18 Year Period.....	61
A-7 2007 & 2013 COS Recommended & Approved Increases.....	62
A-8 Federal Salary Increase History 2008 to 2019	63
Appendix B – Executive Branch Appendices	64
B-1 Executive Branch Salaries from 1990	64
B-2 FB 17-19 Operating Budget by Department.....	65
B-3 Executive Salary Jurisdiction Comparisons	67

B-4	The Governors, The Book of the States 2018	69
B-5	Selected State Administrative Officials: Annual Salaries, The Book of the States 2018	71
B-6	Salary Comparison Among States by Position, The Book of the States 2018	79
B-7	2019 Federal Executive Salary Schedule	89
Appendix C – Judicial Branch Appendices		90
C-1	Judicial Branch Salaries from 1990	90
C-2	Salary Comparison Among States by Position, National Center for the State Courts	91
C-3	Federal Judicial Salary History 1968 to 2018	95
Appendix D – Legislative Branch Appendices		98
D-1	Legislative Branch Salaries from 1990	98
D-2	Comparison of Legislative Pay Rates for State and Counties	99
D-3	Salary Percentage Differences Between State and Counties	100
D-4	2018 State Legislator Compensation and Per Diem Table, National Conference of State Legislatures	101
D-5	2018 Federal Legislative Salary Schedule	104

Executive Summary

The Commission on Salaries (“Commission”) was established as a result of a constitutional amendment of Article XVI of the Constitution of the State of Hawai‘i (Constitution) which was approved in November 2006. The Commission, which is appointed every six years, is charged with reviewing and making recommendations for the salaries of justices and judges of all State courts, members of the legislature, the governor and lieutenant governor, and specified appointed officials within the State executive branch (collectively, “Officials”). Section 26-56, **Commission on salaries**, Hawai‘i Revised Statutes (HRS), provides supplemental information and guidance relating to the Commission.

Pursuant to Article XVI of the Constitution, the recommendations of the Commission shall become effective unless the legislature disapproves the entire recommendation by adoption of a concurrent resolution prior to the adjournment of the legislative session.

The 2019 Commission was convened on January 3, 2019, and is submitting its report and recommendations to the Governor for submission to the 2019 State Legislature.

The intent of the 2019 Commission is to recommend salaries that are fair, with an emphasis on parity, taking into account the following:

- Appropriate pay relationships with other governmental employees.
- Attracting and retaining qualified employees to be the leaders of the State of Hawai‘i.
- The economic condition of the State and the fiscal impact of the increases.

Unless disapproved by the legislature, the recommendations of the 2019 Commission will go into effect on July 1, 2019, for the executive and judicial branch officials. The recommendations for the legislative branch officials will go into effect on January 1, 2021, because Article XVI of the Constitution states that any salary change shall not apply to the legislature to which the recommendations were submitted. The following recommendations were adopted by the 2019 Commission:

A. EXECUTIVE BRANCH RECOMMENDATIONS

- Effective July 1, 2019 and July 1, 2020, increase the salary of the governor by 4% each year.

- Effective July 1, 2019 and July 1, 2020, increase the salaries and salary ranges of all positions (except governor) by 5% each year.
- Effective July 1, 2021; July 1, 2022; July 1, 2023; and July 1, 2024, increase the salaries and salary ranges of all positions by 2.5% each year.
- The salaries and future salary increases for the Adjutant General and Deputy Adjutant General will be set by the pay and allowance tables of the regular army or air force of the United States for officers of comparable rank and time in service over the period covered by this Commission's recommendation.

B. JUDICIAL BRANCH RECOMMENDATIONS

- Effective July 1, 2019; July 1, 2020; July 1, 2021; July 1, 2022; July 1, 2023; and July 1, 2024, increase the salaries of justices and judges by \$2000 each year.

C. LEGISLATIVE BRANCH RECOMMENDATIONS

By HRS 26-56(d), the 2019 Commission can only make recommendations for the House and Senate from 2021 until the next Commission is appointed in 2024.

- Effective January 1, 2021, increase the salaries of all senators and representatives, including the President of the Senate and Speaker of the House of Representatives by 10%.
- January 1, 2022; January 1, 2023; and January 1, 2024, increase the salaries of all senators and representatives, including the President of the Senate and Speaker of the House of Representatives by 2.5% each year.

D. SALARY COMMISSION RECOMMENDATIONS

- Ensure Commissioners are appointed in a timely manner to convene in November 2024.
- Provide more subject matter expertise to the Commission (e.g., legislative priorities and responsibilities, pension and benefits, private sector market).
- Solicit feedback on salary recommendation criteria and salaries ahead of the 2025 Commission's convening.

Overview

Legal Framework

A. Constitution and State Statutes

This report fulfills Article XVI, section 3.5 of the Constitution which reads as follows:

“SALARY COMMISSION

Section [3.5]. There shall be a commission on salaries as provided by law, which shall review and recommend salaries for the justices and judges of all state courts, members of the legislature, department heads or executive officers of the executive departments and the deputies or assistants to department heads of the executive departments as provided by law, excluding the University of Hawai'i and the department of education. The Commission shall also review and make recommendations for the salary of the administrative director of the state or equivalent position and the salary of the governor and the lieutenant governor.

Any salary established pursuant to this section shall not be decreased during a term of office, unless by general law applying to all salaried officers of the state.

Not later than the fortieth legislative day of the 2007 regular legislative session and every six years thereafter, the Commission shall submit to the legislature its recommendations and then dissolve.

The recommended salaries submitted shall become effective as provided in the recommendation, unless the legislature disapproves the entire recommendation as a whole by adoption of a concurrent resolution prior to adjournment *sine die* of the legislative session in which the recommendation is submitted; provided that any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted.”

In addition, section 26-56, HRS, indicates that:

1. The Commission shall consist of seven members of whom: two members shall be appointed by the governor, two by the president of the senate, two by the speaker of the house of representatives (“House Speaker”), and one by the chief justice of the supreme court.
2. The Commission may recommend different salaries for department heads and executive officers and different salary ranges for deputies or assistants to department heads; provided that the Commission shall recommend the same salary range for deputies or assistants to

department heads within the same department; provided further that the appointing official shall specify the salary for a particular position within the applicable range.

3. The Commission shall not recommend salaries lower than salary amounts recommended by prior Commissions replaced by this section, however, may recommend salaries lower than the recommendations of the 2007 Commission.
4. Not later than the fortieth legislative day of the regular session of 2007, and every six years thereafter, the Commission shall submit a report of its findings and its salary recommendations to the legislature, through the governor. The Commission may include incremental increases that take effect prior to the convening of the next salary Commission, which will be in November 2024.
5. The recommended salaries submitted by the Commission shall become effective July 1 of the next fiscal year unless the legislature disapproves the recommended salaries submitted by the Commission through the adoption of a concurrent resolution, which shall be approved by a simple majority of each house of the legislature, prior to adjournment *sine die* of the legislative session in which the recommended salaries are submitted; provided that any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted.
6. Effective July 1, 2007, and every six years thereafter, the salary of the Adjutant General shall be as last recommended by the Commission, pursuant to Section 26-56, HRS, unless rejected by the legislature, except that if the State salary conflicts with the pay and allowance fixed by the tables of the regular army or air force of the United States, the latter shall prevail.
7. The governor shall include the salary amounts recommended by the Commission and approved by the legislature for employees of the executive branch in the executive budget.

2019 Commission on Salaries

This is the report and recommendations of the 2019 Commission, which covers the executive, judicial and legislative branches.

Process

The Commission convened on January 3, 2019. At that time, Commissioner Michael Irish was elected as Chairperson and Commissioner Rachael Wong was elected as Vice-Chairperson. A brief orientation was provided by staff of the Department of Human Resources Development (DHRD) and there was agreement on a tentative meeting schedule. Commissioners were provided with a folder of documents to review which included the Sunshine law, the Commission on Salaries statutes, and salary comparisons and data for the executive, judicial, and legislative branches.

The Commission expressed their interest in scheduling a representative from the Council on Revenues to make presentations on the fiscal outlook for the State.

The second meeting of the Commission was held on January 10, 2019. Kurt Kawafuchi, Chairperson of the Council on Revenues made a presentation regarding the fiscal outlook of the State. The Commission made a request for the next meeting to invite the House of Representatives Finance Chair and Senate Ways and Means Chair to speak to the Commission about their budget priorities so Commissioners could gain a better understanding of the “big picture” forecast and expectations/plans which will assist them in making their salary recommendations for the next six years. Two worksheets were passed out by a Commissioner. One sheet showed a comparison of the Hawai'i legislators and other states and the other compared state legislators to county councilmembers. The county councilmembers earn an average of almost 11% more than members of the state legislature.

The third meeting of the Commission was held on January 22, 2019. The House Finance Chair's and the Senate Ways and Means Chair's offices communicated that they could not make the meeting due to the Governor's State of the State address. Senate Ways and Means Chair's office communicated that someone may be able to make the next meeting on January 29, 2019. Wes Machida (former Budget & Finance Director, current Employee Retirement Systems (ERS) “trustee,” and Senior Advisor to the Speaker of the House) passed out two tables. The first table compared legislators' salaries to judges' salaries over a 20-year period from 1999 to 2018. The second table compared the percentage difference between judges' salaries and legislators' salaries. The Commission discussed eliminating the 2nd tier for the executive branch by moving those positions up to the 1st tier with the attorney general and budget and finance director.

The fourth meeting of the Commission was held on January 29, 2019. Wes Machida passed out additional comparisons which included the executive branch over the last 20-year period from 1999 to 2018. Compensation staff also passed out and reviewed comparative data – Hawai'i versus the other states for executive and legislative branches similar to the judicial branch data already in the binders. Guiding principles for the Commission were discussed. Preliminary salary recommendations were tentatively agreed to by the Commissioners. The Commissioners then discussed

rationales for various scenarios and agreed to come to the next meeting prepared with their recommendations and supporting rationale for their decisions.

The fifth meeting of the Commission was held on February 13, 2019. Discussion included the value of reviewing the Salary Commission process and recommendations were made to improve the process (e.g., more time, use of employee surveys, more subject matter presentations) for the next Commission in 2025. There was consensus that the current process is not ideal and does not allow for a comprehensive review of salaries and other relevant factors. Salary recommendations were determined for all three branches.

The sixth meeting of the Commission was held on March 5, 2019, to finalize salary recommendations and for the purpose of conducting a page-by-page review of the draft report.

The Commission received testimony from the Chief Justice regarding salary increase history, recruitment, and retention challenges. The Commission discussed information presented and increased the judicial branch salary recommendation. The Commissioners approved and signed the final report to be submitted to the legislature through the Office of the Governor at the last meeting on March 13, 2019.

Rationales and Recommendations

General Rationale

The Commission's general rationale is that, in the context of public and private sector salaries at both the local and national level, the compensation of the elected and appointed officials should be fair and equitable and sufficient to attract and retain highly qualified individuals, while at the same time being prudent in the expenditure of public funds.

Guiding Principles

- Commissioners are guided and motivated by doing what's right for the State of Hawai'i.
- All Commissioners look at all three branches of government and positions.
- Decisions are made by consensus.
- Decisions are based on data and developed criteria, including national and local government and private sector market research.
- Fairness and parity are key.
- Recommendations are made within constraints of time and incomplete information.

Decision-Making Criteria

- Accept the 2013 framework with the following distinctions and emphases:
 - Disparities between state and counties salaries
 - Responsibility of positions includes size of budget and staff; does not include workload
 - Difficulty in recruiting for positions
 - Pension differences are understood but not primary in decision-making
- Build future salaries from the 2013 Commission recommendations using local and national comparisons, collective bargaining precedent, general private sector salary increases in Hawai'i, national salary increases, and cost of living/labor as one basis for salary increases.
- Recognize the parallels between each branch of government and private companies (e.g., CEO = governor/chief justice/senate president/house speaker).

Council on Revenues

The general fund tax revenue projections from the January 9, 2019 meeting of the Council on Revenues show projected increases of 4.2% for FY 2019 and 4.0% per year for FY 2020 through 2025. The general fund tax projections from the March 12, 2019, meeting of the Council on Revenues show projected increases of 3% for FY 2019 and 4.0% per year for FY 2020 through 2025.

Executive Branch

In reaching its recommendations for the “executive salaries,” the Commission reviewed the compensation of county executives (i.e., mayors, deputy managing directors, department directors, deputy department directors, prosecuting attorneys) for the City and County of Honolulu, Hawai‘i County, Maui County and Kaua‘i County. *The Book of the States 2018* edition was reviewed to determine how other jurisdictions compensated their respective governors, lieutenant governors, and comparable department directors.

After reviewing the materials cited above and additional information, the Commission determined that pay equity and compensation levels need to be addressed for executive salaries if the State is to recruit and retain qualified executives to the executive branch of government. It is important to remember that the governor, lieutenant governor, administrative director, department directors, deputy directors, et al., administer programs that affect the health and welfare of our residents, and which have annual budgets that collectively exceed \$14 billion per year. The State needs to recruit and retain the “best and brightest” for these positions because of the daily impact these positions have on our State.

Executives in the public service are expected to work extended hours; participate in community service events, forums and meetings; be accessible on a 24-hour, 7-day-a-week basis for emergency situations; and exercise effective leadership in addressing emergency and crisis situations. Many could easily secure higher paying jobs in the private sector but instead chose to take on these high impact, high profile, demanding and time-limited jobs because of their commitment to public service. It was also noted by the Commission that directors and deputy directors are generally at the top of their professions, often with graduate degrees (including JDs, MDs, Masters’, PhDs in various fields) and several years of specialized experience qualifying them for the positions. Because of these reasons, it can be very difficult to attract and recruit for director and deputy director positions.

Externally, there are no comparable positions in the other jurisdictions in Hawai‘i to match the governor, lieutenant governor, and attorney general positions since they are unique with their statewide scope and responsibility. However, comparison with the City and County of Honolulu Mayor, managing director, and prosecuting attorney show all three State positions are paid below these three City jobs.

To address the issue of pay equity and compensation level, the following recommendations are made by the Commission (see Figure 1).

- Effective July 1, 2019 and July 1, 2020, increase the governor’s salary by 4% each year;

- Effective July 1, 2019 and July 1, 2020, increase other executive branch salaries and salary ranges by 5% each year;
- Effective July 1, 2021; July 1, 2022; July 1, 2023; July 1, 2024, increase the salaries and salary ranges of all positions by 2.5% each year.
- Section 26-52, HRS, provides that if the adjutant general, Department of Defense salary conflicts with the pay and allowance fixed by the tables of the regular army or air force of the United States, the latter shall prevail in setting the salary. Therefore, the Commission recommends that the salaries and future salary increases for the adjutant general and deputy adjutant general be set by the pay and allowance tables of the regular army or air force of the United States for officers of comparable rank and time in service over the period covered by this Commission’s recommendation.

Figure 1 - Executive Salary Recommendations

Position	No. of Pos	7/1/2019	7/1/2020	7/1/2021	7/1/2022	7/1/2023	7/1/2024
Governor	1	165,048	171,648	175,944	180,348	184,860	189,480
Lieutenant Governor	1	162,552	170,676	174,948	179,316	183,804	188,400
Tier 1 Admin. Director of the State, Attorney General, Director of Budget and Finance	3	162,552	170,676	174,948	179,316	183,804	188,400
Tier 2 Dept. Directors DAGS, DBEDT, DCCA, DHHL, DHRD, DHS, DLIR, DLNR, DOA, DOH, DOT, PSD, TAX	13	154,812	162,552	166,620	170,784	175,056	179,436
Tier 1 Deputy Dept. Directors Attorney General, Budget and Finance	2	141,420 - 149,544	148,488 - 157,020	152,196 - 160,944	156,000 - 164,964	159,900 - 169,092	163,896 - 173,316
Tier 2 Deputy Dept. Directors DAGS, DBEDT, DCCA, DHHL, DHRD, DHS, DLIR, DLNR, DOA, DOH, DOT, PSD, TAX	24	134,676 - 142,416	141,408 - 149,532	144,948 - 153,276	148,572 - 157,104	152,292 - 161,028	156,096 - 165,048

Judicial Branch

The objectives in setting salaries for the judicial branch are to create the most qualified judicial applicant pool, and to retain an experienced judiciary by providing fair and just compensation for Hawai'i's justices and judges.

The salaries set forth by preceding Commissions for the judicial branch have been sufficient in setting salaries appropriately. Therefore, the Commission's recommendations for the judicial branch are as follows (see Figure 2):

- Effective July 1, 2019; July 1, 2020; July 1, 2021; July 1, 2022; July 1, 2023; July 1, 2024, increase the salaries of all justices and judges by \$2000 each year.

Note: State salaries are calculated based on a monthly salary and paid bi-monthly. Therefore, actual increase is \$2004 each year, so that the annual salary will be equally divisible by twelve.

Figure 2 - Judicial Salary Recommendations

Position	No. of Pos	7/1/2019	7/1/2020	7/1/2021	7/1/2022	7/1/2023	7/1/2024
Chief Justice, Supreme	1	238,104	240,108	242,112	244,116	246,120	248,124
Associate Justice, Supreme	4	229,668	231,672	233,676	235,680	237,684	239,688
Chief Judge, Intermediate	1	221,256	223,260	225,264	227,268	229,272	231,276
Associate Judge, Intermediate	5	212,784	214,788	216,792	218,796	220,800	222,804
Circuit Court Judge	33	207,084	209,088	211,092	213,096	215,100	217,104
District/Family/Per Diem Court Judge	48	195,276	197,280	199,284	201,288	203,292	205,296

Details regarding historical judicial salary increases may be found in Appendices A-5, A-6, and A-7.

Legislative Branch

In formulating recommendations on salary adjustments for members of the State legislature, the Commission sought to provide recommendations that are fair and equitable given the duties, time commitment, responsibilities, and historical and comparative pay of legislators.

The annual salary for State legislators is currently between 4% to 17% (average of 9%) below the salaries of Council members from each of the four Counties. Annual salary for the Senate President and House Speaker is currently between 3% to 22% (average of 11%) below the Council Chairs. The Commission sought to address some of this disparity, recognizing the scope of legislators' responsibilities through its recommendations.

Any salary recommendation offered by the 2019 Commission will be effective January 1, 2021. In addition, HRS 26-56 allows the Commission to include incremental increases that take effect prior to the convening of the next salary Commission. The next Commission is expected to convene in November 2024.

The Commission's recommendations for the legislative branch are as follows (see Figure 3):

- Effective January 1, 2021, increase the salaries of all senators and representatives, including the President of the Senate and Speaker of the House of Representatives, by 10%.
- Effective January 1, 2022; January 1, 2023; and January 1, 2024, increase the salaries of all senators and representatives, including the President of the Senate and Speaker of the House of Representatives, by 2.5% each year.

Figure 3 - Legislative Salary Recommendations

Position	No. of Empl.	1/1/2021	1/1/2022	1/1/2023	1/1/2024
House Speaker/Senate President	2	77,112	79,044	81,024	83,052
Representative/Senator	74	68,868	70,584	72,348	74,160

Conclusion

In addition to the above salary recommendations, the Commission offers the following recommendations and comments for consideration:

The Commission is charged with making salary recommendations covering a six-year period. While it relies on the 2019 general fund tax revenue projections, the Commission recognizes that the future status of the State's economy is difficult to predict, as evidenced by the 2009 downturn in the economy. The Commission based the salary recommendations on average general salary increases and comparisons using both local and national data.

The Commission would like to bring attention to the fact that the time frame was too short to meaningfully consider all facets of making salary recommendations for all three branches of government to the legislature. The Commission convened in January and made salary recommendations for all three branches of government in 61 days. The current Commission strongly recommends that future Commissioners be appointed in a timely manner so that the next Commission can begin on time in November 2024.

The Commission also recognizes that its decision-making process was limited not only due to time, but also data and knowledge constraints. Therefore, future Commissions should receive the benefit of more subject matter expertise (e.g., pension and benefits explanations, private sector and other governmental salary criteria, legislative roles, responsibilities, and priorities) in the forms of presentations and dialogue with representatives from the three branches of government and those with relevant subject matter knowledge and experience. This information should be used for decision-making by the next Commission.

Similarly, the Commission noted that more comprehensive information and an increased understanding of relevant issues and needs are necessary for members because Commissioners may not come with subject matter knowledge and experience working in state government. In order to make informed decisions in the best interest of the state, more time and more information are vital.

Furthermore, the Commission would like to recommend that a separate task force or workgroup be convened or a study completed prior to the 2025 Commission. The purposes are: survey or interview the members of the three branches; solicit feedback on salary recommendation criteria; and discuss and review the results of the 2019 Commission recommendations. The results would be transmitted in a report for use by the 2025 Commission prior to convening in November 2024.

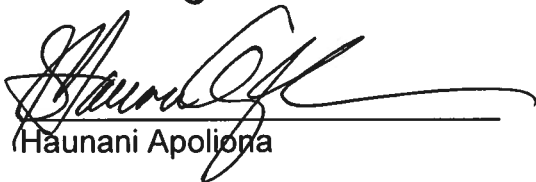
We, the undersigned members of the Commission, hereby respectfully submit this report and recommendations to the Thirtieth Legislature of the State of Hawai'i.



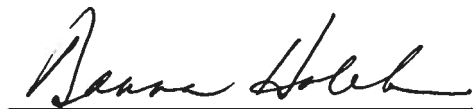
Michael P. Irish, Chairperson



Rachael Wong, Vice Chairperson



Haunani Apoliona



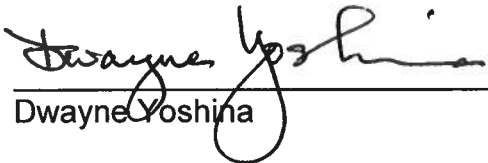
Danna Holck



Cameron Nekota



Beth Tokioka



Dwayne Yoshina

TABLES

Table 1 - Executive Salaries and Costs

Position	No. of Empl.	Current Salary Effective 7/1/2018		Recommendation by the 2019 Commission on Salaries																		Total Salaries 7/1/2019 to 6/30/2025	Increase			
				7/1/2019		Increase	7/1/2020		Increase	7/1/2021		Increase	7/1/2022		Increase	7/1/2023		Increase	7/1/2024		Increase					
				Salary	Cost		Salary	Cost		Salary	Cost		Salary	Cost		Salary	Cost		Salary	Cost				Salary	Cost	
Governor	1	158,700	158,700	165,048	165,048	4.0%	171,648	171,648	4.0%	175,944	175,944	2.5%	180,348	180,348	2.5%	184,860	184,860	2.5%	189,480	189,480	2.5%	1,067,328	12.1%			
Lieutenant Governor	1	154,812	154,812	162,552	162,552	5.0%	170,676	170,676	5.0%	174,948	174,948	2.5%	179,316	179,316	2.5%	183,804	183,804	2.5%	188,400	188,400	2.5%	1,059,696	14.1%			
Tier 1 Admin Director of the State; Attorney General; Dept Head, B&F	3	154,812	464,436	162,552	487,656	5.0%	170,676	512,028	5.0%	174,948	524,844	2.5%	179,316	537,948	2.5%	183,804	551,412	2.5%	188,400	565,200	2.5%	3,179,088	14.1%			
Tier 2 Dept Heads DAGS, DBEDT, DCCA, DHHL, DHRD, DHS, DLIR, DLNR, DOA, DOH, DOT, PSD, TAX	13	147,444	1,916,772	154,812	2,012,556	5.0%	162,552	2,113,176	5.0%	166,620	2,166,060	2.5%	170,784	2,220,192	2.5%	175,056	2,275,728	2.5%	179,436	2,332,668	2.5%	13,120,380	14.1%			
Tier 1 Deputy Dept Heads Attorney General, B&F	2	142,428	284,856	149,544	299,088	5.0%	157,020	314,040	5.0%	160,944	321,888	2.5%	164,964	329,928	2.5%	169,092	338,184	2.5%	173,316	346,632	2.5%	1,949,760	14.1%			
Tier 2 Deputy Dept Heads DAGS, DBEDT, DCCA, DHHL, DHRD, DHS, DLIR, DLNR, DOA, DOH, DOT, PSD, TAX	24	135,636	3,255,264	142,416	3,417,984	5.0%	149,532	3,588,768	5.0%	153,276	3,678,624	2.5%	157,104	3,770,496	2.5%	161,028	3,864,672	2.5%	165,048	3,961,152	2.5%	22,281,696	14.1%			
Total	44		6,234,840		6,544,884			6,870,336			7,042,308			7,218,228			7,398,660			7,583,532			42,657,948	14.0%		
Cost for 6 years			37,409,040																					5,248,908		
Difference with Current Cost (7/1/2019 to 6/30/2025)																									1,348,692	
Difference with Previous Year					310,044	5.0%		325,452	5.0%		171,972	2.5%		175,920	2.5%		180,432	2.5%		184,872	2.5%				1,348,692	21.6%

