

JAN 16 2025

---

---

# A BILL FOR AN ACT

RELATING TO THE DEPUTY DIRECTOR OF HIGHWAYS OF THE DEPARTMENT OF  
TRANSPORTATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 76-16, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) The civil service to which this chapter applies shall  
4 comprise all positions in the State now existing or hereafter  
5 established and embrace all personal services performed for the  
6 State, except the following:

7           (1) Commissioned and enlisted personnel of the Hawaii  
8 National Guard, and positions in the Hawaii National  
9 Guard that are required by state or federal laws or  
10 regulations or orders of the National Guard to be  
11 filled from those commissioned or enlisted personnel;

12           (2) Positions filled by persons employed by contract where  
13 the director of human resources development has  
14 certified that the service is special or unique or is  
15 essential to the public interest and that, because of  
16 circumstances surrounding its fulfillment, personnel



1 to perform the service cannot be obtained through  
2 normal civil service recruitment procedures. [~~Any~~]  
3 The contract may be for any period not exceeding one  
4 year;

5 (3) Positions that must be filled without delay to comply  
6 with a court order or decree if the director  
7 determines that recruitment through normal recruitment  
8 civil service procedures would result in delay or  
9 noncompliance, such as the Felix-Cayetano consent  
10 decree;

11 (4) Positions filled by the legislature or by either house  
12 or any committee thereof;

13 (5) Employees in the office of the governor and office of  
14 the lieutenant governor, and household employees at  
15 Washington Place;

16 (6) Positions filled by popular vote;

17 (7) Department heads, officers, and members of any board,  
18 commission, or other state agency whose appointments  
19 are made by the governor or are required by law to be  
20 confirmed by the senate;



- 1           (8) Judges, referees, receivers, masters, jurors, notaries  
2           public, land court examiners, court commissioners, and  
3           attorneys appointed by a state court for a special  
4           temporary service;
- 5           (9) One bailiff for the chief justice of the supreme court  
6           who shall have the powers and duties of a court  
7           officer and bailiff under section 606-14; one  
8           secretary or clerk for each justice of the supreme  
9           court, each judge of the intermediate appellate court,  
10          and each judge of the circuit court; one secretary for  
11          the judicial council; one deputy administrative  
12          director of the courts; three law clerks for the chief  
13          justice of the supreme court, two law clerks for each  
14          associate justice of the supreme court and each judge  
15          of the intermediate appellate court, one law clerk for  
16          each judge of the circuit court, two additional law  
17          clerks for the civil administrative judge of the  
18          circuit court of the first circuit, two additional law  
19          clerks for the criminal administrative judge of the  
20          circuit court of the first circuit, one additional law  
21          clerk for the senior judge of the family court of the



1 first circuit, two additional law clerks for the civil  
2 motions judge of the circuit court of the first  
3 circuit, two additional law clerks for the criminal  
4 motions judge of the circuit court of the first  
5 circuit, and two law clerks for the administrative  
6 judge of the district court of the first circuit; and  
7 one private secretary for the administrative director  
8 of the courts; the deputy administrative director of  
9 the courts, each department head, each deputy or first  
10 assistant, and each additional deputy, or assistant  
11 deputy, or assistant defined in paragraph (16);

12 (10) First deputy and deputy attorneys general, the  
13 administrative services manager of the department of  
14 the attorney general, one secretary for the  
15 administrative services manager, an administrator and  
16 any support staff for the criminal and juvenile  
17 justice resources coordination functions, and law  
18 clerks;

19 (11) (A) Teachers, principals, vice-principals, complex  
20 area superintendents, deputy and assistant  
21 superintendents, other certificated personnel,



- 1                   and [æ] not more than twenty noncertificated  
2                   administrative, professional, and technical  
3                   personnel not engaged in instructional work;
- 4           (B) Effective July 1, 2003, teaching assistants,  
5           educational assistants, bilingual or bicultural  
6           school-home assistants, school psychologists,  
7           psychological examiners, speech pathologists,  
8           athletic health care trainers, alternative school  
9           work study assistants, alternative school  
10           educational or supportive services specialists,  
11           alternative school project coordinators, and  
12           communications aides in the department of  
13           education;
- 14           (C) The special assistant to the state librarian and  
15           one secretary for the special assistant to the  
16           state librarian; and
- 17           (D) Members of the faculty of the University of  
18           Hawaii, including research workers, extension  
19           agents, personnel engaged in instructional work,  
20           and administrative, professional, and technical  
21           personnel of the university;



- 1       (12) Employees engaged in special, research, or
- 2             demonstration projects approved by the governor;
- 3       (13) (A) Positions filled by inmates, patients of state
- 4             institutions, and persons with severe physical or
- 5             mental disabilities participating in the work
- 6             experience training programs;
- 7             (B) Positions filled with students in accordance with
- 8             guidelines for established state employment
- 9             programs; and
- 10       (C) Positions that provide work experience training
- 11            or temporary public service employment that are
- 12            filled by persons entering the workforce or
- 13            persons transitioning into other careers under
- 14            programs such as the federal Workforce Investment
- 15            Act of 1998, as amended, or the Senior Community
- 16            Service Employment Program of the Employment and
- 17            Training Administration of the United States
- 18            Department of Labor, or under other similar state
- 19            programs;
- 20       (14) A custodian or guide at Iolani Palace, the Royal
- 21            Mausoleum, and Hulihee Palace;



- 1           (15) Positions filled by persons employed on a fee,  
2                   contract, or piecework basis, who may lawfully perform  
3                   their duties concurrently with their private business  
4                   or profession or other private employment and whose  
5                   duties require only a