Table 2 - Judicial Salaries and Costs

Position	No. of Empl.	Current Effective 7/1/2018		Recommendation by the 2019 Commission on Salaries																		Total Salaries 7/1/2019 to 6/30/2024	Increase
				7/1/2019		Increase	7/1/2020		Increase	7/1/2021		Increase	7/1/2022		Increase	7/1/2023		Increase	7/1/2024		Increase		
				Salary	Cost		Salary	Cost		Salary	Cost		Salary	Cost		Salary	Cost		Salary	Cost			
Chief Justice, Supreme	1	236,100	236,100	238,104	238,104	0.8%	240,108	240,108	0.8%	242,112	242,112	0.8%	244,116	244,116	0.8%	246,120	246,120	0.8%	248,124	248,124	0.8%	1,458,684	3.0%
Associate Justice, Supreme	4	227,664	910,656	229,668	918,672	0.9%	231,672	926,688	0.9%	233,676	934,704	0.9%	235,680	942,720	0.9%	237,684	950,736	0.9%	239,688	958,752	0.8%	5,632,272	3.1%
Chief Judge, Intermediate	1	219,252	219,252	221,256	221,256	0.9%	223,260	223,260	0.9%	225,264	225,264	0.9%	227,268	227,268	0.9%	229,272	229,272	0.9%	231,276	231,276	0.9%	1,357,596	3.2%
Associate Judge, Intermediate	5	210,780	1,053,900	212,784	1,063,920	1.0%	214,788	1,073,940	0.9%	216,792	1,083,960	0.9%	218,796	1,093,980	0.9%	220,800	1,104,000	0.9%	222,804	1,114,020	0.9%	6,533,820	3.3%
Circuit Court Judge	33	205,080	6,767,640	207,084	6,833,772	1.0%	209,088	6,899,904	1.0%	211,092	6,966,036	1.0%	213,096	7,032,168	0.9%	215,100	7,098,300	0.9%	217,104	7,164,432	0.9%	41,994,612	3.4%
District/Family/Per Diem Court Judge	48	193,272	9,277,056	195,276	9,373,248	1.0%	197,280	9,469,440	1.0%	199,284	9,565,632	1.0%	201,288	9,661,824	1.0%	203,292	9,758,016	1.0%	205,296	9,854,208	1.0%	57,682,368	3.6%
Total	92		18,464,604		18,648,972			18,833,340			19,017,708			19,202,076			19,386,444			19,570,812		114,659,352	3.5%
Cost for 6 years			110,787,624																				
Difference with Current Cost (7/1/2019 to 6/30/2025)					184,368		184,368		184,368		184,368		184,368		184,368		184,368		184,368		184,368		1,106,208
Difference with Previous Year					1.0%		1.0%		1.0%		1.0%		1.0%		1.0%		1.0%		1.0%		1.0%		6.0%

Table 3 - Legislative Salaries and Costs

Position	No. of Empl.	Current Effective 1/1/2018		Recommendation by the 2019 Commission on Salaries												Total Salaries 1/1/2021 to 12/31/2026	Increase	
				1/1/2021		Increase	1/1/2022		Increase	1/1/2023		Increase	1/1/2024		Increase			
				Salary	Cost		Salary	Cost		Salary	Cost		Salary	Cost				Salary
House Speaker/ Senate President	2	70,104	140,208	77,112	154,224	10.0%	79,044	158,088	2.5%	81,024	162,048	2.5%	83,052	166,104	2.5%		972,672	15.6%
Representative/Senator	74	62,604	4,632,696	68,868	5,096,232	10.0%	70,584	5,223,216	2.5%	72,348	5,353,752	2.5%	74,160	5,487,840	2.5%		32,136,720	15.6%
Total	76		4,772,904		5,250,456			5,381,304			5,515,800			5,653,944				15.6%
Cost for 6 years			28,637,424															33,109,392
Difference with Current Cost																		4,471,968
Difference with Previous Year					477,552		130,848		134,496		138,144		881,040					18.5%
					10%		2.5%		2.5%		2.5%		2.5%					

Table 4 - Summary of Salaries and Costs

Branch	No. of Employees	Current Salaries for 6 Years (no increases)	Cost of 2019 Recommendations 7/1/2019 - 6/30/2025 (1/1/2021 - 12/30/2026-Leg)			
			Salaries	Difference with Current Salaries	Increase	Compounded Total % Increase
Executive	44	37,409,040	42,657,948	5,248,908	14.0%	21.6%
Judicial	92	110,787,624	114,659,352	3,871,728	3.5%	6.0%
Legislative	76	28,637,424	33,109,392	4,471,968	15.6%	18.5%
	212	176,834,088	190,426,692	13,592,604	8%	

2024 Executive Compensation
Comparison of Pay Rates for State and Counties in Hawai'i

	State of Hawai'i	Median of Counties in Hawai'i	State vs. Counties in Hawai'i
Governor/Mayor	188,400	186,750	1%
<u>Dept. Heads</u>			
Attorney General/ Corp Counsel	188,400	185,039	2%
Budget and Finance	188,400	163,559	15%
Human Resources/ Personnel	179,436	160,232	12%
<u>Deputies</u>			
Attorney General/ Corp Counsel	173,316	176,043	-2%
Budget and Finance	173,316	153,017	13%
Human Resources	165,048	148,620	11%

Executive Salary Jurisdiction Comparisons

POSITIONS	STATE ¹	C&C HONOLULU	HAWAII	MAUI	KAUA ¹²
EFFECTIVE DATES: (EXCEPT AS NOTED)	7/1/24	7/1/24	7/1/24	7/1/24	7/1/24
GOVERNOR	\$189,480				
LT. GOVERNOR	\$188,400				
ADMIN DIRECTOR of the STATE	\$188,400				
MAYOR		\$217,392	\$209,028	\$159,578	\$164,472
M.D./ ADMIN. ASS'T./ DIR.		\$207,912	\$197,496	\$172,154	\$158,640
DEPUTY M.D.		\$197,136	\$170,676	\$154,939	
PROS ATTY		\$206,040	\$197,004	\$173,073	\$158,640
1ST DEPUTY PA		\$195,888	\$187,668	\$164,418	\$142,776
DEPUTIES: PA, Corp Counsel		\$78,120 - \$195,720 (PA) \$78,120 - \$195,720 (CC)	\$98,508 - \$169,920 (PA) ⁸ \$112,572 - \$166,980 (CC)	\$92,776 - \$158,288 (PA) \$104,029 - \$162,359 (CC)	\$136,512 (PA, CC)
DEPT. HEADS					
DAGS, DBEDT, DCCA, DHHL, DHS, DLIR, DLNR, DOA, DOH, DOT, PSD, TAX	\$179,436				
BUDGET & FINANCE	\$188,400	\$194,208	\$170,652	\$159,466	\$148,728
ATTORNEY GENERAL/CORP COUNSEL	\$188,400	\$199,776	\$197,004	\$173,073	\$158,640
HUMAN RESOURCES	\$179,436	\$194,208	\$165,384	\$155,080	\$142,776
INFO TECH		\$194,208	\$162,540		
POLICE		\$239,976	\$197,052	\$183,889	\$158,640
FIRE		\$232,368	\$194,400 ⁴	\$183,889	\$158,640 ⁴
MEDICAL EXAMINER		\$400,008			
EMERGENCY SERVICES		\$194,208			
PLANNING		\$194,208	\$170,676	\$158,996	\$148,728
PUBLIC WORKS			\$170,460	\$169,333	\$158,640 ⁵
DESIGN & CONSTRUCTION		\$194,208			
FACILITIES MAINTENANCE		\$194,208			
ENVIRONMENTAL SVCS/MGT		\$194,208	\$170,676	\$169,333	
LIQUOR		^	\$162,540	\$161,063	\$136,508
WATER		\$199,517.76 ⁶ (7/1/20)	\$175,980 ⁶	\$165,263	\$158,640
CUSTOMER SERVICES		\$194,208			
ENTERPRISE SERVICES		\$194,208			
HOUSING			\$162,540	\$155,392	\$142,776
COMMUNITY SERVICES		\$194,208			
LAND MANAGEMENT		\$194,208			
PARKS		\$194,208	\$165,540	\$156,332	\$148,728
RESEARCH & DEV./ECONOMIC DEV.			\$162,540		\$136,512
ROYAL HAWAIIAN BAND		\$184,272			
TRANSPORTATION		\$194,208		\$146,307	
AGRICULTURE				\$119,700	
DEPUTIES					
DAGS, DBEDT, DCCA, DHHL, DHS, DLIR, DLNR, DOA, DOH, DOT, PSD, TAX	\$156,096 - \$165,048				
BUDGET & FINANCE	\$163,896 - \$173,316	\$184,272	\$162,516	\$143,518	\$142,776
1ST DEPUTY AG/CORP COUNSEL	\$163,896 - \$173,316	\$195,888	\$187,668	\$164,418	\$142,776
HUMAN RESOURCES	\$156,096 - \$165,048	^^	\$157,668	\$139,571	
INFO TECH		\$184,272			
POLICE		\$228,864	\$187,668	\$174,694	\$142,776

POSITIONS	STATE ¹	C&C HONOLULU	HAWAII	MAUI	KAUA ¹²
EFFECTIVE DATES: (EXCEPT AS NOTED)	7/1/24	7/1/24	7/1/24	7/1/24	7/1/24
FIRE		\$221,592	\$184,680 ⁴	\$174,694	\$142,776 ⁴
MEDICAL EXAMINER		\$390,120			
EMERGENCY SERVICES		\$184,272			
PLANNING		\$184,272	\$162,540	\$143,097	\$136,512
PUBLIC WORKS			\$162,348	\$152,401	\$142,776 ⁵
DESIGN & CONSTRUCTION		\$184,272			
FACILITIES MAINTENANCE		\$184,272			
ENVIRONMENTAL SVCS/MGT		\$184,272	\$162,540	\$152,401	
LIQUOR				\$144,956	
WATER		\$190,448.76 ⁶ (7/1/20)	\$167,220 ⁶	\$147,511	\$142,776
CUSTOMER SERVICES		\$184,272			
ENTERPRISE SERVICES		\$184,272			
HOUSING				\$139,853	
COMMUNITY SERVICES		\$184,272			
LAND MANAGEMENT		\$184,272			
PARKS		\$184,272	\$157,668	\$140,700	\$142,776
RESEARCH & DEV/ ECONOMIC DEV.			\$146,292		
TRANSPORTATION		\$184,272		\$131,676	
AGRICULTURE				\$107,730	
LEGISLATIVE BRANCH					
	1/1/24	7/1/24	7/1/24	7/1/24	7/1/24
SPEAKERS/PRES	\$83,052				
MEMBERS HSE/SEN	\$74,160				
COUNCIL CHAIRPERSON		\$127,368	\$99,024	\$86,336	\$94,512
COUNCIL MEMBERS		\$117,360	\$90,024	\$80,299	\$84,672
COUNTY CLERK		\$194,208	\$162,540	\$173,073	\$148,728
DEPUTY COUNTY CLERK			\$146,292	\$164,418	\$142,776
COUNTY AUDITOR		\$194,208	\$162,540	\$159,370	\$148,728

¹ State departments have statewide responsibility for all islands.

² Salaries for the County of Kaua'i reflects the maximum salary each position may be compensated at. The respective appointing authority may set the salary of any new or existing non-elected appointee at a figure lower than the maximum salary.

³ Maui's Budget & Finance does not include Budget.

⁴ Hawaii's Fire includes Emergency Medical Services and Ocean Safety; Kauai Fire includes Ocean Safety

⁵ Kauai's Public Works includes Environmental

⁶ Salary set by Water Board

⁷ For Maui's Prosecuting Attorney and Corporation Counsel deputies, appointing authority can set the salary 20% higher or lower than the salary range, provided that the salary does not exceed that of the 1st Deputy.

⁸ For Hawaii, the minimum range of the Deputy Prosecuting Attorneys cannot be lower than 50% of the Prosecuting Attorney's salary.

[^] City's Liquor Commission is headed by a civil service employee and is administratively assigned to the Department of Budget and Fiscal Services.

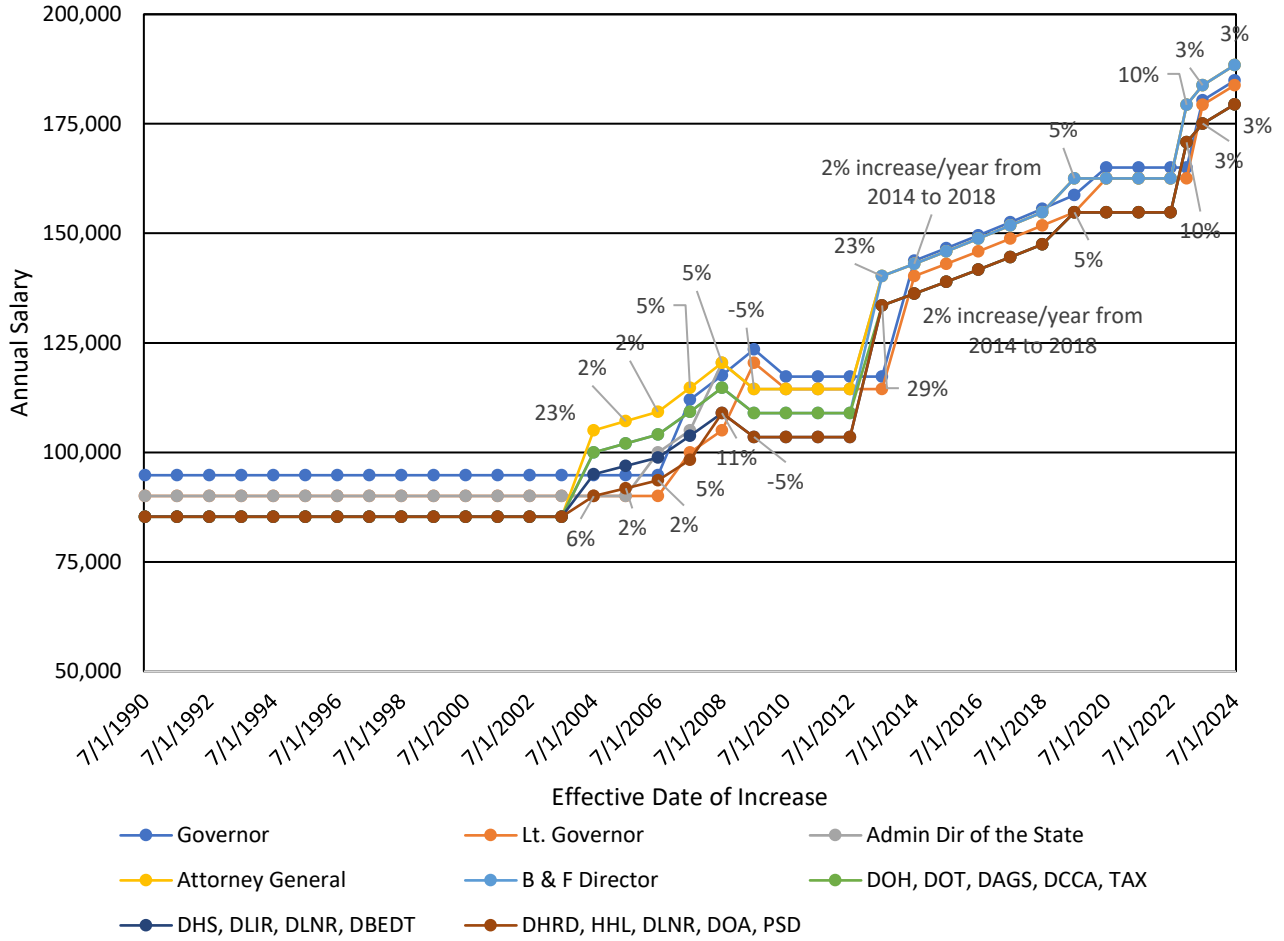
^{^^} City's HR Deputy is a Civil Service position

Last Updated 10/4/2024

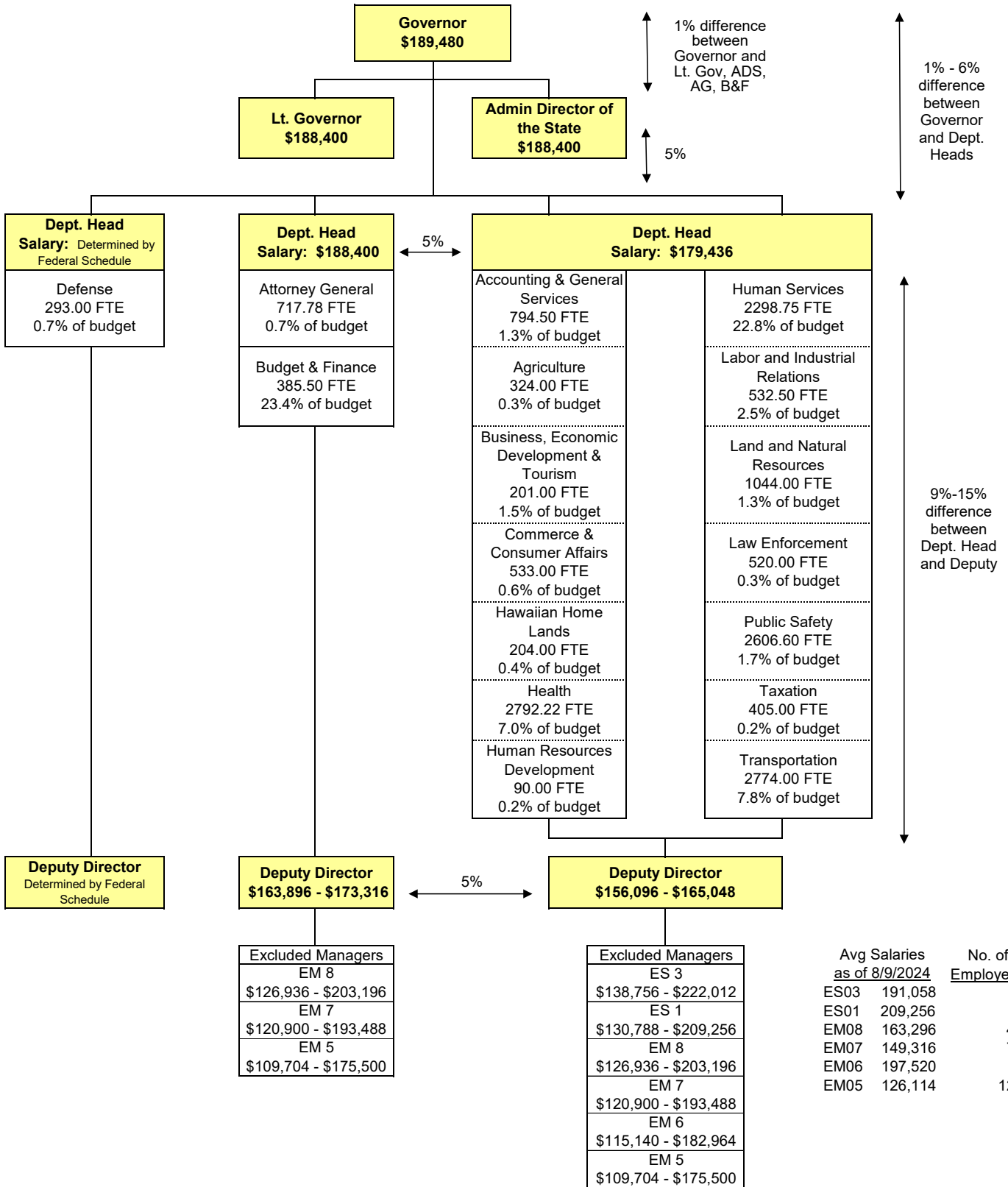
July 2013 to June 2025

							Attorney General Budget and Finance						All Departments (except for AG, B&F)					
	Governor		Lt. Governor		Administrative Director of the State		Dept Head		Deputy				Dept Heads		Deputies			
									Min		Max			Min		Max		
7/1/2013	143,748	23%	140,220	23%	140,220	23%	140,220	23%	121,992	23%	129,000	23%	133,536		116,172		122,844	
7/1/2014	146,628	2%	143,028	2%	143,028	2%	143,028	2%	124,428	2%	131,580	2%	136,212	2%	118,500	2%	125,304	2%
7/1/2015	149,556	2%	145,884	2%	145,884	2%	145,884	2%	126,912	2%	134,208	2%	138,936	2%	120,876	2%	127,812	2%
7/1/2016	152,544	2%	148,800	2%	148,800	2%	148,800	2%	129,456	2%	136,896	2%	141,720	2%	123,288	2%	130,368	2%
7/1/2017	155,592	2%	151,776	2%	151,776	2%	151,776	2%	132,048	2%	139,632	2%	144,552	2%	125,748	2%	132,972	2%
7/1/2018	158,700	2%	154,812	2%	154,812	2%	154,812	2%	134,688	2%	142,428	2%	147,444	2%	128,268	2%	135,636	2%
7/1/2019	165,048	4%	162,552	5%	162,552	5%	162,552	5%	141,420	5%	149,544	5%	154,812	5%	134,676	5%	142,416	5%
7/1/2020		0%		0%		0%		0%		0%		0%		0%		0%		0%
7/1/2021		0%		0%		0%		0%		0%		0%		0%		0%		0%
1/1/2023	180,348	9%	179,316	10%	179,316	10%	179,316	10%	156,000	10%	164,964	10%	170,784	10%	148,572	10%	157,104	10%
7/1/2023	184,860	2.5%	183,804	2.5%	183,804	2.5%	183,804	2.5%	159,900	2.5%	169,092	2.5%	175,056	2.5%	152,292	2.5%	161,028	2.5%
7/1/2024	189,480	2.5%	188,400	2.5%	188,400	2.5%	188,400	2.5%	163,896	2.5%	173,316	2.5%	179,436	2.5%	156,096	2.5%	165,048	2.5%

Executive Branch Salaries



Pay Relationships between Executive Branch Positions



Source: FTE and budget allocation for FY 2025 per Budget and Finance 2023 - 2025 Operating Budget. Budget total does not equal 100% because DOE, HHSC, and UH not included. FTE includes permanent positions only.

Executive salaries effective 7/1/2024
 Salary ranges for EM 5 to ES 3 effective 7/1/2024

**FB 23-25 Operating Budget
Statewide Totals By Department - All Funds**

		Budget Base*	% of	Budget Base*	% of	FY 2024	% of	FY 2025	% of
		FY 2024	Total	FY 2025	Total		Total		Total
	perm	768.50		768.50		794.50		794.50	
	temp	33.05		33.05		33.05		33.05	
Accounting & General Svcs	\$	189,784,932	1.2%	191,965,982	1.2%	234,535,847	1.3%	232,211,205	1.3%
	perm	322.00		322.00		324.00		324.00	
	temp	14.50		14.50		14.50		14.50	
Agriculture	\$	47,893,703	0.3%	48,899,616	0.3%	55,299,845	0.3%	56,187,270	0.3%
	perm	721.78		711.78		727.78		717.78	
	temp	62.50		51.50		63.50		52.50	
Attorney General	\$	119,611,995	0.7%	115,318,217	0.7%	121,487,940	0.7%	116,971,075	0.7%
	perm	199.00		199.00		201.00		201.00	
	temp	131.00		131.00		160.00		160.00	
Business, Econ. Dev. & Tourism	\$	170,166,650	1.1%	171,246,414	1.1%	274,261,145	1.5%	261,173,785	1.5%
	perm	384.50		384.50		385.50		385.50	
	temp	-		-		-		-	
Budget and Finance	\$	3,794,756,868	23.7%	3,796,056,404	23.7%	4,438,863,843	24.6%	4,174,686,862	23.4%
	perm	533.00		533.00		533.00		533.00	
	temp	18.00		18.00		18.00		18.00	
Commerce & Consumer Affairs	\$	94,416,452	0.6%	96,291,486	0.6%	104,441,384	0.6%	106,060,670	0.6%
	perm	282.00		277.00		298.00		293.00	
	temp	230.50		222.00		220.50		212.00	
Defense	\$	111,214,101	0.7%	111,061,992	0.7%	126,325,966	0.7%	119,356,750	0.7%
	perm	20,270.25		20,270.25		20,423.25		20,423.25	
	temp	2,147.00		2,147.00		2,147.00		2,147.00	
Education	\$	2,406,322,430	15.1%	2,429,938,340	15.1%	2,504,398,276	13.9%	2,527,986,186	14.2%
	perm	28.00		28.00		28.00		28.00	
	temp	-		-		-		-	
Charter Schools	\$	134,456,061	0.8%	135,956,738	0.8%	140,110,754	0.8%	142,722,413	0.8%
	perm	563.50		563.50		564.50		564.50	
	temp	-		-		-		-	
Public Libraries	\$	45,616,691	0.3%	46,817,901	0.3%	49,484,927	0.3%	50,686,137	0.3%
	perm	23.00		23.00		23.00		23.00	
	temp	23.00		23.00		39.00		39.00	
Governor	\$	4,070,588	0.0%	4,168,709	0.0%	6,221,153	0.0%	6,319,274	0.0%
	perm	204.00		204.00		204.00		204.00	
	temp	2.00		2.00		2.00		2.00	
Hawaiian Home Lands	\$	65,311,961	0.4%	65,679,870	0.4%	65,311,961	0.4%	65,679,870	0.4%
	perm	2,758.22		2,758.22		2,792.22		2,792.22	
	temp	401.75		401.75		404.75		404.75	
Health	\$	1,073,982,095	6.7%	1,081,374,286	6.7%	1,157,053,289	6.4%	1,242,466,071	7.0%

**FB 23-25 Operating Budget
Statewide Totals By Department - All Funds**

		Budget Base*	% of	Budget Base*	% of	FY 2024	% of	FY 2025	% of
		FY 2024	Total	FY 2025	Total		Total		Total
	perm	2,835.25		2,835.25		2,835.25		2,835.25	
	temp	-		-		-		-	
HHSC	\$	674,480,925	4.2%	687,833,197	4.3%	782,476,025	4.3%	793,012,297	4.4%
	perm	90.00		90.00		90.00		90.00	
	temp	-		-		-		-	
Human Resources Development	\$	26,200,276	0.2%	26,492,966	0.2%	30,580,252	0.2%	31,797,862	0.2%
	perm	2,293.75		2,293.75		2,298.75		2,298.75	
	temp	99.00		99.00		96.00		96.00	
Human Services	\$	3,808,178,046	23.8%	3,811,256,471	23.8%	4,070,037,932	22.6%	4,077,671,475	22.8%
	perm	531.50		531.50		532.50		532.50	
	temp	61.50		61.50		61.50		61.50	
Labor and Industrial Relations	\$	508,943,961	3.2%	459,416,325	2.9%	497,273,567	2.8%	447,745,931	2.5%
	perm	1,032.00		1,032.00		1,044.00		1,044.00	
	temp	52.00		52.00		41.00		41.00	
Land and Natural Resources	\$	201,857,499	1.3%	204,509,016	1.3%	262,807,237	1.5%	225,360,262	1.3%
	perm	450.00		450.00		520.00		520.00	
	temp	19.50		19.50		19.50		19.50	
Law Enforcement	\$	22,256,982	0.1%	45,901,166	0.3%	33,967,463	0.2%	58,687,734	0.3%
	perm	3.00		3.00		3.00		3.00	
	temp	8.00		8.00		14.00		14.00	
Lieutenant Governor	\$	1,056,359	0.0%	1,090,240	0.0%	1,790,967	0.0%	1,824,848	0.0%
	perm	3,001.60		2,586.60		3,021.60		2,606.60	
	temp	46.00		46.00		46.00		46.00	
Public Safety	\$	312,605,530	2.0%	299,332,730	1.9%	316,898,669	1.8%	312,429,667	1.7%
	perm	397.00		397.00		405.00		405.00	
	temp	101.00		101.00		100.00		100.00	
Taxation	\$	32,138,382	0.2%	33,095,579	0.2%	44,483,199	0.2%	41,319,696	0.2%
	perm	2,792.00		2,772.00		2,794.00		2,774.00	
	temp	12.00		12.00		8.00		8.00	
Transportation	\$	844,695,700	5.3%	854,982,476	5.3%	1,351,350,481	7.5%	1,386,247,572	7.8%
	perm	6,747.23		6,747.23		6,812.73		6,815.73	
	temp	118.25		118.25		118.25		118.25	
University of Hawaii	\$	1,292,759,079	8.1%	1,321,451,846	8.2%	1,353,745,522	7.5%	1,382,898,661	7.7%
	perm	47,231.08		46,781.08		47,655.58		47,208.58	
	temp	3,580.55		3,561.05		3,606.55		3,587.05	
TOTAL REQUIREMENTS	\$	15,982,777,266	100.0%	16,040,137,967	100.0%	18,023,207,644	100.0%	17,861,503,573	100.0%

*Based on each departments FY 23 appropriations from Act 88, SLH 2021, as amended by Act 248, SLH 2022, and Act 6, SSLH 2021; plus transfers, minus non-recurring costs, plus collective bargaining (CB) and Commission of Salaries allocation (except for federal, other federal funds, private funds, county funds, and American Rescue Plan funds) and plus or minus adjustments due to statutory changes, as applicable.

UNITED PUBLIC WORKERS (UPW)

Collective Bargaining Adjustments
7/1/2009 to 6/30/2025

BU 1
Blue-Collar, Non-Supervisor

Contract period	Effective Date	Pay Adjustment
7/1/2009 to 6/30/2011	3/16/2010 – 6/30/2010	17.14% pay reduction (13 days furlough from 1/1/2010 – 6/30/2010)
	7/1/2010 – 6/30/2011	9.23% pay reduction (24 days furlough during the period), except no furlough for special or federally funded programs from 3/1/2011 – 6/30/2011

Contract period	Effective Date	Pay Adjustment
7/1/2011 to 6/30/2013	12/1/2011 – 6/30/2012	9.23% pay reduction (14 days DLWOP ¹ during the period), except for 100% special, revolving, and federally funded programs
	7/1/2012 – 6/30/2013	5.00% pay reduction (13 days DLWOP during the period), except for 100% special, revolving, and federally funded programs

Contract period	Effective Date	Pay Adjustment
7/1/2013 to 6/30/2017	10/1/2013	2% ATB
	4/1/2014	2% ATB
	10/1/2014	2% ATB
	4/1/2015	2% ATB
	10/1/2015	2% ATB
	4/1/2016	2% ATB
	10/1/2016	2% ATB
4/1/2017	2% ATB	

Contract period	Effective Date	Pay Adjustment
7/1/2017 to 6/30/2021	11/1/2017	\$1000 LS
	6/1/2018	3.2% ATB
	11/1/2018	\$1000 LS
	5/1/2019	3.45% ATB
	7/1/2019	2% ATB
	1/1/2020	1.2% ATB
	7/1/2020	2% ATB
	1/1/2021	1.2% ATB

Contract period	Effective Date	Pay Adjustment
7/1/2021 to 6/30/2025	7/1/2021	\$1000 LS
	10/1/2022	3.72% ATB
	7/1/2023	5% ATB
	7/1/2024	5% ATB

¹DLWOP – directed leave without pay

BU 10
Institutional, Health and Correctional Workers

Contract period	Effective Date	Pay Adjustment
7/1/2009 to 6/30/2011 (Arbitration decision)	1/1/2010 – 6/30/2011	5.45% pay reduction for Department of Public Safety (Corrections), Department of Human Services (Hawaii Youth Correctional Facility), Department of Health (Hawaii State Hospital)
	2/16/2010 – 6/30/2010	14.36% pay reduction (14 days furlough from 1/1/2010 – 6/30/2010) for all other BU 10 employees (excluding Department of Public Safety (Corrections), Department of Human Services (Hawaii Youth Correctional Facility), Department of Health (Hawaii State Hospital))
	7/1/2010 – 6/30/2011	9.23% pay reduction (24 days furlough during the period), except no furlough for special or federally funded programs from 3/1/2011 – 6/30/2011

Contract period	Effective Date	Pay Adjustment
7/1/2011 to 6/30/2013 (Arbitration decision)	7/1/2011	Wages restored 100% to rates as of 12/31/2009 for Department of Public Safety (Corrections), Department of Human Services (Hawaii Youth Correctional Facility), Department of Health (Hawaii State Hospital)
	1/15/2013	3.2% ATB

Contract period	Effective Date	Pay Adjustment
7/1/2013 to 6/30/2017	7/1/2013	Step movement, delete Step 1
	1/1/2014	0.3% ATB
	7/1/2014	Step movement, delete Step 2
	1/1/2015	0.5% ATB
	7/1/2015	Step movement, delete Step 3
	1/1/2016	0.5% ATB
	7/1/2016	Step movement
	1/1/2017	1.0% ATB

Contract period	Effective Date	Pay Adjustment
7/1/2017 to 6/30/2021	10/1/2017	2% ATB
	7/1/2018	Developmental Career Plan (DCP); Continue DCP for 7/1/2018 – 6/30/2019; Employees on Step C (max step) – 4% LS
	4/1/2019	1.35% ATB
	7/1/2019	2% ATB; Continue DCP for 7/1/2019 – 6/30/2020
	1/1/2020	0.74% ATB
	7/1/2020	2% ATB; Continue DCP for 7/1/2020 – 6/30/2021
	1/1/2021	1.07% ATB

Contract period	Effective Date	Pay Adjustment
7/1/2021 to 6/30/2025	7/1/2021	\$1000 LS
	9/1/2022	DCP if eligible from 7/1/2021 – 8/31/2022; Continue DCP for 9/1/2022 – 6/30/2023; Employees on Step A move to Step B; Delete Step A; 2.94% ATB
	7/1/2023	Employees on Step B move to Step C; Delete Step B; Rename Step C to Step A; 5% ATB
	7/1/2024	5% ATB

HAWAII GOVERNMENT EMPLOYEES ASSOCIATION (HGEA)

Collective Bargaining Adjustments
7/1/2009 to 6/30/2019

BU 2
Blue Collar, Supervisor

Contract period	Effective Date	Pay Adjustment
7/1/2009 to 6/30/2011	10/16/2009 – 6/30/2010	9.77% pay reduction (18 days furlough from 10/1/2009 – 6/30/2010)
	7/1/2010 – 6/30/2011	9.23% pay reduction (24 days furlough from 7/1/2010 – 6/30/2011)

Contract period	Effective Date	Pay Adjustment
7/1/2011 to 6/30/2013	7/1/2011 – 6/30/2013	5% labor cost reduction by means of a mandatory salary waiver, 13 days Supplemental Time Off Without Pay (STOWOP) per year

Contract period	Effective Date	Pay Adjustment
7/1/2013 to 6/30/2015	7/1/2013	4.00% ATB
	7/1/2014	1 step movement if eligible from 7/1/2009 - 6/30/2014, continue step movement plan from 7/1/2014 - 6/30/2015, no more than 2 SM, 2.00% ATB

Contract period	Effective Date	Pay Adjustment
7/1/2015 to 6/30/2017	7/1/2015	0.3% ATB, employees on A and L1 move to L2; delete A, L1, L5; rename to A1, B1, C1; 2% LS for those on former L4, L5; continue step movement plan from 7/1/2015 - 6/30/2016
	10/1/2015	2.00% ATB, 2% increase former L5
	4/1/2016	2.00% ATB, 2% increase former L5
	7/1/2016	Continue step movement plan from 7/1/2016 – 6/30/2017
	10/1/2016	2.00% ATB, 2% increase former L5
	4/1/2017	2.00% ATB, 2% increase former L5

Contract period	Effective Date	Pay Adjustment
7/1/2017 to 6/30/2019 (Arbitration decision)	7/1/2017	2.00% ATB; Continue step movement plan for 7/1/2017-6/30/2018
	1/1/2018	1.20% ATB increase
	7/1/2018	2.25% ATB; Continue step movement plan for 7/1/2018 – 6/30/2019
	1/1/2019	1.20% ATB increase

Contract period	Effective Date	Pay Adjustment
7/1/2019 to 6/30/2021	7/1/2019	\$2000 LS; Delete SMP
	7/1/2020	1.20% ATB for employees on A1 who move to C1, delete A1, rename C1 to A; 5.29% increase for those on former B1 and C1; delete B1 and C1; 5.29% increase former L5
	1/1/2021	1.20% ATB; 1.20% increase former L5, B1, and C1

Contract period	Effective Date	Pay Adjustment
7/1/2021 to 6/30/2025	7/1/2021	1.00% LS
	7/1/2022	3.72% ATB; 3.72% increase former L5, B1, and C1
	7/1/2023	5.00% ATB; 5% increase former L5, B1, and C1
	1/1/2024	5.00% ATB; 5% increase former L5, B1, and C1

BU 3 - White Collar, Non-Supervisor

Contract period	Effective Date	Pay Adjustment
7/1/2009 to 6/30/2011	10/16/2009 – 6/30/2010	9.77% pay reduction (18 days furlough from 10/1/2009 – 6/30/2010)
	7/1/2010 – 6/30/2011	9.23% pay reduction (24 days furlough from 7/1/2010 – 6/30/2011)

Contract period	Effective Date	Pay Adjustment
7/1/2011 to 6/30/2013	7/1/2011 – 6/30/2013	5% labor cost reduction by means of a mandatory salary waiver, 13 days Supplemental Time Off Without Pay per year

Contract period	Effective Date	Pay Adjustment
7/1/2013 to 6/30/2015	7/1/2013	Add Step M, all employees move one step
	7/1/2014	4% ATB

Contract period	Effective Date	Pay Adjustment
7/1/2015 to 6/30/2017	7/1/2015	Employees placed on appropriate step or \$1500 LS, continue step movement plan 7/1/2015 to 6/30/2016
	7/1/2016	\$1200 LS for all employees, continue step movement plan 7/1/2016 to 6/30/2017
	1/1/2017	1.6% ATB

Contract period	Effective Date	Pay Adjustment
7/1/2017 to 6/30/2019 (Arbitration decision)	7/1/2017	2.00% ATB; \$150 LS; No SMP
	1/1/2018	1.50% ATB increase
	7/1/2018	2.25% ATB; \$150 LS; No SMP
	1/1/2019	1.25% ATB; Employees on Step A move to Step B; delete Step A off of salary schedule

Contract period	Effective Date	Pay Adjustment
7/1/2019 to 6/30/2021	7/1/2019	\$2800 LS; Delete SMP
	7/1/2020	Employees on Step B – L move one step; delete Step B; employees on SR 4 – 8 receive average increase of 2.0% to 10.1%; 2% LS for SR 8 Step M; 4% LS for SR 9 – up Step M
	1/1/2021	3.46% ATB increase

Contract period	Effective Date	Pay Adjustment
7/1/2021 to 6/30/2025	7/1/2021	\$1000 LS
	10/1/2022	3.72% ATB increase
	7/1/2023	5.00% ATB increase
	7/1/2024	5.00% ATB increase

BU 4 – White Collar, Supervisor

Contract period	Effective Date	Pay Adjustment
7/1/2009 to 6/30/2011	10/16/2009 – 6/30/2010	9.77% pay reduction (18 days furlough from 10/1/2009 – 6/30/2010)
	7/1/2010 – 6/30/2011	9.23% pay reduction (24 days furlough from 7/1/2010 – 6/30/2011)

Contract period	Effective Date	Pay Adjustment
7/1/2011 to 6/30/2013	7/1/2011 – 6/30/2013	5% labor cost reduction by means of a mandatory salary waiver, 13 days Supplemental Time Off Without Pay per year

Contract period	Effective Date	Pay Adjustment
7/1/2013 to 6/30/2015	7/1/2013	Add Step M, all employees move one step
	7/1/2014	4% ATB

Contract period	Effective Date	Pay Adjustment
7/1/2015 to 6/30/2017	7/1/2015	Employees placed on appropriate step or \$1500 LS, continue step movement plan 7/1/2015 to 6/30/2016
	7/1/2016	\$1200 LS for all employees, continue step movement plan 7/1/2016 to 6/30/2017
	1/1/2017	1.6% ATB

Contract period	Effective Date	Pay Adjustment
7/1/2017 to 6/30/2019 (Arbitration decision)	7/1/2017	2.00% ATB; \$150 LS; No SMP
	1/1/2018	1.50% ATB increase
	7/1/2018	2.25% ATB; \$150 LS; No SMP
	1/1/2019	1.25% ATB; Employees on Step A move to Step B; delete Step A off of salary schedule

Contract period	Effective Date	Pay Adjustment
7/1/2019 to 6/30/2021	7/1/2019	5.98% LS; Delete SMP
	7/1/2020	Employees on Step B move to Step C; delete Step B; delete SR 4; SR 5 – 8 average increase 5.6% - 11.8%; 3.6% ATB SR 9 – up
	1/1/2021	3.74% ATB increase

Contract period	Effective Date	Pay Adjustment
7/1/2021 to 6/30/2025	7/1/2021	1.00% LS
	7/1/2022	3.72% ATB increase
	7/1/2023	4.96% ATB increase
	7/1/2024	5.00% ATB increase

BU 9
Register Nurses

Contract period	Effective Date	Pay Adjustment
7/1/2009 to 6/30/2011	10/16/2009 – 6/30/2010	9.77% pay reduction (18 days furlough from 10/1/2009 – 6/30/2010)
	7/1/2010 – 6/30/2011	9.23% pay reduction (24 days furlough from 7/1/2010 – 6/30/2011)

Contract period	Effective Date	Pay Adjustment
7/1/2011 to 6/30/2013	1/1/2013	Employees placed on appropriate step as though step movement plan were granted 7/1/2009 – 12/31/2012. Continue step movement plan 1/1/2013 – 6/30/2013. 4.00% ATB.
	4/1/2013	4.00% ATB

Contract period	Effective Date	Pay Adjustment
7/1/2013 to 6/30/2015	1/1/2014	Step movement if eligible from 7/1/2013 – 12/31/2013, continue step movement plan from 1/1/2014 – 6/30/2014, 4.00% ATB
	7/1/2014	4.30% ATB, continue step movement plan from 7/1/2014 – 6/30/2015

Contract period	Effective Date	Pay Adjustment
7/1/2015 to 6/30/2017	7/1/2015	4.00% ATB, continue step movement plan from 7/1/2015 – 6/30/2016
	7/1/2016	4.00% ATB, continue step movement plan from 7/1/2016 – 6/30/2017

Contract period	Effective Date	Pay Adjustment
7/1/2017 to 6/30/2019 (Arbitration decision)	7/1/2017	2.00% ATB increase; continue step movement plan for 7/1/2017 – 6/30/2018
	7/1/2018	2.25% ATB increase; continue step movement plan for 7/1/2018 – 6/30/2019
	1/1/2019	1.20% ATB increase

Contract period	Effective Date	Pay Adjustment
7/1/2019 to 6/30/2021	7/1/2019	2.50% ATB increase; continue step movement plan for 7/1/2019 – 6/30/2020; Addition of Step L-5; SR 16 – 30 receive LS \$1800 - \$2000
	7/1/2020	2.50% ATB increase; continue step movement plan for 7/1/2020 – 6/30/2021

Contract period	Effective Date	Pay Adjustment
7/1/2021 to 6/30/2025	7/1/2021	1.00% LS; no step movement
	7/1/2022	Step movement if eligible from 7/1/2021 - 6/30/2022; continue step movement plan for 7/1/2022 – 6/30/2023; 3.00% ATB increase
	7/1/2023	Continue step movement plan for 7/1/2023 – 6/30/2024; 4.10% ATB increase
	7/1/2024	Continue step movement plan for 7/1/2024 – 6/30/2025; 3.40% ATB increase

BU 13
Professional and Scientific Employees

Contract period	Effective Date	Pay Adjustment
7/1/2009 to 6/30/2011	10/16/2009 – 6/30/2010	9.77% pay reduction (18 days furlough from 10/1/2009 – 6/30/2010)
	7/1/2010 – 6/30/2011	9.23% pay reduction (24 days furlough from 7/1/2010 – 6/30/2011)

Contract period	Effective Date	Pay Adjustment
7/1/2011 to 6/30/2013	7/1/2011 – 6/30/2013	5.00% labor cost reduction by means of a mandatory salary waiver, 13 days Supplemental Time Off Without Pay per year

Contract period	Effective Date	Pay Adjustment
7/1/2013 to 6/30/2017	7/1/2013	4.00% ATB
	7/1/2014	Place on appropriate step based on service credit 7/1/2009 – 6/30/2014 or \$1500 lump sum, continue step movement plan 7/1/2014 – 6/30/2015
	7/1/2015	Continue step movement plan 7/1/2015 – 6/30/2016
	1/1/2016	3.50% ATB
	7/1/2016	Continue step movement plan 7/1/2016 – 6/30/2017
	1/1/2017	3.50% ATB

Contract period	Effective Date	Pay Adjustment
7/1/2017 to 6/30/2019 (Arbitration decision)	7/1/2017	2.00% ATB, continue step movement plan from 7/1/2017 – 6/30/2018
	7/1/2018	2.25% ATB, continue step movement plan from 7/1/2018 – 6/30/2019

Contract period	Effective Date	Pay Adjustment
7/1/2019 to 6/30/2021	7/1/2019	2.15% ATB, continue step movement plan from 7/1/2019 – 6/30/2020; \$750 LS for employees not scheduled for step movement during 7/1/2019 – 6/30/2021
	7/1/2020	2.03% ATB, continue step movement plan from 7/1/2020 – 6/30/2021; \$750 LS for employees not scheduled for step movement during 7/1/2019 – 6/30/2021

Contract period	Effective Date	Pay Adjustment
7/1/2021 to 6/30/2025	7/1/2021	2% LS for employees on Step M
	7/1/2022	Place on appropriate step if eligible for step movement during 7/1/2021 - 6/30/2022; continue step movement plan for 7/1/2022 – 6/30/2023; 2.00% ATB increase
	7/1/2023	Continue step movement plan 7/1/2023 – 6/30/2024; Employees on Step C move to Step D; Delete Step C; 4.00% ATB increase
	7/1/2024	Continue step movement plan 7/1/2024 – 6/30/2025; 3.59% ATB increase

BU 14
 State Law Enforcement Officers
 State and County Ocean Safety and Water Safety Officers

Contract period	Effective Date	Pay Adjustment
7/1/2015 to 6/30/2017 (Arbitration decision)	2/22/16	Establish BU 14 Salary Schedule (same as BU 3/4)
	7/1/2016	Delete 1 st three steps, add last 2 steps; 4.00% ATB; SMP 7/1/16 – 6/30/17

Contract period	Effective Date	Pay Adjustment
7/1/2017 to 6/30/2019 (Arbitration decision)	7/1/2017	2.00% ATB, \$500 LS; continue step movement plan from 7/1/2017 – 6/30/2018
	7/1/2018	2.25% ATB, \$500 LS; continue step movement plan from 7/1/2018 – 6/30/2019

Contract period	Effective Date	Pay Adjustment
7/1/2019 to 6/30/2021	7/1/2019	4.50% ATB; continue step movement plan from 7/1/2019 – 6/30/2020
	7/1/2020	4.50% ATB; continue step movement plan from 7/1/2020 – 6/30/2021

Contract period	Effective Date	Pay Adjustment
7/1/2021 to 6/30/2025	7/1/2021	\$1000 LS for employees on Step L
	7/1/2022	Step movement if eligible during 7/1/2021 - 6/30/2022; continue step movement plan for 7/1/2022 – 6/30/2023; 3.20% ATB increase
	7/1/2023	Continue step movement plan 7/1/2023 – 6/30/2024; Employees on Step A move to Step B; Delete Step A; 3.44% ATB increase
	7/1/2024	Continue step movement plan 7/1/2024 – 6/30/2025; 2.775% ATB increase

HAWAII FIRE FIGHTERS ASSOCIATION (HFFA)
 Collective Bargaining Adjustments
 7/1/2009 to 6/30/2019

BU 11
 Firefighters

Contract period	Effective Date	Pay Adjustment
7/1/2007 to 6/30/2011	7/1/2007	5.00% ATB increase; employees placed on appropriate step based on years of service; catch-up step movement or service step movement for 7/2/2007 – 6/30/2008
	7/1/2008	5.00% ATB increase; catch-up step movement or service step movement for 7/1/2008 – 6/30/2009; employees with 22+ years of service move to step L4 on their service anniversary date
	7/1/2009	5.00% ATB increase; catch-up step movement or service step movement for 7/1/2009 – 6/30/2010; employees with 22+ years of service move to step L4 on their service anniversary date
	7/1/2010	5.00% ATB increase; catch-up step movement or service step movement for 7/1/2010 – 6/30/2011; employees with 22+ years of service move to step L4 on their service anniversary date

Contract period	Effective Date	Pay Adjustment
7/1/2011 to 6/30/2017 (Arbitration decision)	7/1/2013	2.00% ATB
	1/1/2014	2.00% ATB, place on appropriate step based on service credit 7/1/2011 – 12/31/2013, continue step movement plan 1/1/2014 – 6/30/2014, add step L5
	7/1/2014	2.00% ATB, continue step movement plan from 7/1/2014 – 6/30/2015
	1/1/2015	2.00% ATB
	7/1/2015	2.00% ATB, continue step movement plan from 7/1/2015 – 6/30/2016
	1/1/2016	2.00% ATB
	7/1/2016	5.00% ATB, continue step movement plan from 7/1/2016 – 6/30/2017

Contract period	Effective Date	Pay Adjustment
7/1/2017 to 6/30/2019 (Arbitration decision)	7/1/2017	2.00% ATB; continue step movement plan from 7/1/2017 – 6/30/2018
	7/1/2018	2.00% ATB; continue step movement plan from 7/1/2018 – 6/30/2019
	7/1/2019	2.00% ATB; catch-up step movement; SR 17 – 27 receive LS \$1800 - \$2000
	7/1/2020	2.00% ATB; catch-up step movement; SR 17 – 27 receive LS \$1800 - \$2000; additional \$500 LS for employees on L5 with 28 years of service

Contract period	Effective Date	Pay Adjustment
7/1/2019 to 6/30/2021	7/1/2021	Continue step movement plan from 7/1/2021 – 6/30/2022
	7/1/2022	3.00% ATB; continue step movement plan from 7/1/2022 – 6/30/2023
	7/1/2023	4.00% ATB; continue step movement plan from 7/1/2023 – 6/30/2024
	7/1/2024	4.00% ATB; continue step movement plan from 7/1/2024 – 6/30/2025

Excluded Managerial Compensation Plan (EMCP)
Excluded Managerial

EO 07-08 7/1/2009 to 6/30/2011	7/1/2009	Excluded from BU 11: 5.00% ATB increase; continue WIRP increases for 7/1/2009 – 6/30/2010
	10/1/2009	Excluded from BU 11: One time lump sum bonus of 1% of 6/30/2009 salary for "exceptional" rating on annual performance evaluation
	7/1/2010	Excluded from BU 11: 5.00% ATB increase; continue WIRP increases for 7/1/2010 – 6/30/2011
	10/1/2010	Excluded from BU 11: One time lump sum bonus of 1% of 6/30/2010 salary for "exceptional" rating on annual performance evaluation
EO 09-08 7/1/2009 to 6/30/2011	Effective Date	Pay Adjustment
	10/16/2009 – 6/30/2010	9.77% pay reduction (18 days furlough from 10/1/2009 – 6/30/2010)
	7/1/2010 – 6/30/2011	9.23% pay reduction (24 days furlough from 7/1/2010 – 6/30/2011)

EO 11-19 EO 11-20 EO 13-05 7/1/2011 to 6/30/2013	Effective Date	Pay Adjustment
	7/1/2011 – 6/30/2013	5% labor cost reduction by means of a mandatory salary waiver, 13 days Supplemental Time Off Without Pay per year <i>(BU 9 and 11 employees not imposed the 5% labor cost reduction)</i>
	1/1/2013	Excluded from BU 9: 4% ATB
	4/1/2013	Excluded from BU 9: 4% ATB

EO 14-01 EO 15-02 7/1/2011 to 6/30/2017	Effective Date	Pay Adjustment
	7/1/2013	Excluded from BU 11: 2.00% ATB increase, not to exceed range maximum
	1/1/2014	Excluded from BU 11: 2.00% ATB increase, not to exceed range maximum; employees eligible for WIRPs based on service credit from 7/1/2011 – 12/31/2013 shall receive WIRPs, not to exceed range maximum; continue WIRPs from 1/1/2014 – 6/30/2014, not to exceed range maximum
	7/1/2014	Excluded from BU 11: 2.00% ATB increase, not to exceed range maximum
	1/1/2015	Excluded from BU 11: 2.00% ATB increase, not to exceed range maximum; continue WIRPs from 1/1/2015 – 6/30/2015 not to exceed range maximum
	7/1/2015	Excluded from BU 11: 2.00% ATB increase, not to exceed range maximum; continue WIRPs from 7/1/2015 – 12/31/2015 not to exceed range maximum
	1/1/2016	Excluded from BU 11: 2.00% ATB increase, not to exceed range maximum; new salary schedule, employees less than minimum increased to the minimum; continue WIRPs from 1/1/2016 – 6/30/2016, not to exceed range maximum
	7/1/2016	Excluded from BU 11: 5.00% ATB increase, not to exceed range maximum; continue WIRPs from 7/1/2016 – 12/31/2016 not to exceed range maximum
	1/1/2017	Excluded from BU 11: New salary schedule, employees less than minimum increased to the minimum; continue WIRPs from 1/1/2017 – 6/30/2017, not to exceed range maximum

EO 13-07 EO 14-02	Effective Date	Pay Adjustment
7/1/2013 to 6/30/2015	7/1/2013	Excluded from BU 2 and 4: 4.00% ATB increase
	1/1/2014	Excluded from BU 9: Amend to equal BU 35 salary schedule; 4.00% ATB increase, not to exceed range maximum; catch-up WIRPs based on service credit from 7/1/2013 – 12/31/2013, not to exceed range maximum; continuation of WIRPs 1/1/2014 – 6/30/2014, not to exceed range maximum
	7/1/2014	Excluded from BU 2 and 4: 4.00% ATB increase Excluded from BU 9: Amend to equal BU 35 salary schedule; 4.30% ATB increase, not to exceed range maximum; continuation of WIRPs 7/1/2014 – 6/30/2015, not to exceed range maximum
EO 13-11 EO 15-02	Effective Date	Pay Adjustment
7/1/2013 to 6/30/2017	7/1/2013	Excluded from BU 13: 4.00% ATB increase
	7/1/2014	Excluded from BU 13: Greater of up to 4 catch-up WIRPs based on service credit from 7/1/2009 – 6/30/2014 or 4.00% increase; not to exceed range maximum. Increase range minimum by 4.00%, employees less than the minimum increased to the minimum
	1/1/2016	Excluded from BU 13: 4.50% ATB increase; new salary schedule, employees less than minimum increased to the minimum
	1/1/2017	Excluded from BU 13: 4.50% ATB increase; new salary schedule, employees less than minimum increased to the minimum
EO 15-02	Effective Date	Pay Adjustment
7/1/2015 to 6/30/2017	7/1/2015	Excluded from BU 4: Greater of up to 4 catch-up WIRPs based on service credit from 7/1/2009 – 6/30/2015 or 4.00% increase; not to exceed range maximum. Excluded from BU 9: 4.50% increase, not to exceed range maximum.
	1/1/2016	Excluded from BU 2, 4, 9, and 10: New salary schedule, employees less than minimum increased to the minimum.
	7/1/2016	Excluded from BU 9: 4.50% increase, not to exceed range maximum
	1/1/2017	Excluded from BU 2, 9, and 10: New salary schedule, employees less than minimum increased to the minimum. Excluded from BU 4: 4.50% ATB; new salary schedule, employees less than minimum increased to the minimum.

EO 17-02 EO 17-03	Effective Date	Pay Adjustment
7/1/2017 to 6/30/2019	7/1/2017	Excluded from BU 2, 9, 11, and 13: 2.00% ATB increase Excluded from BU 4: 2.00% ATB increase; \$150 LS
	1/1/2018	Excluded from BU 2, 9, 11, and 13: 1.50% ATB increase (no change in salary schedule) Excluded from BU 4: 1.50% ATB increase (no change in salary schedule)
	7/1/2018	Excluded from BU 2, 9, 11, and 13: 2.25% ATB increase Excluded from BU 4: 2.25% ATB increase; \$150 LS
	1/1/2019	Excluded from BU 2, 9, 11, and 13: 1.2% ATB increase (no change in salary schedule) Excluded from BU 4: 1.25% ATB increase (no change in salary schedule)

EO 19-04	Effective Date	Pay Adjustment
EO 20-09	7/1/2019	Excluded from BU 4: 5.98% LS
EO 20-10		Excluded from BU 9: 2.50% ATB; \$2000 LS
		Excluded from BU 11: 2.00% ATB; \$2000 LS
		Excluded from BU 14: 4.50% ATB
7/1/2019 to		Excluded from BU 13: 2.15% ATB increase; \$750 LS
6/30/21		
	10/1/2019	Excluded from BU 9: 0.97% ATB increase (no change in salary schedule)
	1/1/2020	Excluded from BU 11: 1.25% ATB increase (no change in salary schedule)
		Excluded from BU 13: 1.17% ATB increase (no change in salary schedule)
		Excluded from BU 14: 0.9% ATB increase (no change in salary schedule)
	7/1/2020	Excluded from BU 2: move to new salary schedule
		Excluded from BU 4: 3.83% ATB increase
		Excluded from BU 9: 2.50% ATB increase
		Excluded from BU 11: 2.00% ATB increase; \$2000 LS, additional \$500 LS for employees with 28 or more years of service.
		Excluded from BU 13: 2.03% ATB increase; \$750 LS
		Excluded from BU 14: 4.50% ATB increase
	1/1/2021	Excluded from BU 4: 3.74% ATB increase (no change in salary schedule)
		Excluded from BU 9: 0.42% ATB increase (no change in salary schedule)
		Excluded from BU 11: 1.25% ATB increase (no change in salary schedule); No WIRP for period 7/1/2019 – 6/30/2021
		Excluded from BU 13: 1.05% ATB increase (no change in salary schedule)
		Excluded from BU 14: 1.27% ATB increase (no change in salary schedule)

EO 22-01	Effective Date	Pay Adjustment
EO 22-02	7/1/2021	Excluded from 4, 9, 11, 13, 14: Employees continue to receive their existing pay from 7/1/2021 – 6/30/2022
EO 22-03		Excluded from 11: Employees continue to receive their existing pay from 7/1/2021 – 12/31/2021
7/1/2021 to 6/30/25		Excluded from BU 4, 9: 1.0% LS Excluded from BU 13: 2.0% LS
	1/1/2022	Excluded from BU 11: 1.51% ATB (no change in salary schedule)
	7/1/2022	Excluded from BU 2, 10: New salary schedule Excluded from BU 4: 3.72% ATB increase Excluded from BU 9: 3.74% ATB increase Excluded from BU 11: 3.00% ATB increase Excluded from BU 13: 3.01% ATB increase Excluded from BU 14: 4.32% ATB increase
	1/1/2023	Excluded from BU 9: 0.49% ATB increase (no change in salary schedule) Excluded from BU 11: 1.19% ATB increase (no change in salary schedule) Excluded from BU 13: 1.10% ATB increase (no change in salary schedule) Excluded from BU 14: 1.01% ATB increase (no change in salary schedule)
	7/1/2023	Excluded from BU 2, 10: New salary schedule Excluded from BU 4: 4.96% ATB increase Excluded from BU 9: 4.10% ATB increase Excluded from BU 11: 4.00% ATB increase Excluded from BU 13: 4.00% ATB increase Excluded from BU 14: 3.44% ATB increase
	1/1/2024	Excluded from BU 9: 0.57% ATB increase (no change in salary schedule) Excluded from BU 11: 1.28% ATB increase (no change in salary schedule) Excluded from BU 13: 1.05% ATB increase (no change in salary schedule) Excluded from BU 14: 1.01% ATB increase (no change in salary schedule)
	7/1/2024	Excluded from BU 2, 10: New salary schedule Excluded from BU 4: 5.0% ATB increase Excluded from BU 9: 3.4%% ATB increase Excluded from BU 11: 4.00% ATB increase Excluded from BU 13: 3.59%% ATB increase Excluded from BU 14: 2.775%% ATB increase
	1/1/2025	Excluded from BU 9: 0.49% ATB increase (no change in salary schedule) Excluded from BU 11: 1.32% ATB increase (no change in salary schedule) Excluded from BU 13: 0.86% ATB increase (no change in salary schedule) Excluded from BU 14: 1.05% ATB increase (no change in salary schedule)

State of Hawaii
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
SALARY SCHEDULE

Effective Date: 07/01/2024

Bargaining Unit: 30, 31, 32, 33, 34, 35, 37 Excluded Managerial

		Min	Max			Min	Max
EM 01	Annual	90,240	144,372	EM 07	Annual	120,900	193,488
	Monthly	7,520	12,031		Monthly	10,075	16,124
	8 hour	347.04	555.28		8 hour	465.04	744.16
	Hourly	43.38	69.41		Hourly	58.13	93.02
EM 02	Annual	94,680	151,632	EM 08	Annual	126,936	203,196
	Monthly	7,890	12,636		Monthly	10,578	16,933
	8 hour	364.16	583.20		8 hour	488.24	781.52
	Hourly	45.52	72.90		Hourly	61.03	97.69
EM 03	Annual	99,468	159,192	ES 01	Annual	130,788	209,256
	Monthly	8,289	13,266		Monthly	10,899	17,438
	8 hour	382.56	612.24		8 hour	503.04	804.80
	Hourly	47.82	76.53		Hourly	62.88	100.60
EM 04	Annual	104,448	167,124	ES 02	Annual	134,676	215,508
	Monthly	8,704	13,927		Monthly	11,223	17,959
	8 hour	401.76	642.80		8 hour	518.00	828.88
	Hourly	50.22	80.35		Hourly	64.75	103.61
EM 05	Annual	109,704	175,500	ES 03	Annual	138,756	222,012
	Monthly	9,142	14,625		Monthly	11,563	18,501
	8 hour	421.92	675.04		8 hour	533.68	853.92
	Hourly	52.74	84.38		Hourly	66.71	106.74
EM 06	Annual	115,140	182,964				
	Monthly	9,595	15,247				
	8 hour	442.88	703.68				
	Hourly	55.36	87.96				

Department of Education
November 2024

Executive Leadership Salaries

Title	Salary
Superintendent	\$240,000
Deputy Superintendent	\$162,750 to \$194,250
Assistant Superintendent and Chief Financial Officer	\$157,500 to \$189,000
Assistant Superintendent – Information Technology Services	\$157,500 to \$189,000
Assistant Superintendent – Talent Management	\$157,500 to \$189,000
Interim Deputy Superintendent – Operations	\$162,750 to \$194,250
Interim Deputy Superintendent – Facilities and Operations	\$162,750 to \$194,250

University of Hawaii
November 2024

Executive/Director Positions

UH President	430,200
VP for Administration	309,384
VP for Budget and Finance	309,384
VP for Information Technology	309,384
VP for Legal Affairs/General Counsel	309,384
VP for Research and Innovation	282,156
System Director of HR	182,046
Director of University Budget	149,820

Hawai'i Health Systems Corporation
November 2024

Executive Leadership Salaries

Title	Salary
President & Chief Exec Offcr	\$410,000
VP & Chief Financial Officer	\$280,000
VP & Chief HR Offcr	\$259,137
VP & General Counsel	\$262,000
VP & Chief Info Offcr	\$259,137
Chief Medical Officer	\$262,500 - \$320,000
Director of Marketing, Communication	\$136,578 - \$170,335

2024 Executive Compensation
Comparison of Pay Rates for State of Hawai'i and State Governments

	State of Hawai'i	Median of State Governments	State of Hawai'i vs. State Governments
Governor	189,480	153,592	23%
Lt. Governor	188,400	113,515	66%
<u>Dept. Heads</u>			
Agriculture	179,436	147,088	22%
Attorney General	188,400	143,499	31%
Budget	188,400	162,597	16%
Commerce	179,436	168,814	6%
Comptroller	179,436	155,020	16%
Corrections	179,436	177,376	1%
Economic Development	179,436	168,457	7%
Health	179,436	189,113	-5%
Labor	179,436	153,992	17%
Natural Resources	179,436	162,396	10%
Personnel	179,436	154,972	16%
Revenue	179,436	163,121	10%
Social Services	179,436	195,264	-8%
Transportation	179,436	180,406	-1%
Dept. Heads Median	179,436	162,859	10%

**THE COUNCIL OF STATE GOVERNMENTS - THE BOOK OF THE STATES 2022
EXECUTIVE BRANCH**

Summary of Hawai'i Rank Among the 50 States

Title	Hawai'i Rank
<i>Governor</i>	9
<i>Lieutenant governor</i>	2
<i>Attorney general</i>	5
<i>Comptroller</i>	8
<i>Agriculture</i>	9
<i>Budget</i>	12
<i>Economic development</i>	12
<i>Labor</i>	12
<i>Natural resources</i>	12
<i>Commerce</i>	13
<i>Personnel</i>	13
<i>Revenue</i>	15
<i>Corrections</i>	20
<i>Health</i>	26
<i>Social services</i>	26
<i>Transportation</i>	27

GOVERNORS

Table 4.3

The Governors: Compensation, Staff, Travel and Residence

State or other jurisdiction	Salary***	Governor's office staff (a)	Access to state transportation			Receives travel allowance	Reimbursed for travel expenses	Official residence
			Automobile	Airplane	Helicopter			
Alabama	128,834	38	✓	✓	✓	×	✓(b)	✓
Alaska	149,972	131	✓	✓(l)	×	×	✓(b)	✓
Arizona	98,257	31 (f)	✓	✓	✓	×	✓(b)	×
Arkansas	164,182	49	✓	✓	✓	×	✓	✓
California	226,050	150	✓	×	×	×	(d)	✓
Colorado	93,086	69	✓	✓	×	✓	✓	(e)
Connecticut*	155,143 (c)	27	✓	×	×	×	×	(e)
Delaware*	176,863	28	✓	×	×	×	×	✓
Florida*	138,782	276 (f)	✓	✓(j)	×	(b)	(b)	✓
Georgia	181,001	56 (f)	✓	✓	✓	×	×	✓
Hawaii	189,480	42	✓	×	×	✓	✓	✓
Idaho*	143,044	18	✓	✓	×	×	✓	×(e)
Illinois*	190,907	91	✓	×	×	×	×	✓
Indiana*	138,647	35	✓	×	✓	✓(b)	✓(b)	✓
Iowa	134,458	18	✓	×	×	×	✓	✓
Kansas*	114,503	24	✓	✓	✓	×	✓	✓
Kentucky	157,399	45	✓	✓	✓	×	✓(b)	✓
Louisiana*	134,458	93 (f)	✓	✓	✓	×	✓	✓
Maine*	72,400	21	✓	×	×	✓	✓	✓
Maryland	186,172	85 (f)	✓	✓	✓	(b)	×	✓
Massachusetts*	191,343 (e)	approx. 60	✓	×	✓	✓(b)	✓(b)	× (e)
Michigan*	164,762	75	✓	✓	✓	(b)	(b)	✓
Minnesota*	132,005	44	✓	✓	✓	×	✓	✓
Mississippi*	126,349	29	✓	✓(k)	×	×	✓	✓
Missouri	141,870	23	✓	✓	×	(b)	(d)	✓
Montana	122,457	58 (f)	✓	✓	✓	×	✓	✓
Nebraska	108,600	9	✓	✓	×	✓	✓	✓
Nevada*	169,079 (c)	19 (f)	✓	✓	×	✓(b)	✓(b)	✓
New Hampshire	149,437	19	✓	×	×	×	✓(b)	(e)
New Jersey	181,001	133	✓	×	✓	×	✓(b)	✓
New Mexico	113,772	28	✓	✓	✓	×	✓	✓
New York*	258,572	180	✓	✓	✓	×	✓	✓
North Carolina*	171,433	59	✓	✓	×	✓	✓	✓
North Dakota*	145,659	18	✓	✓	×	×	✓	✓
Ohio	173,870	34	✓	✓	✓	(b)	(d)	✓
Oklahoma	152,040	34	✓	✓	×	×	✓(b)	✓
Oregon	101,981	63 (f)	✓	×	×	✓(b)	✓(b)	✓
Pennsylvania*	220,330	68	✓	✓	×	×	✓(b)	✓
Rhode Island*	150,753	39	✓	×	✓	×	✓(b)	×
South Carolina	109,715	23	✓	✓	×	×	✓	✓
South Dakota*	125,747	20.5	✓	✓	×	×	✓	✓
Tennessee*	211,342	38	✓	✓	✓	✓(b)	(d)	✓
Texas*	159,022	277	✓	✓	✓	×	✓	✓
Utah	171,278	23	✓	✓	✓	×	✓	✓
Vermont*	198,308	14	✓	✓	×	×	×	×
Virginia*	181,001	36	✓	✓	✓	×	✓	✓
Washington	193,777	40	✓	✓	×	(b)	(d)	✓
West Virginia	155,143	41	✓	✓	✓	(b)	×	✓
Wisconsin	157,994	35	✓	✓	×	×	✓(d)	✓
Wyoming	108,600	18	✓	✓	×	×	✓(b)	✓
American Samoa*	93,086	23	✓	×	×	(b)	×	✓
Guam*	134,458	42	✓	×	×	\$218/day	×	✓
CNMI* **	72,400	16	✓	×	×	(b)	×	✓
Puerto Rico*	72,400	28	✓	(g)	(g)	×	✓	✓
U.S. Virgin Islands*	155,143	84	✓	×	×	×	✓	✓

Source: The Council of State Governments' survey of governors' offices, 2022.

*Information from The Council of State Governments' survey of governors' offices and review of state websites, 2021.

The Book of the States compensation was aged by 1.7% each year to 2024.

** Commonwealth of Northern Mariana Islands

*** All salary information current as of January 1, 2022, with the exception of the territories. Territorial information as of 2021.

Key:

✓ — Yes

✗ — No

- (a) Definitions of "governor's office staff" vary across the states—from general office support to staffing for various operations within the executive office.
- (b) Travel expenses.
- Alabama—According to state policy.
- Alaska—\$60/day per diem plus actual lodging expenses.
- American Samoa— \$105,000.Amount includes travel allowance for entire staff.
- Arizona— Receives up to \$45/day for meals based on location; receives per diem for lodging out of state; default \$41/day for meals and \$93/day lodging in state.
- Florida—The Executive Office of the Governor allocates an annual budget for the governor's travel expenses. The Governor is not reimbursed for personally incurred travel expenses. The Executive Office of the Governor pays the governor's travel expenses directly (hotel accommodations, meals, etc.) out of funds allocated for travel.
- Guam - The amount varies based on destination but averages \$218/per day.
- Indiana—No statute provides for a separate travel allowance. Instead, travel allowance comes from the general appropriations made for the governor's office expenses. Travel expenses are approved in advance and are paid for; reimbursement is never necessary.
- Kentucky -Mileage at same rate as other state officials.
- Maryland - Travel allowance included in office budget.
- Massachusetts—As necessary.
- Michigan - The Governor is provided a \$54,000 annual expense allowance, as determined by the State Officers Compensation Commission in 2010. "Expense allowance" is for normal, reimbursable personal expenses such as food, lodging, and travel costs incurred by an individual in carrying out the responsibilities of state office.
- Missouri - Amount includes travel allowance for entire staff. Amount not available.
- Nevada - Travel allowance included in office budget. Reimbursed for travel expenses per GSA/Conus rate.
- New Hampshire - Reimbursed for costs at the same rate and in the manner as state employees.
- New Jersey- Reimbursement may be provided for necessary expenses.
- Northern Mariana Islands - Travel allowance included in office budget. Governor has a "contingency account" that can be used for travel expenses and expenses in other departments or other projects.
- Ohio - Set administratively.
- Oklahoma—Reimbursed for actual and necessary expenses.
- Oregon—\$1,000 a month for expenses, not specific to travel. Reimbursed for actual travel expenses.
- Pennsylvania—Reimbursed for reasonable expenses.
- Rhode Island - The majority of travel expenses are not reimbursed since the state has centralized direct pay agreements with the various airlines / hotels for approved travel for state employees. If necessary, the governor is subject to the same per diem allowance for personal meals as other state employees, which is a maximum of \$35 per day.
- Tennessee - Travel allowance included in office budget.
- Washington - Travel allowance included in office budget.
- West Virginia - Included in general expense account.
- Wyoming – Actual lodging and transportation/federal M&IE
- (c) Governor's salary:
- Connecticut - Governor Ned Lamont will forego his salary of \$150,000.
- Nevada - Gov. Sisolak pledged to donate his salary to K-12 schools. Salary amount, per NRS 223.050: "On the first Monday in January 2011 and on the first Monday of every fourth year thereafter, the salary of the Governor must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of the Governor."
- (d) Information not provided.
- (e) Governor's residence: Many governors are choosing to live in their own residences even when an official residence is provided.
- Connecticut -Provided by the Department of Administrative Services.
- Idaho - A housing stipend of \$54,608 annually is provided.
- Massachusetts— Does not have an official governor's residence but allows a \$65,000 housing allowance which is rolled into the governor's total salary of \$185,000.
- New Hampshire - The current governor does not occupy the official residence.
- (f) Governor's staff:
- Alaska- There are 131 members of the 131 of the governor's office staff. There are broken down into the following areas: Governor's House - 1 position, Administrative Services - 21 positions, Office of Management & Budget - 27 positions, Human Rights Commission - 12 positions, and Elections Fulltime Staff - 2 positions
- Arizona - There are 33 members of the governor's executive staff, not including administrative staff.
- Florida - There are 276 full-time employees. Those are broken into the following areas: Executive Direction and Support Services - 124 positions; Systems Development and Design - 48 positions; Office of Policy and Budget - 104 positions.
- Georgia - Full-time employees - 56 and 2 part-time employees.
- Louisiana - Full-time employees- 93, part-time (non-student)- 21, students -25.
- Maryland - Full-time employees - 85 and 1 part-time employee.
- Montana - Including 16 employees in the Office of Budget and Program Planning.
- Nevada - Currently 19. Maximum permitted is 23.
- Oregon - Of this total, 58 are true governor's staff and five are on loan for agency staff.
- Vermont - Voluntary 5 percent salary reduction.
- (g) The Governor's office pays for access to an airplane or helicopter with a corporate credit card and requests a refund of those expenses with the corresponding documentation to the Dept. of Treasury.

- (h) Provided for security reasons as determined by the state police.
- (i) When not in use by other state agencies.
- (j) Governor does not utilize a state-owned airplane, but instead uses his personal aircraft.
- (k) Only for official business.
- (l) Depending on availability, plane belongs to the Department of Public Safety.

THE COUNCIL OF STATE GOVERNMENTS - THE BOOK OF THE STATES 2022
EXECUTIVE BRANCH

<i>Rank</i>	<i>State</i>	<i>Governor</i>	<i>Rank</i>	<i>State</i>	<i>Lieutenant Governor</i>
1	New York	258,572	1	New York	227,991
2	California	226,050	2	Hawaii	188,400
3	Pennsylvania	220,330	3	Ohio	188,008
4	Tennessee	211,342	4	Pennsylvania	185,440
5	Vermont	198,308	5	New Jersey	181,357
6	Washington	193,777	6	Massachusetts	170,993
7	Massachusetts	191,343	7	Colorado	169,966
8	Illinois	191,093	8	California	169,864
9	Hawaii	189,480	9	Kansas	159,918
10	Maryland	186,172	10	Maryland	154,930
11	Georgia	181,001	11	Utah	154,454
12	New Jersey	181,001	12	North Carolina	151,740
13	Virginia	181,001	13	Illinois	146,743
14	Delaware	176,863	14	Kentucky	134,074
15	Ohio	173,870	15	Florida	133,268
16	North Carolina	171,433	16	Rhode Island (g)	127,036
17	Utah	171,278	17	Washington	121,561
18	Nevada	169,079	18	Louisiana	119,180
19	Michigan	164,762	19	Alaska	119,168
20	Arkansas	164,182	20	Oklahoma	118,880
21	Texas	159,022	21	Michigan	115,560
22	Wisconsin	157,994	22	Connecticut (l)	113,996
23	Kentucky	157,399	23	North Dakota	113,515
24	Connecticut (l)	155,143	24	South Dakota	110,364
25	West Virginia	155,143	25	Indiana	108,878
26	Oklahoma	152,040	26	Iowa	106,961
27	Rhode Island (g)	150,753	27	Georgia	94,937
28	Alaska	149,972	28	Montana	93,414
29	New Hampshire	149,437	29	Missouri	91,866
30	North Dakota	145,659	30	New Mexico	88,088
31	Idaho	143,044	31	Delaware	86,931
32	Missouri	141,870	32	Minnesota	85,972
33	Florida	138,782	33	Vermont	84,346
34	Indiana	138,647	34	Wisconsin	83,615
35	Iowa	134,458	35	Nebraska	77,724
36	Louisiana	134,458	36	Tennessee	75,598
37	Minnesota	132,005	37	Alabama	72,574
38	Alabama	128,834	38	Nevada	72,090
39	Mississippi	126,349	39	Mississippi	62,179
40	South Dakota	125,747	40	Idaho	50,164
41	Montana	122,457	41	Arkansas	48,402
42	Kansas	114,503	42	South Carolina	48,236
43	New Mexico	113,772	43	Virginia	37,640
44	South Carolina	109,715	44	West Virginia	20,726
45	Nebraska	108,600	45	Texas	7,462
46	Wyoming	108,600		Arizona	
47	Oregon	101,981		Maine	
48	Arizona	98,257		New Hampshire	
49	Colorado	93,086		Oregon	
50	Maine	72,400		Wyoming	
	Median	153,592		Median	113,515

Governor - 2022 The Book of the States compensation was aged by 1.7% each year to 2024.

Lt. Governor - 2022 The Book of the States compensation was aged by 1.8% each year to 2024.

**THE COUNCIL OF STATE GOVERNMENTS - THE BOOK OF THE STATES 2022
EXECUTIVE BRANCH**

<i>Rank</i>	<i>State</i>	<i>Agriculture</i>	<i>Rank</i>	<i>State</i>	<i>Attorney General</i>
1	California	238,680	1	New York	231,138
2	New York	210,125	2	Tennessee	209,423
3	Oregon	196,097	3	California	199,452
4	Washington	191,899	4	Massachusetts	194,763
5	Michigan	187,680	5	Hawaii	188,400
6	Virginia	187,027	6	Pennsylvania	186,210
7	New Jersey	183,859	7	Wyoming	185,961
8	Tennessee	180,439	8	New Jersey	183,859
9	Hawaii	179,436	9	Washington	180,980
10	Colorado	172,773	10	Alaska	178,299
11	Indiana	172,161	11	North Dakota	174,015
12	Maryland	168,934	12	Alabama	173,753
13	Utah	168,814	13	Illinois	171,462
14	Illinois	167,680	14	Utah	165,284
15	Idaho	166,366	15	Nevada	162,004
16	Vermont	161,953	16	Texas	161,534
17	Pennsylvania	161,143	17	Delaware	160,631
18	Massachusetts	160,755	18	Virginia	157,594
19	Maine	160,423	19	Maryland	157,068
20	Ohio	157,604	20	Wisconsin	155,747
21	North Carolina	153,834	21	North Carolina	153,834
22	Arkansas	152,341	22	Arkansas	153,764
23	Minnesota	152,331	23	Vermont	152,949
24	Texas	148,073	24	Montana	152,935
25	Connecticut (l)	147,088	25	Georgia	146,214
26	Oklahoma	147,088	26	Idaho	140,784
27	Missouri	146,005	27	Florida	139,566
28	Wisconsin	142,110	28	Oklahoma	139,549
29	South Dakota	141,675	29	New Hampshire	139,544
30	Florida	139,566	30	Rhode Island (g)	137,015
31	Arizona	138,683	31	Kentucky	135,925
32	Nevada	138,412	32	Maine	134,024
33	Montana	136,581	33	Ohio	130,462
34	Delaware	136,056	34	Iowa	129,930
35	Kentucky	135,925	35	South Dakota	127,598
36	Wyoming	132,776	36	Minnesota	127,386
37	Nebraska	130,910	37	Missouri	125,390
38	Georgia	130,264	38	Louisiana	120,822
39	Kansas	129,227	39	Michigan	118,101
40	North Dakota	127,707	40	Indiana	115,910
41	Alaska	124,521	41	Connecticut (l)	115,569
42	Louisiana	120,822	42	Mississippi	114,476
43	New Hampshire	118,049	43	Colorado	113,127
44	Iowa	108,437	44	Kansas	103,908
45	Alabama	103,054	45	Nebraska	99,809
46	West Virginia	99,809	46	New Mexico	99,809
47	South Carolina	96,665	47	West Virginia	99,809
48	Mississippi	94,556	48	South Carolina	96,665
49	New Mexico	88,489	49	Arizona	94,556
			50	Oregon	86,382
	Rhode Island				
	Median	147,088		Median	143,499

2022 The Book of the States compensation was aged by 2.5% each year to 2024.

**THE COUNCIL OF STATE GOVERNMENTS - THE BOOK OF THE STATES 2022
EXECUTIVE BRANCH**

<i>Rank</i>	<i>State</i>	<i>Budget</i>	<i>Rank</i>	<i>State</i>	<i>Commerce</i>
1	Texas	299,428	1	Arizona	294,175
2	North Carolina	257,982	2	South Carolina	264,758
3	Georgia	236,391	3	Louisiana	249,523
4	New York	231,138	4	Rhode Island (g)	244,573
5	Rhode Island (g)	209,908	5	North Carolina	219,572
6	Maryland	209,458	6	Maryland	208,130
7	Oregon	202,867	7	Oregon	205,944
8	Michigan	197,065	8	Washington	197,547
9	North Dakota	196,753	9	Virginia	194,961
10	Ohio	196,481	10	Wyoming	194,366
11	Colorado	193,513	11	Michigan	187,680
12	Hawaii	188,400	12	New York	183,859
13	Tennessee	187,398	13	Hawaii	179,436
14	Connecticut (l)	186,639	14	Illinois	179,027
15	Pennsylvania	183,082	15	Alabama	177,663
16	Illinois	182,809	16	North Dakota	177,551
17	Alaska	182,022	17	Utah	168,814
18	Massachusetts	181,241	18	Montana	168,100
19	Utah	168,814	19	Arkansas	168,052
20	Florida	165,999	20	Ohio	166,498
21	Delaware	163,782	21	Vermont	162,281
22	New Jersey	163,110	22	Pennsylvania	160,949
23	Idaho	162,084	23	Idaho	156,336
24	South Dakota	160,300	24	Minnesota	152,331
25	Indiana	158,255	25	Nevada	151,058
26	Louisiana	153,932	26	Alaska	148,306
27	South Carolina	152,074	27	Oklahoma	148,138
28	Nevada	151,058	28	Kentucky	142,885
29	Vermont	150,851	29	Georgia	141,834
30	Arkansas	150,724	30	New Hampshire	135,598
31	Kansas	147,088	31	West Virginia	99,809
32	Alabama	146,318	32	Mississippi	94,556
33	Wisconsin	144,973	33	Connecticut (l)	15,759
34	Arizona	143,410		California	
35	Wyoming	143,261		Colorado	
36	Kentucky	142,885		Delaware	
37	Nebraska	141,834		Florida	
38	New Hampshire	139,852		Indiana	
39	Missouri	137,962		Iowa	
40	Montana	136,581		Kansas	
41	Oklahoma	136,581		Maine	
42	Maine	136,559		Massachusetts	
43	West Virginia	108,214		Missouri	
44	New Mexico	102,068		Nebraska	
	California			New Jersey	
	Iowa			New Mexico	
	Minnesota			South Dakota	
	Mississippi			Tennessee	
	Virginia			Texas	
	Washington			Wisconsin	
	Median	162,597		Median	168,814

2022 The Book of the States compensation was aged by 2.5% each year to 2024.

**THE COUNCIL OF STATE GOVERNMENTS - THE BOOK OF THE STATES 2022
EXECUTIVE BRANCH**

<i>Rank</i>	<i>State</i>	<i>Comptroller</i>	<i>Rank</i>	<i>State</i>	<i>Corrections</i>
1	Tennessee	233,504	1	California	309,716
2	New York	220,631	2	Texas	289,448
3	Virginia	200,005	3	Nebraska	274,069
4	Massachusetts	194,009	4	South Carolina	262,656
5	North Carolina	192,353	5	Oregon	238,420
6	New Jersey	183,859	6	Washington	224,943
7	California	183,694	7	New York	213,633
8	Hawaii	179,436	8	Virginia	213,315
9	Rhode Island (g)	174,386	9	North Carolina	204,958
10	Pennsylvania	170,978	10	Arizona	204,872
11	Arkansas	169,399	11	Michigan	197,065
12	Michigan	169,385	12	Oklahoma	194,366
13	Alabama	169,112	13	Maryland	190,078
14	Colorado	164,591	14	Colorado	189,491
15	Texas	161,534	15	Illinois	189,113
16	Delaware	160,313	16	Indiana	188,938
17	Nebraska	157,825	17	Florida	183,859
18	Maryland	157,068	18	New Jersey	183,859
19	New Mexico	152,971	19	Tennessee	180,439
20	Vermont	150,851	20	Hawaii	179,436
21	Illinois	148,769	21	Pennsylvania	179,046
22	Arizona	147,224	22	Ohio	178,911
23	New Hampshire	142,347	23	Alabama	178,458
24	Montana	136,749	24	Idaho	178,211
25	Maine	136,559	25	Massachusetts	177,945
26	Georgia	131,328	26	North Dakota	176,808
27	Oklahoma	131,328	27	Connecticut (l)	175,980
28	Missouri	128,094	28	Georgia	171,462
29	Wisconsin	125,240	29	Utah	168,814
30	Idaho	123,508	30	New Mexico	166,356
31	Nevada	118,155	31	Rhode Island (g)	163,110
32	South Dakota	116,843	32	Delaware	162,983
33	Connecticut (l)	115,569	33	Arkansas	162,172
34	Kentucky	113,768	34	Iowa	162,111
35	Kansas	113,730	35	Wisconsin	160,488
36	South Carolina	96,665	36	Maine	160,423
	Alaska		37	Wyoming	158,254
	Florida		38	Louisiana	158,005
	Indiana		39	Minnesota	157,596
	Iowa		40	Montana	151,332
	Louisiana		41	Nevada	151,058
	Minnesota		42	Alaska	148,306
	Mississippi		43	New Hampshire	147,569
	North Dakota		44	Kansas	147,088
	Ohio		45	Missouri	146,009
	Oregon		46	Vermont	142,045
	Utah		47	Mississippi	138,683
	Washington		48	South Dakota	138,402
	West Virginia		49	Kentucky	131,328
	Wyoming		50	West Virginia	94,556
	Median	155,020		Median	177,376

2022 The Book of the States compensation was aged by 2.5% each year to 2024.

**THE COUNCIL OF STATE GOVERNMENTS - THE BOOK OF THE STATES 2022
EXECUTIVE BRANCH**

<i>Rank</i>	<i>State</i>	<i>Economic Development</i>	<i>Rank</i>	<i>State</i>	<i>Health</i>
1	Louisiana	249,523	1	North Dakota	357,221
2	New Jersey	236,391	2	Washington	324,643
3	Nebraska	219,258	3	Alabama	315,709
4	Texas	211,176	4	Ohio	300,479
5	Maryland	208,130	5	Texas	284,807
6	Georgia	198,253	6	Nebraska	278,943
7	Rhode Island (g)	194,366	7	Louisiana	262,656
8	Mississippi	189,113	8	Virginia	260,776
9	Tennessee	188,785	9	North Carolina	258,793
10	South Dakota	188,272	10	Oregon	238,420
11	Massachusetts	187,178	11	New York	231,138
12	Hawaii	179,436	12	Mississippi	225,884
13	Pennsylvania	170,095	13	Kentucky	223,508
14	Utah	168,814	14	Connecticut (l)	222,916
15	Florida	168,100	15	Indiana	217,444
16	Arkansas	168,052	16	Georgia	207,609
17	Colorado	167,732	17	Maryland	205,348
18	New Mexico	166,356	18	Arkansas	201,519
19	Ohio	165,449	19	Tennessee	197,131
20	Iowa	162,111	20	Michigan	197,065
21	Maine	160,423	21	Maine	195,716
22	Minnesota	157,596	22	Illinois	189,113
23	Kansas	157,594	23	Massachusetts	187,178
24	Kentucky	142,885	24	Delaware	184,427
25	North Carolina	141,135	25	New Jersey	183,859
26	North Dakota	140,069	26	Hawaii	179,436
27	Missouri	135,669	27	Pennsylvania	179,046
28	Vermont	134,112	28	Arizona	178,606
	Alabama		29	Vermont	175,982
	Alaska		30	Montana	173,353
	Arizona		31	Utah	169,863
	California		32	Missouri	167,013
	Connecticut (l)		33	West Virginia	163,655
	Delaware		34	Wisconsin	160,488
	Idaho		35	Minnesota	157,596
	Illinois		36	Kansas	157,594
	Indiana		37	Oklahoma	157,594
	Michigan		38	New Hampshire	151,797
	Montana		39	Rhode Island (g)	150,239
	Nevada		40	Alaska	148,306
	New Hampshire		41	South Dakota	146,383
	New York		42	Wyoming	137,670
	Oklahoma		43	New Mexico	119,771
	Oregon			California	
	South Carolina			Colorado	
	Virginia			Florida	
	Washington			Idaho	
	West Virginia			Iowa	
	Wisconsin			Nevada	
	Wyoming			South Carolina	
	Median	168,457		Median	189,113

2022 The Book of the States compensation was aged by 2.5% each year to 2024.

**THE COUNCIL OF STATE GOVERNMENTS - THE BOOK OF THE STATES 2022
EXECUTIVE BRANCH**

<i>Rank</i>	<i>State</i>	<i>Labor</i>	<i>Rank</i>	<i>State</i>	<i>Natural Resources</i>
1	California	238,680	1	California	238,680
2	New York	215,378	2	New York	231,138
3	Texas	210,644	3	Virginia	194,961
4	Maryland	198,019	4	Colorado	189,491
5	Washington	197,547	5	Ohio	188,723
6	Virginia	194,961	6	Tennessee	188,028
7	Colorado	189,491	7	Michigan	187,680
8	Michigan	187,680	8	Arizona	183,859
9	Massachusetts	187,178	9	Georgia	183,859
10	New Jersey	183,859	10	Nebraska	182,179
11	Tennessee	180,439	11	Maryland	180,134
12	Hawaii	179,436	12	Hawaii	179,436
13	Rhode Island (g)	179,132	13	South Carolina	175,979
14	Pennsylvania	179,046	14	Utah	171,918
15	Arkansas	171,131	15	Pennsylvania	170,095
16	Connecticut (l)	170,721	16	Illinois	167,680
17	Utah	168,814	17	North Carolina	167,187
18	Idaho	166,629	18	New Mexico	166,356
19	New Mexico	166,356	19	Connecticut (l)	164,440
20	Maine	160,423	20	Minnesota	162,838
21	Arizona	157,594	21	Vermont	161,953
22	Illinois	156,333	22	Washington	160,746
23	Wisconsin	154,151	23	Wisconsin	160,488
24	North Carolina	153,834	24	Maine	160,423
25	Minnesota	152,331	25	Nevada	151,058
26	South Carolina	150,828	26	Alaska	148,306
27	Missouri	150,546	27	Indiana	146,780
28	Nebraska	150,476	28	Idaho	146,109
29	Louisiana	149,693	29	Missouri	146,005
30	Alaska	148,306	30	Delaware	142,855
31	Ohio	146,152	31	Louisiana	141,181
32	Vermont	143,706	32	Montana	136,581
33	Kentucky	142,885	33	Mississippi	135,895
34	Kansas	141,834	34	Iowa	135,415
35	South Dakota	141,675	35	Wyoming	131,598
36	Montana	136,581	36	Kansas	129,227
37	Delaware	136,056	37	Arkansas	122,923
38	Indiana	134,858	38	New Jersey	119,418
39	New Hampshire	132,701	39	New Hampshire	119,147
40	Georgia	129,002	40	Kentucky	110,316
41	Iowa	117,744			
42	Nevada	115,790		Alabama	
43	North Dakota	111,490		Florida	
44	Oklahoma	110,371		Massachusetts	
45	West Virginia	89,303		North Dakota	
46	Oregon	80,898		Oklahoma	
				Oregon	
	Alabama			Rhode Island (g)	
	Florida			South Dakota	
	Mississippi			Texas	
	Wyoming			West Virginia	
	Median	153,992		Median	162,396

2022 The Book of the States compensation was aged by 2.5% each year to 2024.

**THE COUNCIL OF STATE GOVERNMENTS - THE BOOK OF THE STATES 2022
EXECUTIVE BRANCH**

<i>Rank</i>	<i>State</i>	<i>Personnel</i>	<i>Rank</i>	<i>State</i>	<i>Revenue</i>
1	Alabama	228,557	1	California	233,987
2	California	225,128	2	Oregon	216,206
3	Oregon	202,867	3	New York	215,378
4	Michigan	194,366	4	South Carolina	206,249
5	North Carolina	188,015	5	Louisiana	203,239
6	Massachusetts	186,759	6	Oklahoma	199,619
7	Virginia	183,977	7	Washington	197,547
8	Louisiana	183,871	8	Connecticut (l)	194,366
9	Nebraska	183,860	9	Virginia	190,830
10	New Jersey	183,859	10	Massachusetts	186,733
11	Tennessee	180,439	11	Colorado	183,969
12	New York	180,035	12	Georgia	183,859
13	Hawaii	179,436	13	Nebraska	183,412
14	Maryland	174,660	14	Tennessee	182,557
15	Arizona	173,353	15	Hawaii	179,436
16	Colorado	173,353	16	Illinois	179,027
17	Connecticut (l)	173,353	17	Arizona	178,606
18	Rhode Island (g)	173,190	18	Alabama	178,253
19	Washington	171,739	19	North Carolina	173,345
20	Pennsylvania	169,436	20	Ohio	172,092
21	Utah	168,814	21	Pennsylvania	170,095
22	New Mexico	166,356	22	Indiana	166,670
23	Idaho	157,604	23	New Mexico	166,356
24	Mississippi	152,341	24	Florida	163,404
25	South Carolina	152,074	25	Minnesota	162,838
26	North Dakota	149,609	26	Iowa	162,111
27	Alaska	149,331	27	Wisconsin	160,488
28	Indiana	145,703	28	Maryland	156,080
29	Arkansas	144,398	29	New Jersey	154,652
30	Vermont	143,706	30	Michigan	153,213
31	Kentucky	142,885	31	Arkansas	153,015
32	Delaware	142,855	32	Mississippi	152,341
33	South Dakota	141,675	33	Idaho	151,943
34	Ohio	139,859	34	Nevada	151,058
35	Georgia	138,683	35	Missouri	150,833
36	Wisconsin	138,307	36	Utah	150,742
37	Oklahoma	137,632	37	Maine	150,174
38	Maine	136,559	38	Alaska	148,306
39	Wyoming	132,379	39	New Hampshire	147,148
40	Iowa	130,987	40	Vermont	143,706
41	Missouri	128,094	41	South Dakota	141,675
42	Nevada	127,101	42	Delaware	139,996
43	Montana	126,529	43	Montana	136,581
44	Florida	121,200	44	Wyoming	136,581
45	Kansas	107,484	45	Kansas	129,227
46	West Virginia	91,930	46	North Dakota	127,981
			47	Kentucky	120,822
			48	West Virginia	99,809
	Illinois				
	Minnesota				
	New Hampshire			Rhode Island (g)	
	Texas			Texas	
	Median	154,972		Median	163,121

2022 The Book of the States compensation was aged by 2.5% each year to 2024.

**THE COUNCIL OF STATE GOVERNMENTS - THE BOOK OF THE STATES 2022
EXECUTIVE BRANCH**

<i>Rank</i>	<i>State</i>	<i>Social Services</i>	<i>Rank</i>	<i>State</i>	<i>Transportation</i>
1	Arkansas	301,574	1	Georgia	472,781
2	Virginia	266,371	2	Texas	361,415
3	Nebraska	262,655	3	South Carolina	313,086
4	Indiana	249,084	4	Missouri	276,845
5	Oklahoma	247,548	5	Arkansas	255,817
6	Texas	247,422	6	Connecticut (l)	252,150
7	Oregon	238,420	7	North Carolina	246,422
8	Washington	236,781	8	Oregon	238,420
9	California	236,298	9	Idaho	236,821
10	New York	231,138	10	New York	231,138
11	North Dakota	228,549	11	Washington	224,943
12	Arizona	225,884	12	California	219,686
13	Connecticut (l)	222,916	13	Florida	210,125
14	North Carolina	212,042	14	Maryland	209,459
15	Idaho	208,433	15	Louisiana	204,435
16	Maryland	201,113	16	Alabama	203,323
17	Florida	199,619	17	Virginia	194,961
18	Michigan	197,065	18	Oklahoma	194,366
19	South Carolina	196,502	19	Colorado	189,491
20	Maine	195,716	20	Illinois	189,113
21	Georgia	194,812	21	North Dakota	188,441
22	Alabama	191,850	22	Massachusetts	187,178
23	Colorado	189,491	23	Michigan	184,000
24	Illinois	189,113	24	New Jersey	183,859
25	Tennessee	180,439	25	Tennessee	180,439
26	Hawaii	179,436	26	Utah	180,374
27	Pennsylvania	179,046	27	Hawaii	179,436
28	Mississippi	179,027	28	Pennsylvania	179,046
29	Massachusetts	178,426	29	Ohio	172,092
30	Kansas	172,303	30	Indiana	170,727
31	Utah	168,814	31	Mississippi	168,100
32	Missouri	167,012	32	Nebraska	168,100
33	New Mexico	166,356	33	New Mexico	166,356
34	Minnesota	162,838	34	Wyoming	165,999
35	Vermont	162,281	35	Rhode Island (g)	162,847
36	Iowa	162,111	36	Minnesota	162,838
37	South Dakota	153,630	37	Vermont	162,281
38	Nevada	151,058	38	Iowa	162,111
39	Wisconsin	150,567	39	Wisconsin	160,488
40	Louisiana	150,234	40	Maine	160,423
	Alaska		41	Arizona	157,594
	Delaware		42	Alaska	156,955
	Kentucky		43	Delaware	153,534
	Montana		44	Nevada	151,058
	New Hampshire		45	New Hampshire	146,834
	New Jersey		46	Kentucky	142,885
	Ohio		47	South Dakota	141,675
	Rhode Island (g)		48	Montana	136,581
	West Virginia		49	West Virginia	126,075
	Wyoming		50	Kansas	123,842
	Median	195,264		Median	180,406

2022 The Book of the States compensation was aged by 2.5% each year to 2024.

Salary Table No. 2024-EX

Rates of Basic Pay for the Executive Schedule (EX)

Effective January 2024

Level	Rate
Level I	\$246,400
Level II	\$221,900
Level III	\$204,000
Level IV	\$191,900
Level V	\$180,000

The Further Consolidated Appropriations Act, 2024 (Public Law 118-47, March 23, 2024), continues the freeze on the payable pay rates for the Vice President and certain senior political appointees during calendar year 2024. Unless extended by new legislation, the pay freeze will end on the last day of the last pay period that begins in calendar year 2024 (i.e., January 11, 2025, for those on the standard biweekly payroll cycle.)

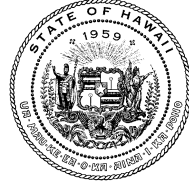
Federal Salary Increase History

Year	Senior Executive Service	Congress	Judicial
2024	4.7%	0%	4.6%
2023	4.1%	0%	4.1%
2022	2.2%	0%	2.2%
2021	1.0%	0%	1.0%
2020	4.0%	0%	4.0%
2019	1.4%	0%	1.4%
2018	1.4%	0%	1.4%
2017	1.0%	0%	1.0%
2016	1.0%	0%	1.0%
2015	1.0%	0%	1.0%
2014	1.0%	0%	14.3% *
2013	0.0%	0%	0.0%
2012	0.0%	0%	0.0%
2011	0.0%	0%	0.0%
2010	1.5%	0%	0.0%
2009	2.8%	2.8%	2.8%
2008	2.5%	2.5%	2.5%
Average	1.7%	0.3%	2.4%

* These salary levels reflect two separate adjustments. *Beer v. United States*, 696 F.3d 1174 (Fed. Cir. 2012), *cert. denied*, 133 S.Ct. 1997, held that the denial of certain cost-of-living adjustments for judges was an unconstitutional deprivation of judicial compensation in violation of the Compensation Clause and that a 2001 amendment that barred judges from receiving additional compensation except as Congress specifically authorized did not override the provisions of the Ethics Reform Act of 1989, Pub. L. No. 101-194. In an order filed on December 10, 2013, in *Barker v. United States*, No. 12-826 (Fed. Cl. filed Nov. 30, 2012), this holding was applied to other Article III judges, effective that date. As directed by these decisions, the salaries were reset to include the missed adjustments, resulting in the salaries of circuit judges set at \$209,100, district judges at \$197,100, the Chief Justice at \$253,000 and the Associate Justices at \$242,000. These salary levels were then further adjusted by the one percent cost-of-living adjustment provided to nearly all federal government employees and officials, in accordance with Executive Order No. 13655 (Dec. 23, 2013), effective January 1, 2014.

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR



COUNCIL ON REVENUES

STATE OF HAWAII
P.O. BOX 259
HONOLULU, HAWAII 96809-0259

September 10, 2024

KURT KAWAFUCHI
CHAIR

Kristi L. Maynard
VICE-CHAIR

MEMBERS:

Carl S. Bonham
Wendell Lee
Scott Hayashi
Mike Hamasu
Regina Ostergaard-Klem

The Honorable Josh Green, M.D.
Governor, State of Hawaii
Executive Chambers
State Capitol, Fifth Floor
Honolulu, HI 96813

Dear Governor Green:

The Council on Revenues held a meeting to forecast revenue growth for the General Fund on September 5th, 2024. While the Council expects relatively solid economic growth for the current and subsequent fiscal years, it lowered its forecast because of the significant tax relief legislation passed in the 2024 Legislature. The Council lowered its forecast to 3.5% from 4.8% for Fiscal Year (FY) 2025, 2.2% from 4.5% for FY 2026, 3.5% from 4.0% for FY 2027, 3.1% from 3.5% for FY 2028, 3.1% from 3.5% for FY 2029, 1.9% from 3.5% for FY 2030, and 3.1% for FY 2031.

The downward revision for all years accounts for the significant tax relief legislation and the revenue loss expected from laws passed by the 2024 Legislature. Act 46, SLH incrementally decreases the State's income tax burden over a seven-year period. Act 47, SLH 2024 reduces GET collections through its exemption of medical and dental services paid with Medicare, Medicaid, and TRICARE. The revenue impacts of both laws are incorporated in the Council's forecast. See below for the expected revenue impacts of each law.

A recovery of tourists on the island of Maui in the wake of the 2023 fires, an expected gradual return of Japanese visitors, a strong construction outlook, and the stimulative effects coming from the anticipated cuts to the Federal Reserve's benchmark rate make for a more favorable economic outlook for the State in the coming years. The Council believes these developments will provide a temporary boost to revenue growth in FY 2025 and FY 2026. After which, revenue growth will gradually revert to its long-term average rate.

The new forecasts for the State General Fund tax revenues FY 2025 through FY 2031 are shown in the table below.

General Fund Tax Revenues

Fiscal Year	Amount (in Thousands of Dollars)	Growth From Previous Year
2025	\$9,902,112	3.5%
2026	\$10,124,452	2.2%
2027	\$10,480,070	3.5%
2028	\$10,807,947	3.1%
2029	\$11,148,146	3.1%
2020	\$11,365,525	1.9%
2031	\$11,723,481	3.1%

The Council adopted specific adjustments recommended by the Department of Taxation to reflect effects on General Fund tax revenues due to tax law changes enacted by the 2024 Legislature, including the following:

- Act 46, SLH 2024 increases the standard deduction amounts, with amendments taking effect in tax years 2024, 2026, 2028, 2030, and 2031. The act also amends the income tax brackets by increasing the income limits in each bracket, with amendments taking effect in tax years 2025, 2027, and 2029. The estimated revenue impact assumes the adjustment of the withholding tables on wages beginning January 1, 2025. The law became effective January 1, 2024. The estimated loss to the General Fund is \$240.3 million in FY 2025, \$596.6 million in FY 2026, \$740.1 million in FY 2027, \$922.7 million in FY 2028, \$1,052.6 million in FY 2029, \$1,262.3 million in FY 2030, \$1,347.5 million in FY 2031, and \$1,453.2 million in FY 2032.
- Act 47, SLH 2024 exempts medical services health care providers provide to patients who receive Medicaid, Medicare, or TRICARE benefits from the general excise tax. The exemption applies to taxable years beginning January 1, 2026. The estimated loss to the General Fund is \$33.6 million in FY 2026, \$77.5 million in FY 2027, \$81.0 million in FY 2028, \$84.5 million in FY 2029, \$88.2 million in FY 2030, and \$92.1 million in FY 2031.

Please advise us if we can be of further assistance or if we can answer any questions.

Very truly yours,



KURT KAWAFUCHI
Chair, Council on Revenues

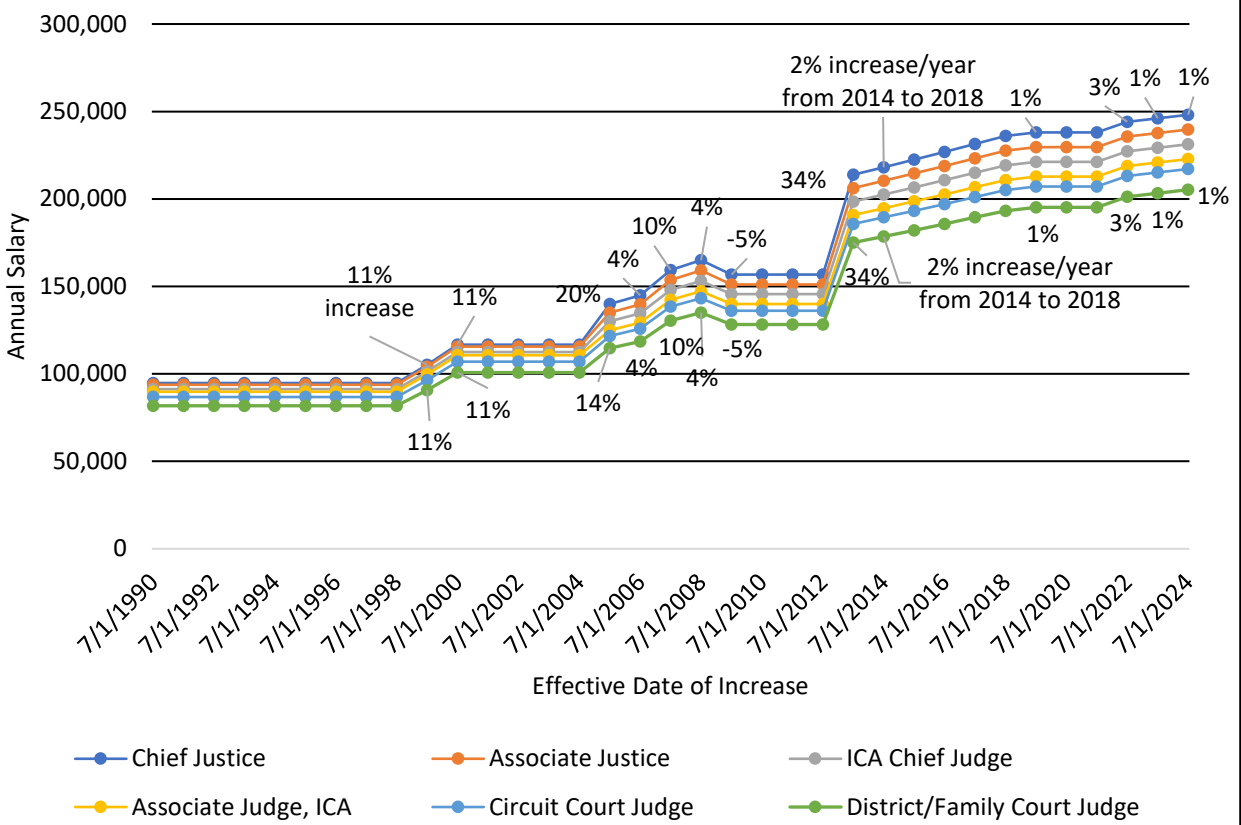
2024 Judicial Compensation

Position	Hawai'i	Median of State Jurisdictions		Federal	
District Judge	205,296			243,300	-16%
Circuit Judge	217,104	183,006	19%	257,900	-16%
Associate Judge, Intermediate Court of Appeals	222,804	200,062	11%		
Associate Justice, Court of Last Resort	239,688	203,625	18%	298,500	-20%
Chief Justice	248,124			312,200	-21%

Hawai'i Judicial Salaries from 1990

	Chief Justice		Associate Justice		ICA Chief Judge		Associate Judge, ICA		Circuit Court Judge		District/Family Court Judge	
1/1/1990	94,780		93,780		91,280		89,780		86,780		81,780	
7/1/1990		0%		0%		0%		0%		0%		0%
7/1/1991		0%		0%		0%		0%		0%		0%
7/1/1992		0%		0%		0%		0%		0%		0%
7/1/1993		0%		0%		0%		0%		0%		0%
7/1/1994		0%		0%		0%		0%		0%		0%
7/1/1995		0%		0%		0%		0%		0%		0%
7/1/1996		0%		0%		0%		0%		0%		0%
7/1/1997		0%		0%		0%		0%		0%		0%
7/1/1998		0%		0%		0%		0%		0%		0%
7/1/1999	105,206	11%	104,096	11%	101,321	11%	99,656	11%	96,326	11%	90,776	11%
7/1/2000	116,779	11%	115,547	11%	112,466	11%	110,618	11%	106,922	11%	100,761	11%
7/1/2001		0%		0%		0%		0%		0%		0%
7/1/2002		0%		0%		0%		0%		0%		0%
7/1/2003		0%		0%		0%		0%		0%		0%
7/1/2004		0%		0%		0%		0%		0%		0%
7/1/2005	140,000	20%	135,000	17%	130,000	16%	125,000	13%	121,600	14%	114,600	14%
7/1/2006	144,900	4%	139,725	4%	134,550	4%	129,375	4%	125,856	4%	118,611	4%
7/1/2007	159,396	10%	153,696	10%	148,008	10%	142,308	10%	138,444	10%	130,476	10%
7/1/2008	164,976	4%	159,072	3%	153,192	4%	147,288	3%	143,292	4%	135,048	4%
7/1/2009	156,732	-5%	151,116	-5%	145,536	-5%	139,920	-5%	136,128	-5%	128,292	-5%
7/1/2010		0%		0%		0%		0%		0%		0%
7/1/2011		0%		0%		0%		0%		0%		0%
7/1/2012		0%		0%		0%		0%		0%		0%
7/1/2013	213,840	34%	206,184	34%	198,588	34%	190,908	34%	185,736	34%	175,032	34%
7/1/2014	218,112	2%	210,312	2%	202,560	2%	194,724	2%	189,456	2%	178,536	2%
7/1/2015	222,480	2%	214,524	2%	206,616	2%	198,624	2%	193,248	2%	182,112	2%
7/1/2016	226,932	2%	218,820	2%	210,744	2%	202,596	2%	197,112	2%	185,760	2%
7/1/2017	231,468	2%	223,200	2%	214,956	2%	206,652	2%	201,060	2%	189,480	2%
7/1/2018	236,100	2%	227,664	2%	219,252	2%	210,780	2%	205,080	2%	193,272	2%
7/1/2019	238,104	1%	229,668	1%	221,256	1%	212,784	1%	207,084	1%	195,276	1%
7/1/2020		0%		0%		0%		0%		0%		0%
7/1/2021		0%		0%		0%		0%		0%		0%
7/1/2022	244,116	3%	235,680	3%	227,268	3%	218,796	3%	213,096	3%	201,288	3%
7/1/2023	246,120	1%	237,684	1%	229,272	1%	220,800	1%	215,100	1%	203,292	1%
7/1/2024	248,124	1%	239,688	1%	231,276	1%	222,804	1%	217,104	1%	205,296	1%

Hawai'i Judicial Salaries from 1990



Judicial Compensation

Find out how much federal judges are paid currently and since 1968.

Year	District Judges	Circuit Judges	Associate Justices	Chief Justice
2024	\$243,300	\$257,900	\$298,500	\$312,200
2023	\$232,600	\$246,600	\$285,400	\$298,500
2022	\$223,400	\$236,900	\$274,200	\$286,700
2021	\$218,600	\$231,800	\$268,300	\$280,500
2020	\$216,400	\$229,500	\$265,600	\$277,700
2019	\$210,900	\$223,700	\$258,900	\$270,700
2018	\$208,000	\$220,600	\$255,300	\$267,000
2017	\$205,100	\$217,600	\$251,800	\$263,300
2016	\$203,100	\$215,400	\$249,300	\$260,700
2015	\$201,100	\$213,300	\$246,800	\$258,100
2014 ¹	\$199,100	\$211,200	\$244,400	\$255,500
2013	\$174,000	\$184,500	\$213,900	\$223,500
2012	\$174,000	\$184,500	\$213,900	\$223,500
2011	\$174,000	\$184,500	\$213,900	\$223,500
2010	\$174,000	\$184,500	\$213,900	\$223,500
2009	\$174,000	\$184,500	\$213,900	\$223,500
2008	\$169,300	\$179,500	\$208,100	\$217,400
2007	\$165,200	\$175,100	\$203,000	\$212,100
2006	\$165,200	\$175,100	\$203,000	\$212,100
2005	\$162,100	\$171,800	\$199,200	\$208,100
2004	\$158,100	\$167,600	\$194,300	\$203,000
2003	\$154,700	\$164,000	\$190,100	\$198,600
2002	\$150,000	\$159,100	\$184,400	\$192,600

2001	\$145,100	\$153,900	\$178,300	\$186,300
2000	\$141,300	\$149,900	\$173,600	\$181,400
1999	\$136,700	\$145,000	\$167,900	\$175,400
1998	\$136,700	\$145,000	\$167,900	\$175,400
1997	\$133,600	\$141,700	\$164,100	\$171,500
1996	\$133,600	\$141,700	\$164,100	\$171,500
1995	\$133,600	\$141,700	\$164,100	\$171,500
1994	\$133,600	\$141,700	\$164,100	\$171,500
1993	\$133,600	\$141,700	\$164,100	\$171,500
1992	\$129,500	\$137,300	\$159,000	\$166,200
1991 ²	\$125,100	\$132,700	\$153,600	\$160,600
1990	\$96,600	\$102,500	\$118,600	\$124,000
1989	\$89,500	\$95,000	\$110,000	\$115,000
1988	\$89,500	\$95,000	\$110,000	\$115,000
1987 ³	\$89,500	\$95,000	\$110,000	\$115,000
1986	\$78,700	\$83,200	\$104,100	\$108,400
1985	\$78,700	\$83,200	\$104,100	\$108,400
1984	\$76,000	\$80,400	\$100,600	\$104,700
1983	\$73,100	\$77,300	\$96,700	\$100,700
1982	\$73,100	\$77,300	\$96,700	\$100,700
1981	\$70,300	\$74,300	\$93,000	\$96,800
1980	\$67,100	\$70,900	\$88,700	\$92,400
1979 ⁴	\$61,500	\$65,000	\$81,300	\$84,700
1978	\$54,500	\$57,500	\$72,000	\$75,000
1977 ⁵	\$54,500	\$57,500	\$72,000	\$75,000
1976 ⁶	\$44,000	\$46,800	\$66,000	\$68,700
1975	\$42,000	\$44,600	\$63,000	\$65,600
1974	\$40,000	\$42,500	\$60,000	\$62,500

1973	\$40,000	\$42,500	\$60,000	\$62,500
1972	\$40,000	\$42,500	\$60,000	\$62,500
1971	\$40,000	\$42,500	\$60,000	\$62,500
1970	\$40,000	\$42,500	\$60,000	\$62,500
1969 ¹	\$40,000	\$42,500	\$60,000	\$62,500
1968	\$30,000	\$33,000	\$39,500	\$40,000

Explanatory Notes

Unless otherwise indicated, all increases were the result of annual salary adjustments, in accordance with 28 U.S.C. §§ 5, 44(d), 135, and/or 461.

¹ These salary levels reflect two separate adjustments. *Beer v. United States*, 696 F.3d 1174 (Fed. Cir. 2012), *cert. denied*, 133 S.Ct. 1997, held that the denial of certain cost-of-living adjustments for judges was an unconstitutional deprivation of judicial compensation in violation of the Compensation Clause and that a 2001 amendment that barred judges from receiving additional compensation except as Congress specifically authorized did not override the provisions of the Ethics Reform Act of 1989, Pub. L. No. 101-194. In an order filed on December 10, 2013, in *Barker v. United States*, No. 12-826 (Fed. Cl. filed Nov. 30, 2012), this holding was applied to other Article III judges, effective that date. As directed by these decisions, the salaries were reset to include the missed adjustments, resulting in the salaries of circuit judges set at \$209,100, district judges at \$197,100, the Chief Justice at \$253,000 and the Associate Justices at \$242,000. These salary levels were then further adjusted by the one percent cost-of-living adjustment provided to nearly all federal government employees and officials, in accordance with Executive Order No. 13655 (Dec. 23, 2013), effective January 1, 2014.

² These salary levels reflect two separate adjustments that both became effective on January 1, 1991: a 25 percent increase provided to judges and other senior government officials by the Ethics Reform Act of 1989, Pub. L. No. 101-194, § 703, 103 Stat. 1716, 1768; and a 3.6 percent cost-of-living adjustment for the 1991 fiscal year.

³ These salary levels reflect two separate adjustments. First, Public Law Number 99-500, § 406, provided a three percent cost-of-living adjustment for the Judiciary as of January 1, 1987, bringing the salaries of circuit judges to \$85,700, district judges (and other top government officials) to \$81,100, the Chief Justice to \$111,700, and the salaries of the Associate Justices to \$107,200. Then on January 5, 1987, President Reagan recommended to Congress further adjustment for justices, judges, and other executive level officers under the Federal Salary Act of 1967, as amended, 2 U.S.C. § 358, to the rates shown. These rates became effective March 1, 1987, following Congressional failure to effectively disapprove them.

⁴ *United States v. Will*, 449 U.S. 200 (1980), held that 1979 legislation violated the Compensation Clause of Article III in denying judges joint implementation of annual cost-of-living adjustments in 1978 and 1979.

⁵ These salary levels reflect varying percentage increases proposed and implemented under the Quadrennial Commission process, effective March 1, 1977.

⁶ Implementation of the 1976 annual cost-of-living adjustment, pursuant to *United States v. Will, supra*, holding that retroactive cancellation of the 1976 adjustment violated the Compensation Clause of Article III.

⁷ These salary levels reflect varying percentage increases proposed and implemented under the Quadrennial Commission process, effective March 1, 1969.

Salaries and Rankings - *Listed Alphabetically by Jurisdiction Name*

The table below lists the salaries and rankings for associate justices of the courts of last resort. Salaries are ranked from highest to lowest, with the highest salary for each position having a rank of "1." Salaries are as of July 1, 2024.

Court of Last Resort	Salary	Rank
California	\$291,094	1
Illinois	\$284,948	2
Florida	\$258,957	3
District of Columbia	\$257,900	4
New York	\$257,500	5
Pennsylvania	\$253,361	6
Washington	\$247,064	7
Virginia	\$243,842	8
Virgin Islands	\$241,091	9
Hawaii	\$239,688	10
Utah	\$235,300	11
New Mexico	\$232,606	12
Rhode Island	\$230,343	13
South Carolina	\$229,026	14
Tennessee	\$228,132	15
Maryland	\$226,433	16
New Jersey	\$226,292	17
Alaska	\$226,200	18
Massachusetts	\$226,187	19
Nebraska	\$225,055	20
Connecticut	\$222,545	21
Indiana	\$221,024	22
Delaware	\$218,684	23
Colorado	\$215,904	24
Minnesota	\$214,935	25
Missouri	\$205,965	26
Arizona	\$205,000	27
Arkansas	\$203,625	28
New Hampshire	\$197,945	29
North Carolina	\$197,802	30
Iowa	\$196,692	31
Wisconsin	\$196,102	32
Louisiana	\$194,427	33
South Dakota	\$194,241	34
Vermont	\$191,963	35
Alabama	\$189,353	36
Georgia	\$189,112	37
Oregon	\$188,208	38
Ohio	\$187,805	39
Wyoming	\$187,250	40
North Dakota	\$186,484	41
Texas	\$184,800	42
Michigan	\$181,483	43
Guam	\$177,000	44
Mississippi	\$173,800	45
Oklahoma	\$173,469	46
Maine	\$172,266	47
Kentucky	\$170,050	48
Nevada	\$170,000	49
Idaho	\$169,508	50
Kansas	\$168,598	51
Montana	\$162,503	52
Puerto Rico	\$153,519	53
West Virginia	\$149,600	54
Northern Mariana Islands	\$126,000	55
American Samoa	<i>No Response</i>	
Mean	\$207,249	16%
Median	\$203,625	18%
Range	\$126,000 to \$291,094	

Hawai'i vs. National

Source: National Center for State Courts, <https://www.ncsc.org/salarytracker>

Salaries and Rankings - *Listed Alphabetically by Jurisdiction Name*

The table below lists the salaries and rankings for associate judges of intermediate appellate courts. Salaries are ranked from highest to lowest, with the highest salary for each position having a rank of "1." Salaries are as of July 1, 2024.

Intermediate Appellate Court

	Salary	Rank
California	\$272,902	1
Illinois	\$268,190	2
New York	\$245,100	3
Pennsylvania	\$239,059	4
Washington	\$235,188	5
Virginia	\$225,325	6
Utah	\$224,600	7
South Carolina	\$223,300	8
Hawaii	\$222,804	9
New Mexico	\$220,979	10
Tennessee	\$220,548	11
Florida	\$218,939	12
New Jersey	\$215,546	13
Indiana	\$214,852	14
Massachusetts	\$213,924	15
Nebraska	\$213,803	16
Alaska	\$213,701	17
Maryland	\$213,633	18
Connecticut	\$209,046	19
Colorado	\$207,351	20
Minnesota	\$202,528	21
Arkansas	\$197,596	22
Arizona	\$190,000	23
North Carolina	\$189,621	24
Alabama	\$188,271	25
Missouri	\$188,267	26
Georgia	\$187,990	27
Michigan	\$186,310	28
Wisconsin	\$184,995	29
Oregon	\$184,584	30
Louisiana	\$182,007	31
Texas	\$178,400	32
Iowa	\$178,253	33
Ohio	\$175,045	34
Mississippi	\$168,467	35
Nevada	\$165,000	36
Oklahoma	\$164,339	37
Kentucky	\$163,292	38
Kansas	\$163,156	39
Idaho	\$161,508	40
West Virginia	\$142,500	41
Puerto Rico	\$139,563	42
American Samoa	<i>Not Applicable</i>	
Delaware	<i>Not Applicable</i>	
District of Columbia	<i>Not Applicable</i>	
Guam	<i>Not Applicable</i>	
Maine	<i>Not Applicable</i>	
Montana	<i>Not Applicable</i>	
New Hampshire	<i>Not Applicable</i>	
North Dakota	<i>Not Applicable</i>	
Northern Mariana Islands	<i>Not Applicable</i>	
Rhode Island	<i>Not Applicable</i>	
South Dakota	<i>Not Applicable</i>	
Vermont	<i>Not Applicable</i>	
Virgin Islands	<i>Not Applicable</i>	
Wyoming	<i>Not Applicable</i>	
Mean	\$200,011	11%
Median	\$200,062	11%
Range	\$139,563 to \$272,902	

Hawai'i vs. National

Salaries and Rankings - *Listed Alphabetically by Jurisdiction Name*

The table below lists the salaries and rankings for judges of general jurisdiction trial courts. Salaries are ranked from highest to lowest, with the highest salary for each position having a rank of "1." Salaries are as of July 1, 2024.

General Jurisdiction Court

	Salary	Rank
Illinois	\$246,099	1
District of Columbia	\$243,300	2
California	\$238,479	3
New York	\$232,600	4
Washington	\$223,913	5
Pennsylvania	\$219,933	6
South Carolina	\$217,574	7
Hawaii	\$217,104	8
Virgin Islands	\$213,992	9
Utah	\$213,900	10
Virginia	\$213,839	11
Tennessee	\$212,940	12
New Mexico	\$209,914	13
Alaska	\$209,157	14
Nebraska	\$208,176	15
Massachusetts	\$207,855	16
Rhode Island	\$207,384	17
Delaware	\$205,600	18
Maryland	\$204,433	19
New Jersey	\$204,167	20
Connecticut	\$201,023	21
Colorado	\$198,798	22
Florida	\$196,898	23
Arkansas	\$192,919	24
Minnesota	\$190,117	25
Georgia	\$187,796	26
New Hampshire	\$185,640	27
Indiana	\$183,513	28
Vermont	\$182,499	29
South Dakota	\$181,426	30
Arizona	\$180,000	31
Missouri	\$177,609	32
Louisiana	\$174,988	33
Wisconsin	\$174,512	34
Oregon	\$174,108	35
Michigan	\$172,135	36
Wyoming	\$171,200	37
North Dakota	\$171,113	38
North Carolina	\$169,125	39
Oklahoma	\$167,703	40
Iowa	\$165,959	41
Guam	\$165,114	42
Maine	\$161,470	43
Ohio	\$160,975	44
Nevada	\$160,000	45
Mississippi	\$158,000	46
Kentucky	\$156,565	47
Idaho	\$155,508	48
Texas	\$154,000	49
Alabama	\$151,482	50
Kansas	\$148,912	51
Montana	\$148,872	52
West Virginia	\$138,600	53
Puerto Rico	\$126,875	54
Northern Mariana Islands	\$120,000	55
American Samoa	\$68,675	56

Hawai'i vs. National

Mean	\$184,366	18%
Median	\$183,006	19%
Range	\$68,675 to \$246,099	

Source: National Center for State Courts, <https://www.ncsc.org/salarytracker>

Federal Salary Increase History

Year	Senior Executive Service	Congress	Judicial
2024	4.7%	0%	4.6%
2023	4.1%	0%	4.1%
2022	2.2%	0%	2.2%
2021	1.0%	0%	1.0%
2020	4.0%	0%	4.0%
2019	1.4%	0%	1.4%
2018	1.4%	0%	1.4%
2017	1.0%	0%	1.0%
2016	1.0%	0%	1.0%
2015	1.0%	0%	1.0%
2014	1.0%	0%	14.3% *
2013	0.0%	0%	0.0%
2012	0.0%	0%	0.0%
2011	0.0%	0%	0.0%
2010	1.5%	0%	0.0%
2009	2.8%	2.8%	2.8%
2008	2.5%	2.5%	2.5%
Average	1.7%	0.3%	2.4%

* These salary levels reflect two separate adjustments. *Beer v. United States*, 696 F.3d 1174 (Fed. Cir. 2012), *cert. denied*, 133 S.Ct. 1997, held that the denial of certain cost-of-living adjustments for judges was an unconstitutional deprivation of judicial compensation in violation of the Compensation Clause and that a 2001 amendment that barred judges from receiving additional compensation except as Congress specifically authorized did not override the provisions of the Ethics Reform Act of 1989, Pub. L. No. 101-194. In an order filed on December 10, 2013, in *Barker v. United States*, No. 12-826 (Fed. Cl. filed Nov. 30, 2012), this holding was applied to other Article III judges, effective that date. As directed by these decisions, the salaries were reset to include the missed adjustments, resulting in the salaries of circuit judges set at \$209,100, district judges at \$197,100, the Chief Justice at \$253,000 and the Associate Justices at \$242,000. These salary levels were then further adjusted by the one percent cost-of-living adjustment provided to nearly all federal government employees and officials, in accordance with Executive Order No. 13655 (Dec. 23, 2013), effective January 1, 2014.

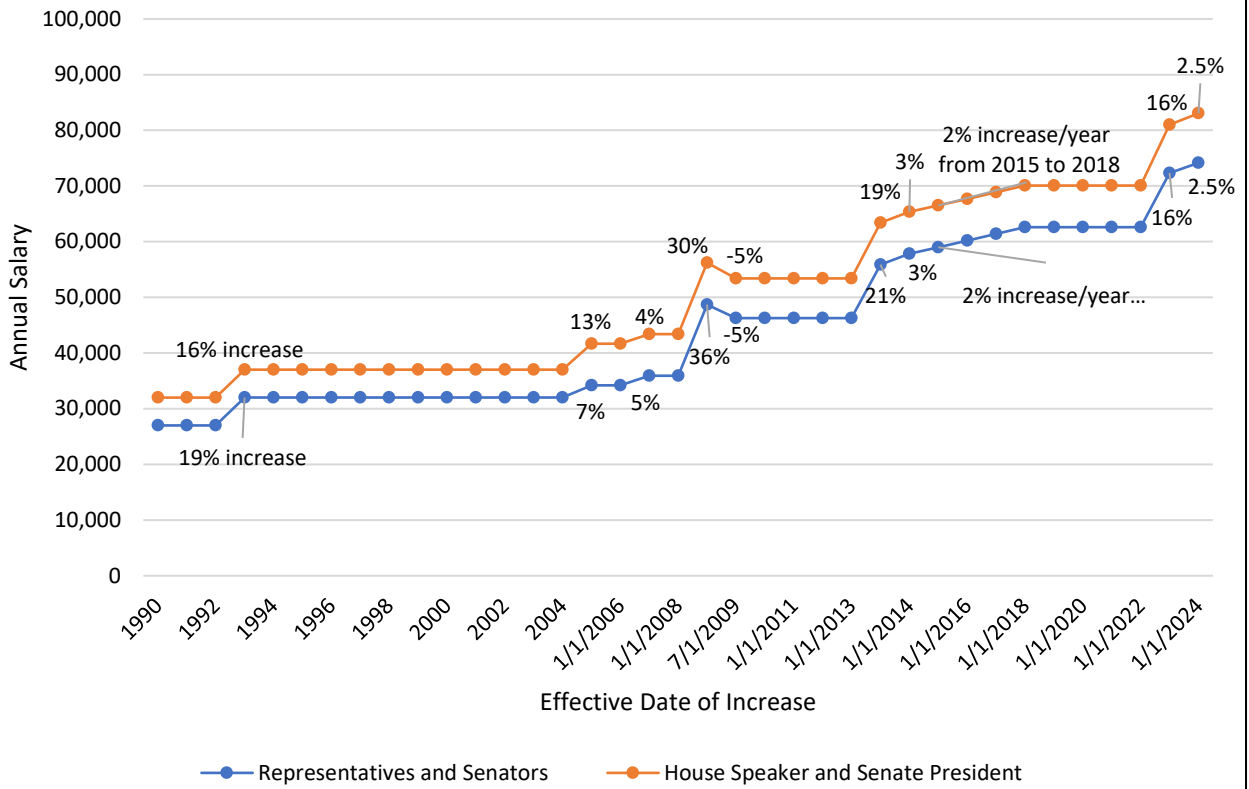
2024 Legislature Compensation

	State of Hawai'i	Median of States with Annual Salaries		Median of County Councils in Hawai'i		Federal (Congress)	
		Annual Salary	Hawai'i vs States	Annual Salary	State of Hawai'i vs County Councils	Annual Salary	Hawai'i vs Federal
Speaker/President/Chairperson	83,052	N/A		96,768	-14%	193,400	-57%
House/Senate/Council Members	74,160	40,535	83%	87,348	-15%	174,000	-57%

Legislative Salaries

	Representatives and Senators (5 mos)		12 mos Equiv.	House Speaker and Senate President (5 mos)		12 mos Equiv.
1990	27,000		64,800	32,000		76,800
1991						
1992						
1/1993	32,000	19%	76,800	37,000	16%	88,800
1994						
1995						
1996						
1997						
1998						
1999						
2000						
2001						
2002						
2003						
2004						
1/1/2005	34,200	7%	82,080	41,700	13%	100,080
1/1/2006						
1/1/2007	35,900	5%	86,160	43,400	4%	104,160
1/1/2008						
1/1/2009	48,708	36%	116,899	56,208	30%	134,899
7/1/2009	46,273	-5%	111,054	53,398	-5%	128,154
1/1/2010						
1/1/2011						
1/1/2012						
1/1/2013						
7/1/2013	55,896	21%	134,150	63,396	19%	152,150
1/1/2014	57,852	3%	138,845	65,352	3%	156,845
1/1/2015	59,004	2%	141,610	66,504	2%	159,610
1/1/2016	60,180	2%	144,432	67,680	2%	162,432
1/1/2017	61,380	2%	147,312	68,880	2%	165,312
1/1/2018	62,604	2%	150,250	70,104	2%	168,250
1/1/2019						
1/1/2020						
1/1/2021						
1/1/2022						
1/1/2023	72,348	16%	173,635	81,024	16%	194,458
1/1/2024	74,160	2.5%	177,984	83,052	2.5%	199,325

Legislative Salaries from 1990



COMPARISON OF LEGISLATIVE PAY RATES FOR STATE AND COUNTIES IN HAWAII
(AS OF JULY 1, 2024)

Jurisdiction	Job Count	Eff Date	Speaker/President/ Chairperson	% Diff	State House/Senate/ Council Members	% Diff
STATE	15,821¹	1/1/2024	83,052		74,160	
C&C HONOLULU	10,207 ²	7/1/2024	127,368	-35%	117,360	-37%
HAWAII	2,700 ³	7/1/2024	99,024	-16%	90,024	-18%
MAUI	2,700 ³	7/1/2024	86,336	-4%	80,299	-8%
KAUAI	1,300 ³	7/1/2024	94,512	-12%	84,672	-12%
		Median:	96,768	-14%	87,348	-15%

¹State of Hawaii, Department of Budget and Finance, The Operating and Capital Budget - Statewide Summaries, FY 24 Supplemental Operating Budget; Position ceiling totals under the administration of the Department of Human Resources Development, excluding University of Hawaii positions

²City and County of Honolulu, Executive Operating Budget and Program for the Fiscal Year 2023, Executive Agency Budget and FTE Comparison

³Department of Labor and Industrial Relations, Research & Economic Analysis, Current Employment Statistics, Job Count by Industry (CES), 2023 Annual Average

National Conference of State Legislatures

2024 Legislator Compensation and Legislative Session Calendar

RANK	STATE	BASE SALARY	PER DIEM	CONVENE	ADJOURN
1	New York	\$142,000	Members receive per diem, amounts not available.	Jan. 3	Meets throughout the year
2	California	\$128,215	\$214 per day.	Jan. 3	Aug. 31
3	Pennsylvania	\$106,422	\$185 per day.	Jan. 2	Nov. 30
4	Illinois	\$89,250	\$166 per day.	Jan. 10	Meets throughout the year
5	Alaska	\$84,000	\$307 per day.	Jan. 16	May 15
6	Hawaii	\$74,160	\$225 per day, but only non-Oahu legislators are eligible.	Jan. 17	May 3
7	Massachusetts	\$73,655	Members do not receive per diem.	Jan. 3	Meets throughout the year
8	Michigan	\$71,685	No per diem is paid. Legislators receive an expense allowance of \$10,800 per year for session and interim.	Jan. 10	Meets throughout the year
9	Ohio	\$71,099	Members do not receive per diem.	Jan. 2	Meets throughout the year
10	Washington	House \$61,997 Senate \$60,191	\$202 per day.	Jan. 8	March 7
11	Alabama	\$59,674	The per diem rate : 0-5 hours and 59 minutes from their base do not receive a per diem; 6-12 hours outside of their home receive \$12.75 per day; 12 hours away from their home base with no overnight receive \$34 per day.	Feb. 6	May 9
12	Wisconsin	\$57,408	For the House: The overnight rate is \$155.70 per day. The non-overnight rate is \$77.85 per day. For the Senate: Up to \$140 per day for days spent in Madison for state business. Dane County Senators are allowed half of that amount, or \$70 per day. Members can receive per diem outside of session.	Jan. 16	Meets throughout the year
13	Maryland	\$54,437	Lodging is \$115 per day and meals are \$63 per day.	Jan. 10	April 8
14	Minnesota	\$51,750	\$66 per day for House members. \$86 per day for Senate members.	Feb. 12	May 20
15	Delaware	\$50,678	Members do not receive per diem.	Jan. 9	June 30
16	New Jersey	\$49,000	Members do not receive per diem.	Jan. 9	Meets throughout the year
17	Oklahoma	\$47,500	\$174 per day.	Feb. 5	May 30
18	Arkansas	\$44,356	Within 50 miles of the Capitol - \$59 per day; 50 miles or more from the Capitol - \$166 per day.	April 10	May 9
19	Colorado	\$43,977 (term started in 2023) \$41,449 (term started in 2021)	Within 50 miles of the Capitol - \$45 per day; 50 miles or more from the Capitol - \$237 per day.	Jan. 10	May 8
20	Missouri	\$41,070	\$132.80 per day.	Jan. 3	May 30

RANK	STATE	BASE SALARY	PER DIEM	CONVENE	ADJOURN
21	Connecticut	\$40,000	Members do not receive per diem.	Feb. 7	May 8
22	Oregon	\$35,052	\$157 per day.	Feb. 5	March 7
23	Indiana	\$32,070	\$196 per day.	Jan. 8	March 14
24	Florida	\$29,697	\$175 per day up to the maximum of 60 days.	Jan. 9	March 8
25	Tennessee	\$28,406	\$326.47 per day. Legislators living within 50 miles of the Capitol receive a reduced amount of \$47 per day.	Jan. 9	April 25
26	Iowa	\$25,000	\$175 per day for legislators living outside of Polk County. \$133.50 per day for legislators who live within Polk County.	Jan. 8	April 20
27	Georgia	\$24,342	\$247 per day.	Jan. 8	March 28
28	Arizona	\$24,000	Maricopa County receive \$35 per day; Outside Maricopa County receive \$251.66 per day.	Jan. 8	June 15
29	Mississippi	\$23,500	\$166 per day for Senate members. \$157 per day for House members if present on roll call. .	Jan. 2	May 14
30	West Virginia	\$20,000	Members who commute daily receive \$75 per day. Members who do not commute daily receive \$175 per day.	Jan. 10	March 9
31	Idaho	\$19,913	Within 50 miles of the Capitol - \$74 per day; more than 50 miles from the Capitol - \$221 per day.	Jan. 8	April 10
32	Rhode Island	\$19,037	Members do not receive per diem.	Jan. 2	June 30
33	Virginia	Virginia Assembly \$17,640 Senators \$18,000	\$213 per day	Jan. 10	March 9
34	Louisiana	\$16,800 + \$6,000 unvouchered expense = \$22,800	\$166 per day	March 11	June 3
35	Maine	\$16,245.12 first legislative session \$11,668.32 second legislative session.	The session per diem rate for state legislators is \$70 per day for lodging, or, in lieu of lodging, round-trip mileage at the lower of \$0.55 per mile or the federal standard mileage rate, plus actual tolls and \$50 per day for meals.	Jan. 3	May 10
36	North Carolina	\$13,951	\$104 per day.	April 24	Meets throughout the year
37	South Dakota	\$13,436	\$166 per day for legislators who reside more than 50 miles away from the Capitol. .	Jan. 9	March 26
38	Nebraska	\$12,000	Within 50 miles of the Capitol - \$55 per day; 50 miles or more from the Capitol - \$151 per day.	Jan. 3	April 18
39	South Carolina	\$10,400	\$231 per day.	Jan. 9	May 9
40	Texas	\$7,200	\$221.00 per day.	No regular session in 2024	
	New Hampshire	\$100	Members do not receive per diem.	Jan. 3	June 13
	North Dakota	\$592/month	\$213 per day	No regular session in 2025	
	Vermont	\$843.32/wk	Members do not receive per diem during session. Members can receive per diem outside of session at a rate of \$168.66 per day.	Jan. 3	May 11
	Utah	\$293.55/ legislative day.	The maximum reimbursement for lodging is the current General Services Administration rate (\$139 in 2024). Meal reimbursement is up to \$13 for breakfast, \$15 for lunch and \$26 for dinner.	Jan. 16	March 1

RANK	STATE	BASE SALARY	PER DIEM	CONVENE	ADJOURN
	Kentucky	\$203.28 per calendar day during session	\$182.60 per day to cover all expenses.	Jan. 2	April 15
	Wyoming	\$150/day	\$109 per day.	Feb. 12	March 8
	Nevada	\$130/day the legislature is in session.	Members receive per diem, amounts not available.	No regular session in 2024	
	Montana	\$104.86/ legislative day and on committee days during the interim.	\$171 per day.	No regular session in 2024	
	Kansas	\$88.66/day legislative day and on committee days during the interim.	\$166 per day, based on the federal rate.	Jan. 8	April 30
	New Mexico	None	\$191 per day.	Jan. 16	Feb. 15

District of Columbia	161,233
U.S. Virgin Islands	85,000
Puerto Rico	73,775
Guam	55,677
Northern Mariana Islands	32,000

2024 U.S. CONGRESS SALARIES

Position	Salary
Speaker of the House	\$223,500
President pro tempore of the Senate	\$193,400
Majority leader and minority leader of the House	\$193,400
Majority leader and minority leader of the Senate	\$193,400
Senators and House of Representatives	\$174,000

House and Senate Salary History

Year	Salary	% Diff
1992	\$129,500	
1993	\$133,600	3.2%
1994		
1995		
1996		
1997		
1998	\$136,700	2.3%
1999		
2000	\$141,300	3.4%
2001	\$145,100	2.7%
2002	\$150,000	3.4%
2003	\$154,700	3.1%
2004	\$158,100	2.2%
2005	\$162,100	2.5%
2006	\$165,200	1.9%
2008	\$169,300	2.5%
2009	\$174,000	2.8%
2010		
2011		
2012		
2013		
2014		
2015		
2016		
2017		
2018		
2019		
2020		
2022		
2023		
2024	\$174,000	

Federal Salary Increase History

Year	Senior Executive Service	Congress	Judicial
2024	4.7%	0%	4.6%
2023	4.1%	0%	4.1%
2022	2.2%	0%	2.2%
2021	1.0%	0%	1.0%
2020	4.0%	0%	4.0%
2019	1.4%	0%	1.4%
2018	1.4%	0%	1.4%
2017	1.0%	0%	1.0%
2016	1.0%	0%	1.0%
2015	1.0%	0%	1.0%
2014	1.0%	0%	14.3% *
2013	0.0%	0%	0.0%
2012	0.0%	0%	0.0%
2011	0.0%	0%	0.0%
2010	1.5%	0%	0.0%
2009	2.8%	2.8%	2.8%
2008	2.5%	2.5%	2.5%
Average	1.7%	0.3%	2.4%

* These salary levels reflect two separate adjustments. *Beer v. United States*, 696 F.3d 1174 (Fed. Cir. 2012), *cert. denied*, 133 S.Ct. 1997, held that the denial of certain cost-of-living adjustments for judges was an unconstitutional deprivation of judicial compensation in violation of the Compensation Clause and that a 2001 amendment that barred judges from receiving additional compensation except as Congress specifically authorized did not override the provisions of the Ethics Reform Act of 1989, Pub. L. No. 101-194. In an order filed on December 10, 2013, in *Barker v. United States*, No. 12-826 (Fed. Cl. filed Nov. 30, 2012), this holding was applied to other Article III judges, effective that date. As directed by these decisions, the salaries were reset to include the missed adjustments, resulting in the salaries of circuit judges set at \$209,100, district judges at \$197,100, the Chief Justice at \$253,000 and the Associate Justices at \$242,000. These salary levels were then further adjusted by the one percent cost-of-living adjustment provided to nearly all federal government employees and officials, in accordance with Executive Order No. 13655 (Dec. 23, 2013), effective January 1, 2014.

Civil Beat

Voters To Decide Pay Raises For The Honolulu City Council

This comes after council members received a large controversial raise in 2023.

By Ben Angarone / September 30, 2024

Reading time: 4 minutes.

Honolulu voters will get a say on how City Council members' salaries are determined, a response to widespread criticism over the 64% raises given to them last year by the city salary commission.

The nine council members used to make about \$69,000 per year. That changed in 2023 when their position got a dramatic raise to about \$113,000 per year.

Now, the public has a chance to cap council member raises and change the process through which they're determined.

The charter amendment, which only affects council member salaries not other city employees, would do three things.

It would remove the ability for council members to vote on their own salaries, it would tie council member raises to collective bargaining raises and it would cap council member raises at 5%. Last year's raise was about 64%.

Council members voted unanimously to send this version of the charter amendment to November's ballot.

City salaries aren't determined by council members. In the current set up, they just have veto power.

Proposals come from the volunteer Honolulu Salary Commission. Its seven members – which are appointed by council members and the mayor – meet annually to determine salaries for high-ranking officials like council members, the mayor and department heads.

The volunteer commissioners knew their 2023 recommendation would be controversial. But they said it was necessary because salaries had stagnated for years due to structural reasons.

"There's a conflict that exists about them voting on their own salaries," commissioner Rebecca Soon said, explaining the stagnation. Council Chair Tommy Waters agrees with that assessment.

Because council members have the ability to veto their own pay raises, they are incentivized to reject the raises because it looks good politically, some commissioners and council members said.

That's generally what happened for decades, causing council member salaries to lag as median household incomes rose.

In 1989, Honolulu's median household income and council member salaries were both around \$35,000. In 2022, median household income had climbed to about \$96,000 while council member salaries were about \$69,000.

Other Hawaii counties don't give council members veto power over their own salaries. The structure Honolulu uses is criticized in a 2018 Stanford Law Review article that surveys how municipalities around the country determine council member compensation.

Kellen Zale, now an associate professor at the University of Houston Law Center, writes in the article that "although a salary increase would boost councilmembers' welfare in terms of monetary gain, if they think that increasing their own salaries is likely to hurt their chances of reelection, then they may opt not to increase their pay."

Over time, that could lead to future elected officials receiving low pay.

And "while one might intuitively assume that corruption correlates with excessive compensation, low compensation can also raise concerns about corruption and conflicts of interest because councilmembers are more likely to hold outside jobs or seek other forms of remuneration to afford serving in elected office," she writes.

Zale also raises the idea of reducing conflicts of interest by using a lottery system of registered voters in the city to choose salary commissioners, even if the commission still includes a few appointees with institutional knowledge. But a lottery system will not be on the ballot this November.

Soon, who in 2021 was the council's chief of staff under Waters, said that her experience working in government as well as nonprofits gives her a diverse perspective "on what real people, but also what our government officials need to be supported in the roles that they do." She thinks increasing citizen participation on the commission would be good, but that it needs to be balanced with keeping institutional knowledge.

Changing all of this requires amending the City Charter, a process that gives voters the final say.

A lack of public input is one critique that opponents leveled in 2023, when Waters refused to hold a discussion on the Salary Commission's controversial recommendation. If voters pass the charter amendment, the public could testify on proposed council member salaries in the beginning of the calendar year at the Salary Commission's hearings.

This year, the commission recommended raising council member salaries by about 3.6%. All council members declined to take the raise.

About the Author

Ben Angarone is a reporter for Civil Beat. You can reach him at bangarone@civilbeat.org.

<https://www.civilbeat.org/2024/09/voters-to-decide-pay-raises-for-the-honolulu-city-council>

ECONOMIC MODEL INTRODUCTION

Wage and salary differentials reflect the local supply of and demand for labor. Cost of living is dictated by the local supply of goods and services. Most compensation professionals agree that when a company is hiring from the local workforce (that is, when no transfer or relocation occurs), wages and salaries are set according to market pricing of wages and salaries only. In general, branch pay should be dictated by market pricing of wage/salary differentials only and should not be adjusted for local cost of living.

Geographic Wage & Salary Differentials

Each year ERI staff try to emphasize the difference between Assessor geographic *cost-of-living differentials* versus *wage and salary differentials*. The former reflects the supply of and demand for goods and services; the latter reflects the supply of and demand for labor. Wage and salary R^2 relations with COL are less than 0.10 (that is, COL is not a good predictor of salary levels) and ERI does not use COL as a predictive variable for wage and salary differentials in our analyses. The application of geographic wage and salary differentials for branch pay adjustments assures that companies are paying a competitive wage appropriate to attract, retain, and motivate employees (neither underpaying and risking losing employees to local competitors, nor overpaying and incurring higher costs than local competitors).

Geographic Cost-of-Living Differentials

Supply of and demand for goods and services are defined in terms of Assessor COL databases and downloads from existing sources: rental rates, housing prices, income taxes, property taxes, gasoline prices, medical costs/services, major retail grocery and drug store prices, etc. Cost-of-living differentials, as reported by ERI, reflect cost models (e.g., an auto of "x" value driven "x" miles/kilometres, home rental with no mortgage income tax deductions, home ownership with income tax mortgage deductions, etc.). Local wages and salaries do not predict local cost of living. Cost of living indicates the comparable local buying power for any given salary, and is generally a consideration in transfer or relocation situations where maintaining an employee's buying power is the goal.

While employees might find it desirable for their pay to be adjusted for local cost-of-living variances, this is an extremely unusual practice. In many cases, it is not cost effective for the employer, as they would be competing against organizations with relatively lower compensation costs and thus, be at a competitive disadvantage.

In most cases, cost of living is considered only when an employee is moving internally, from one branch office to another, or in cases where highly skilled or special skill employees are being recruited from outside the local labor market. In these situations, the new salary would be set according to the destination market (local wage and salary level). Then, any cost-of-living allowance would be awarded separately from salary and for a finite period of time. (For long-term expatriates, it is very important that the employee and family make a gradual adjustment to local spending patterns.)

It is undesirable to build a cost-of-living adjustment into salary, as the integrity of the current salary administration will be compromised. For instance, the transfer of personnel into an office where locally hired employees would be earning lower salaries than the transferee's "cost-of-living adjusted salary" is an undesirable and avoidable situation. The transfer of personnel into an area where local competitors' employees would be earning higher salaries than the transferee's "cost-of-living adjusted salary" is an equally undesirable and avoidable situation. Better solutions would include the award of a one-time (lump sum) moving bonus, or a gradually decreasing, three-year cost-of-living allowance, etc., awarded separately from the new, locally adjusted salary. Each organization's unique situation (tax considerations, cash-flow, etc.) will dictate the best method for handling cost-of-living allowances. For the manager who is transferred often, net take-home pay and the demands upon those sums by various local costs are extremely important.

Informal telephone surveys conducted by ERI's Founding Director consistently find that only 2% of ERI subscribers pay "the same for all jobs nationally, but vary levels by cost of living." All other surveyed subscribers state that they ignore cost of living and concentrate on local labor market pricing to administer geographic pay differentials.

This report is intended to illustrate major variables that affect the pay decision. ERI research staff present this information in a manner that will facilitate meaningful, productive conversation and decisions concerning branch location and relocation pay.

Chapter 17. The Consumer Price Index (Updated 2-14-2018)

Note: To reflect new sample areas and pricing cycles effective with the geographic revision with January 2018 data, appendix 1 has been updated and appendix 4 has been replaced. Changes have been made to several areas; please consult appendix 4 for the current list. The entire CPI chapter of the *Handbook of Methods* is being updated and is expected to be published in 2020.

The Consumer Price Index (CPI) is a measure of the average change over time in the prices of consumer items—goods and services that people buy for day-to-day living. The CPI is a complex measure that combines economic theory with sampling and other statistical techniques and uses data from several surveys to produce a timely and precise measure of average price change for the consumption sector of the American economy. Production of the CPI requires the skills of many professionals, including economists, statisticians, computer scientists, data collectors and others. The CPI surveys rely on the voluntary cooperation of many people and establishments throughout the country who, without compulsion or compensation, supply data to the government’s data collection staff.

Part I. Overview of the CPI

Three CPI series. The Bureau of Labor Statistics (BLS; the Bureau) publishes CPI data every month. The three main CPI series are

- CPI for All Urban Consumers (CPI-U)
- CPI for Urban Wage Earners and Clerical Workers (CPI-W)
- Chained CPI for All Urban Consumers (C-CPI-U)

The *CPI for All Urban Consumers, or CPI-U*, which BLS began publishing in January 1978, represents the buying habits of the residents of urban or metropolitan areas in the United States. *The CPI for Urban Wage Earners and Clerical Workers, or CPI-W*, the oldest of the series, covers a subset of the urban population.¹ The prices used for producing these two series are the same. The CPI-U and CPI-W differ only in

¹Specifically, the CPI-U (all-urban) population consists of all urban households in Metropolitan Statistical Areas (MSAs) and in urban places of 2,500 inhabitants or more. Nonfarm consumers living in rural areas within MSAs are included, but the index excludes rural nonmetropolitan consumers and the military and the institutional population. The urban wage earner and clerical worker (CPI-W) population consists of consumer units with clerical workers, sales workers, protective and other service workers, laborers, or construction workers. More than one-half of the consumer unit’s income has to be earned from these occupations, and at least one of the members must be employed for 37 weeks or more in an eligible occupation.

IN THIS CHAPTER

Part I: Overview of the CPI.....	1
CPI concepts and scope.....	2
CPI structure and publication.....	3
Calculation of price indexes.....	3
CPI publication.....	3
How to interpret the CPI.....	5
Uses of the CPI.....	5
Limitations of the index.....	6
Experimental indexes.....	6
History of the CPI, 1919 to 2013.....	7
Part II: Construction of the CPI.....	11
Sampling: areas, items, and outlets.....	11
Area sample.....	11
Item and outlet samples.....	12
Commodities and services other than shelter.....	12
Shelter.....	16
Estimation of price change in the CPI.....	18
Estimation of price change for commodities and services other than shelter.....	18
Item replacement and quality adjustment.....	19
Estimation of price change for shelter.....	20
Special pricing and estimation procedures or medical care.....	22
Special pricing for other items.....	25
Special pricing for seasonal items.....	26
Other price adjustments and procedures.....	27
Index calculation.....	28
Estimation of upper-level price change.....	28
Calculation of seasonally adjusted indexes.....	34
Calculation of annual and semiannual average indexes.....	35
Average prices.....	35
Part III: Precision of CPI estimates.....	37
Technical references.....	41
Appendix 1. List of published indexes.....	43
Appendix 2. List of average prices.....	55
Appendix 3. Characteristics of CPI changes.....	59
Appendix 4. Sample areas and weights.....	64
Appendix 5. Expenditure classes, strata, and ELIs.....	68
Appendix 6. Sample allocation methodology for commodities and services.....	82
Appendix 7. POPS categories.....	88
Appendix 8. Non-POPS sample designs.....	101
Appendix 9. CPI Relative importances.....	103

the consumer spending weights used to combine, or average together, basic indexes.²

The *Chained CPI for All Urban Consumers (or C-CPI-U)*, also represents the urban population as a whole. BLS began publishing this series in August 2002 with data beginning in January 2000. The prices used in the C-CPI-U are the same as those used to produce the CPI-U and CPI-W, but the C-CPI-U uses a different formula and different weights to combine basic indexes. The formula used in the C-CPI-U accounts for consumers' ability to achieve the same standard of living from alternative sets of consumer goods and services. This formula requires consumer spending data that are not immediately available. Consequently, the C-CPI-U, unlike the other two series, is published first in preliminary form and is subject to scheduled revisions.

CPI populations. A consumer price index measures the price-change experience of a particular group called its *target population*. The CPI uses two target populations for its main series:

- All Urban Consumers (the “CPI-U” population)
- Urban Wage Earners and Clerical Workers (the “CPI-W” population)

Both the CPI-U and the C-CPI-U target the CPI-U population. The CPI-U population, which covers about 88 percent of the U.S. population, covers households in all areas of the United States except people living in rural nonmetropolitan areas, in farm households, on military installations, in religious communities, and in institutions such as prisons and mental hospitals.

The CPI-W population, the target of the CPI-W, is a subset of the CPI-U population. The CPI-W population consists of all CPI-U population households for whom 50 percent or more of household income comes from wages and clerical workers' earnings. The CPI-W's share of the total U.S. population has diminished over the years; the CPI-W population is now about 28 percent of the total U.S. population. The CPI-W population excludes households of professional and salaried workers, part-time workers, the self-employed, and the unemployed, along with households with no one in the labor force, such as those of retirees.

CPI concepts and scope

The CPI provides an estimate of the price change between any two periods. The CPI follows the prices of a sample of

² Until 1982, BLS maintained separate (but overlapping) samples of outlets and specific items for the CPI-U and CPI-W populations. Given little variance in the movements between the CPI-U and CPI-W, BLS dropped the separate samples for the CPI-W population. The CPI-U converted to rental equivalence effective with the indexes for January 1983; the CPI-W moved to rental equivalence 2 years later. Since January 1985, the movements of all CPI-W basic indexes have been identical to those of the CPI-U.

items in various categories of consumer spending—such as food, clothing, shelter, and medical services—that people buy for day-to-day living. The monthly movement in the CPI derives from weighted averages of the price changes of the items in its sample. A sample item's price change is the ratio of its price at the current time to its price in a previous time. A sample item's weight in this average is the share of total consumer spending that it represents. The algebraic formulas used for this averaging are called *index number formulas*.³

A unifying framework for dealing with practical questions that arise in the construction of the CPI is provided by the concept of the cost-of-living index (COLI)⁴. As it pertains to the CPI, the COLI for the current month is based on the answer to the following question: “*What is the cost, at this month's market prices, of achieving the standard of living actually attained in the base period?*” This cost is a hypothetical expenditure—the lowest expenditure level necessary at this month's prices to achieve the base-period's living standard. The ratio of this hypothetical cost to the actual cost of the base-period consumption basket in the base period is the COLI. Unfortunately, because the cost of achieving a living standard cannot be observed directly, in operational terms a COLI can only be approximated. Although the CPI cannot be said to equal a cost-of-living index, the concept of the COLI provides the CPI's measurement objective and is the standard by which we define any bias in the CPI. BLS long has said that it operates within a cost-of-living framework in producing the CPI.⁵ That framework has guided, and will continue to guide, operational decisions about the construction of the index.

Because the COLI is not directly observable, the CPI employs index number formulas that offer approximations to the measurement objective. The CPI-U and the CPI-W use a Laspeyres formula to average the price changes *across* categories of items. It is sometimes said that the Laspeyres formula provides an “upper bound” on the COLI index. The C-CPI-U uses a Törnqvist formula to average price changes across item categories. This formula belongs to a class of formulas called superlative because, under certain assumptions, they can provide close approximations to a COLI. Since 1999, the CPI program has used the geometric mean formula to average price change *within* most item categories. Under certain assumptions that are likely to be true within most categories, an index based on the geometric mean formula will be closer to a COLI than will a Laspeyres index.

³ For a review of index number formulas, their properties, and their relationship to economic theory, see W. E. Diewert, “Index numbers,” in J. Eatwell, M. Malgate, and P. Newman eds., *The new Palgrave: a dictionary of economics*, vol. 2 (London: The MacMillan Press, 1987), pp. 767–780.

⁴ For more information on the cost-of-living index concept, see the technical references at the end of this chapter.

⁵ On the use of a cost-of-living index as a conceptual framework for practical decision making in putting together a price index, see Robert Gillingham, “A conceptual framework for the revised Consumer Price Index.” *Proceedings of the American Statistical Association*, Business and Economic Statistics Section (Alexandria: VA, American Statistical Association, 1974), pp. 46–52.

Scope

The cost of maintaining a standard of living is affected by phenomena that go beyond the traditional domain of a consumer price index—changes in the cost of consumer goods and services. The broadest form of a COLI, which is called an *unconditional* COLI, would reflect changes in non-price factors such as crime rates, weather conditions, and health status. The objective of the CPI, by contrast, is to provide an approximation to a *conditional* COLI that includes only the prices of market goods and services or government-provided goods for which explicit user charges are assessed. Free goods, characteristics of the environment (such as air and water quality), the value of leisure time, and items that governments provide at no cost are not in scope, although they undeniably can have an impact on the cost of living as broadly defined.

Excluded goods and services. The CPI covers the consumption sector of the U.S. economy. Consequently, it excludes investment items, such as stocks, bonds, real estate, and business expenses. Life insurance also is excluded for this reason, although health, household, and vehicle insurance are in scope. Employer provided in-kind benefits are viewed as part of income. Purchases of houses, antiques, and collectibles are viewed as investment expenditures and therefore excluded. Gambling losses, fines, cash gifts to individuals or charities, and child support and alimony payments also are out of scope. Changes in interest costs or interest rates are now excluded from the CPI scope, although some were in the CPI for many years. And, for practical reasons, the CPI excludes illegal goods and services and the value of home-produced items other than owners' equivalent rent.

Taxes. Both the CPI and the conditional COLI measure changes in expenditures—including the effect of changes in sales taxes and similar taxes that are part of the final price of consumer products—needed to achieve the base-period standard of living. Neither the CPI nor the COLI, however, measures the change in before-tax income required to maintain the base-period living standard. For this reason, neither the COLI nor the CPI is affected by changes in income and other direct taxes. For certain purposes, one might want to define price indexes that include, rather than exclude, income taxes.⁶ The CPI does include the effects of changes in sales taxes and other indirect taxes. As previously noted, however, these are included as part of the price of consumer products. No attempt is made to reflect changes in the quantity or quality of government services paid for through taxes.

⁶One could develop an index along these lines. Such an index (sometimes called a *tax-and-price index*) would provide an answer to a different question (along the lines of “*At current prices, what is the least before-tax income needed to buy...*”) from the one that is relevant to the CPI. It would be appropriate for different uses. For a research measure of a consumption index inclusive of income taxes and Social Security contributions, see Robert Gillingham and John Greenlees, “The impact of direct taxes on the cost of living.” *Journal of Political Economy*, August 1987, pp. 775–796.

Government-provided and government-subsidized items.

The CPI treats as price changes any changes to fees that the government charges for items, such as admission to a national park. The CPI also counts the price of subsidized items that are available to the general public. For example, governments may subsidize local transit operation. If the subsidy is cut and the fare is raised, the CPI will reflect this price increase. On the other hand, the CPI does not reflect changes to means-tested (dependent on the recipient's income) subsidies, such as the Supplemental Nutrition Assistance Program or Section 8 housing allowances. Changes in such subsidies are treated as changes to the recipient's income and, therefore, out of scope.

CPI structure and publication

Calculation of price indexes

In the CPI, the urban portion of the United States is divided into 38 geographic areas called index areas, and the set of all goods and services purchased by consumers is divided into 211 categories called item strata. This results in 8,018 (38 × 211) item–area combinations.

The CPI is calculated in two stages. The first stage is the calculation of basic indexes, which show the average price change of the items *within* each of the 8,018 CPI item–area combinations. For example, the electricity index for the Boston CPI area is a basic index. The weights for the first stage come from the sampling frame for the category in the area. At the second stage, aggregate indexes are produced by averaging *across* subsets of the 8,018 CPI item–area combinations. The aggregate indexes are the higher level indexes; for example, the all-items index for Boston is an average of all of the area's 211 basic indexes. Similarly, the aggregate index for electricity is an average of the basic indexes for electricity in each of the 38 index areas. The U.S. city average All-items CPI is an average of all basic indexes. The weights for the second stage are derived from reported expenditures from the Consumer Expenditure Survey (CE).

CPI publication

Indexes. Each month's index value displays the average change in the prices of consumer goods and services since a *base period*, which currently is 1982–84 for most indexes. For example, the CPI-U for July 2013 was 233.596. One interpretation of this is that a representative set of consumer items that cost \$100 in 1982–84 would have cost \$233.60 in July 2013.

Percent change. Rather than emphasizing the level of the index in comparison to the base period, the monthly CPI release stresses the CPI's percent change from the previous month and from the previous year. The most commonly reported monthly percent changes are the one-month *seasonally adjusted* percent change, and the 12-month not seasonally

adjusted percent change. For example, the July 2013 CPI was 233.596 and the July 2012 CPI was 229.104, so the CPI increased 2.0 percent (not seasonally adjusted) from July 2012 to July 2013.

CPI area indexes and CPI item indexes. BLS publishes a large number of additional CPI index series. (See appendix 1.) For the CPI-U population areas—the broadest geographic coverage—detailed item indexes for most categories of consumer spending are published every month. Also every month, BLS publishes all-items indexes, along with a limited set of detailed indexes, for the three largest metropolitan areas and for the major geographic areas. In addition, detailed food, energy, and shelter indexes are published monthly for all CPI publication areas. Bimonthly or semiannually, all-items indexes for selected metropolitan areas are published along with the limited set of detailed indexes.

The primary reason for publishing CPI area-item detail indexes is to aid in analysis of movements in the national all-items CPI. Decisions on which detailed indexes to publish depend, in part, on the reliability of their estimates⁷. CPI area indexes and CPI item detail indexes use only a portion of the CPI sample; this makes them subject to substantially greater sampling error than the national CPI. **For this reason, BLS strongly urges users to consider the U.S. city average all-items CPI for use in escalator clauses.**

CPI area indexes. BLS calculates and publishes separate area indexes for

- Four geographic regions (sometimes called *census regions*): Northeast, Midwest, South, and West
- Three population-size classes: large metropolitan areas, small metropolitan areas,⁸ and nonmetropolitan urban places
- Selected region-size classes—regions cross-classified by population size (for example, large metropolitan areas in the Northeast)
- Selected metropolitan areas

Comparing the CPI for an area with the U.S. CPI or with the CPI for another area gives an indication of differences among the areas' rates of price change. In other words, such a comparison indicates whether, over time, prices of items that consumers in one area tend to buy have risen more or less rapidly than the prices of items that consumers in another area tend to buy. *It does not indicate whether the average level of prices in an area is higher or lower than the average level in another area.*

⁷Steven Grandits, "Publication strategy for the 1998 revised Consumer Price Index," *Monthly Labor Review*, December 1996, pp. 26–30, <http://stats.bls.gov/opub/mlr/1996/12/art4full.pdf>.

⁸Prior to January 1998, the CPI published data for medium and small metropolitan areas, which have been combined to form a single class.

CPI item indexes. BLS classifies the CPI market basket of consumer goods and services into a hierarchy of categories. The top levels of the item category hierarchy consist of

- The eight major groups
- Other groups
- Expenditure classes
- Item strata

For the U.S. CPI, BLS publishes all levels down to item strata. BLS publishes less item detail for the CPI area indexes.

Special aggregations. BLS also calculates and publishes indexes for special aggregations, such as energy items, that cut across the preceding classification scheme. Some users consider the series *All items less food and energy* to measure the 'core' rate of inflation. Food and energy are two of the most volatile components of the CPI. For this reason, many analysts regard the measure of core inflation as more useful for their purposes.

The C-CPI-U. The Chained CPI-U uses a superlative index formula which reflects consumers' behavior in response to changes in relative prices. Unfortunately, this requires current expenditure data, and expenditure data become available only after a significant lag. Consequently, C-CPI-U index values, unlike the values of the CPI-U and CPI-W, are not final when first published. Before 2015, BLS issued two annual preliminary estimates before issuing final C-CPI-U data.⁹ Starting in 2015, BLS intends to issue four preliminary estimates of the C-CPI-U. The "initial" values will come out every month concurrent with the CPI-U and CPI-W. In each of the following four quarters, "interim" values will replace the initial values. One year later, the interim values will be replaced with the final C-CPI-U. For example, in February 2016, the BLS is scheduled to release the January 2016 CPI-U, the CPI-W, and the initial C-CPI-U. For the next three quarters (i.e., April, July, and October of 2016), BLS will publish updated interim C-CPI-U indexes. With the fourth revision in January 2017, the January 2016 C-CPI-U will be issued as final.

Seasonally adjusted indexes and percent changes. In addition to the originally computed indexes and percent changes, which are called *unadjusted indexes* and *unadjusted percent changes*, BLS calculates and publishes *seasonally adjusted* series. The unadjusted numbers reflect the change in price resulting from all causes, including normal seasonal price movement due to regular changes—resulting, for example, from weather, harvests, the school year, production cycles, model changeovers, holidays, or sales—that recur every year. For economic analysis and for other purposes, it is useful to

⁹The first release of C-CPI-U data took place on Aug. 16, 2002. At that time, final data for the 12 months of 2000, interim data for the 12 months of 2001, and initial data for the first 7 months of 2002 were issued.

remove the estimated seasonal effects from the original indexes and percent changes. To produce the *seasonally adjusted indexes and percent changes*, BLS uses *seasonal adjustment techniques* that remove these effects. BLS seasonally adjusts only those CPI series that pass certain statistical criteria and for which there is an economic rationale for observed seasonality. For example, while the unadjusted CPI for All items was unchanged from June 2013 to July 2013, the seasonally adjusted 1-month percent change in the CPI was 0.2 percent. Seasonally adjusted indexes are subject to annual revision and therefore are not recommended for use in escalation contracts. Seasonal adjustment is done only at the national level for the U.S. city average CPI-U and CPI-W. Presently, the C-CPI-U does not have sufficient historical data to permit calculation of stable seasonal factors.

Average prices. For some food, beverage, and energy items, the CPI samples contain enough observations of unique items to make possible the computation and publication of meaningful average retail prices. A list of what is covered in the published average price series is shown in appendix 2.

Correction policy. The CPI, unlike many other statistical series, does not rely on respondents to transmit data to the national office. CPI data collectors collect almost all data needed for the CPI-U and CPI-W, so that routine revisions to account for late-arriving data are not necessary. Virtually all data are received in time for the calculation of indexes for the appropriate month. In rare cases, however, when we discover that we made an error collecting or compiling information, BLS issues corrections to the CPI series in accordance with BLS policy and CPI practices.

Corrections to the CPI-U and CPI-W. These series are final when issued. The CPI-U and CPI-W are commonly used in escalation agreements and to adjust pensions and tax brackets; consequently, revisions can be costly for the users of these indexes. For this reason, there is a presumption in BLS policy and practice against revisions to the CPI that extend back over lengthy periods. When a mistake is discovered, CPI staff evaluates the error in the context of BLS guidelines for issuing corrections to previously published CPI data.

Corrections to the C-CPI-U. As previously noted, C-CPI-U indexes are not final when first issued. They are routinely revised, and are not final until the publication of data for the second January after initial publication. If the CPI-U and CPI-W series are corrected, the C-CPI-U series will be corrected as well. Corrected C-CPI-U indexes will be issued for all series affected by the error, as far back as the previous 5 years.

How to interpret the CPI

Movements of the indexes from one month to another usually are expressed as percent changes rather than changes in index points. The level of the index (relative to its base period)

affects index point changes, but it does not affect percent changes. The following tabulation shows how to compute percent changes:

Index point change

CPI	222.742
Less CPI for previous period	221.317
Equals index point change	1.425

Percent change

Index point difference	1.425
Divided by the previous index	221.317
Equals	0.006
Results multiplied by.....	0.006 × 100
Equals percent change	0.6

Percent changes for periods other than 1 year often are expressed as annualized percentages. Annualized percent changes indicate what the change would be if the CPI continued to change at the same rate each month over a 12-month period. These are calculated using the standard formula for compound growth:

$$PC_{\text{annual}} = \left[(IX_{t+m} / IX_t)^{12/m} - 1 \right] \times 100,$$

where

IX_t is the index in month t ,

IX_{t+m} is the index m months after month t , and

PCannual is the annualized percent change.

Uses of the CPI

The CPI affects virtually all Americans because of the many ways in which it is used. Its major uses are as follows:

- **As an economic indicator.** As the most widely used measure of retail inflation, the CPI is a major indicator of the effectiveness of Government economic policy. The President, the Congress, and the Federal Reserve Board use the movement of the CPI to help formulate and monitor the effect of fiscal and monetary policies. Business executives, labor leaders, and other private citizens also use the index as a guide in making economic decisions.
- **As a means of adjusting income payments.** The index directly affects the income of almost 80 million people. Social Security¹⁰ benefits and military and Federal

¹⁰ Specific information on the Social Security use of the CPI can be found on the Social Security Administration website, <http://www.socialsecurity.gov/cola/>

Civil Service pension payments are all indexed by the CPI. In the private sector, many collective bargaining agreements tie automatic wage increases to the CPI. Some private firms and individuals use the index to keep rents, alimony, and child support payments in line with changing prices.

- **As a means of preventing inflation-induced tax changes.** Federal (and some state) income tax brackets and other parameters are adjusted by the CPI. This prevents inflation from automatically increasing taxes, a phenomenon called *bracket creep*.
- **As a deflator of other economic series.** Other statistical programs use the CPI or its components to adjust for price changes and produce inflation-free versions of their series. Examples of CPI-adjusted series include components of the U.S. Department of Commerce National Income and Product Accounts (such as gross domestic product and personal consumption expenditures) and retail sales measures and the BLS hourly and weekly earnings series.

Limitations of the index

The CPI covers a wide variety of items that all urban consumers purchase, but—because most individuals concentrate spending on a relatively small fraction of the total number of items available in the market—it contains items that a given individual does not purchase. The CPI must represent a composite consumer, and it does not necessarily represent the price-change experience of any one individual, household, or family. Similarly, the CPI may not be applicable to all questions about price movements for all population groups.

As previously noted, CPI indexes cannot be used to determine relative living costs. The CPIs for various geographic areas of the United States do not indicate the differences in price level among them. The change in the CPI for an individual area measures the degree to which prices have changed over time within that particular area. It does not show whether prices or living costs are higher or lower in that area relative to another area or to the United States as a whole. Comparing indexes between one area and another indicates which area has experienced more rapid price change—not which area has a higher price level or higher living costs.

Sampling and non-sampling error. The CPI is estimated from a sample of consumer purchases; it is not a complete measure of price change. Consequently, the index results may deviate slightly from those that would be obtained if all consumer transactions were covered. This is called *sampling error*. These estimating or sampling errors are statistical limitations of the index.

A different kind of error in the CPI can occur when, for example, a respondent provides BLS economic assistants with inaccurate or incomplete information. This is called *non-sampling error*. BLS attempts to minimize these errors by

obtaining prices through personal observation whenever possible, and by correcting errors immediately upon discovery. The economic assistants, technicians, and commodity specialists who collect, process, and analyze the data are trained to watch for deviations in reported prices that might be due to errors.

A full discussion of the varieties and sources of possible error in the index is presented in part III of this chapter, “Precision of CPI Estimates.”

Experimental indexes

Population subgroups. The CPI also calculates and publishes some indexes on an experimental basis only. For example, the program provides experimental indexes for the elderly. Comparing indexes for such subgroups does not indicate whether the prices they pay are higher or lower than the prices other groups pay; this comparison indicates only whether prices of their items have risen faster or slower than those for other groups. Indexes for subgroups of the population are more difficult to construct than indexes for the whole. In particular, making sure that samples refer to only part of the population may be difficult or impractical. Moreover, making subgroup indexes as precise as the national CPI would require that the sample sizes be as large.

The experimental CPI for Americans 62 Years of age and older (CPI-E). BLS occasionally issues a report on its experimental index for the elderly. This index, sometimes referred to as the CPI for the elderly or *CPI-E*, is calculated monthly and is available on request. It should be emphasized that the CPI-E is merely a reweighting of the CPI basic indexes using expenditure weights from households headed by someone 62 years of age or older. There is no attempt to recalculate the basic indexes themselves so that they represent the retail outlets and consumption items of older consumers.¹¹

CPI research series. Over the years, BLS has made many improvements to the CPI. When BLS changes its methods, it always announces them in advance and, if possible, estimates the impact the change would have had in recent periods. BLS does not, however, revise previously published CPI data to reflect the new methods. This practice means that the movement of the CPI reflects not only price change over time but also changes to CPI methods. To assist users who wish to use the CPI over long periods, BLS publishes the CPI-U Research Series Using Current Methods (CPI-U-RS). It provides estimates, for the period since 1977, of what the CPI would have been had the most current methods been in effect. Each time there are new methods introduced into the CPI, the CPI-U-RS is revised from 1978 forward.¹²

¹¹For more information, see *Consumer Price Index Detailed Report* (U.S. Bureau of Labor Statistics, February 2000), pp. 5–7.

¹²Kenneth J. Stewart and Stephen B. Reed, “CPI research series using current methods, 1978–98,” *Monthly Labor Review*, June 1999, pp. 29–38.

History of the CPI, 1919 to 2002

The CPI was initiated during World War I, when rapid increases in prices, particularly in shipbuilding centers, made such an index essential for calculating cost-of-living adjustments in wages. To provide appropriate weighting patterns for the index, so that it would reflect the relative importance of goods and services purchased by consumers, studies of family expenditures were conducted in 92 industrial centers in 1917–1919. Periodic collection of prices was started and, in 1919, BLS began publication of separate indexes for 32 cities. Regular publication of a national index, the U.S. city average, began in 1921, and indexes were estimated back to 1913.¹³

Since its inception, the CPI has been comprehensively revised on several occasions to implement updated samples and weights, expanded coverage, and enhanced methodologies. For example, the 1998 revision introduced more timely consumer spending weights; updated geographic and housing samples; a revised item classification structure; a new housing index estimation system; computer-assisted price collection; and a new Telephone Point-of-Purchase Survey (TPOPS). BLS also has made important improvements to the CPI beyond the major revision processes, an example being the introduction of the geometric mean formula in January 1999. Exhibit 1 provides a chronology of revisions and improvements to the CPI, and appendix 3 displays

historical changes in base period, population coverage, and other index characteristics.

The improvements introduced over the years have reflected not only the Bureau's own experience and research, but also the criticisms and investigations of outsiders. For example, in undertaking the 1940 comprehensive revision of the CPI, BLS acted on recommendations made by an Advisory Committee appointed by the American Statistical Association. Major studies were conducted during World War II by the President's Committee on the Cost of Living¹⁴ and in 1951 by the House Committee on Education and Labor.¹⁵

The 1961 report of the Price Statistics Review Committee (sometimes called the "Stigler Committee") provided impetus for subsequent changes in many aspects of the CPI, including the sampling of outlets and items, the treatment of quality changes in consumer durables, and the role of cost-of-living theory.¹⁶ Recent studies include the 1996 report of the Advisory Commission to Study the Consumer Price Index (the "Boskin Commission")¹⁷ and the 2002 report, *At what price? Conceptualizing and measuring cost-of-living and price indexes*, by a National Research Council panel of the National Academy of Sciences.¹⁸ A continuing flow of articles in professional journals and books also has contributed to the assessment of the CPI's quality and of the ways in which it might be improved. For a list of published papers, see the Technical References at the end of this chapter.

¹³ Collection of food prices back to 1890 had been initiated in 1903. During the course of the 1917–1919 expenditure survey, retail prices for other items were collected in 19 cities for December of each year back to 1914, and in 13 other cities back to December 1917 only. Retail prices of food and wholesale prices of other items were used to estimate price change from 1914 back to 1913.

¹⁴ *Report of the president's committee on the cost of living* (Washington, Office of Economic Stabilization, 1945).

¹⁵ *Consumer Price Index, report of a special subcommittee of the committee on education and labor*, Subcommittee Report No. 2 (U.S. Congress, House of Representatives, 1951).

¹⁶ *Government price statistics, hearing before the subcommittee on economic statistics*, U.S. Congress, 871. Part 1 (U.S. Congress Joint Economic Committee, January 24, 1961).

¹⁷ *Final report of the advisory commission to study the Consumer Price Index* (The Boskin Commission Report) (U.S. Senate Committee on Finance, December 1996).

¹⁸ Charles Schultze and Christopher Mackie, eds. *At what price? Conceptualizing and measuring cost-of-living and price indexes*. (Washington, DC: National Academy Press, 2002).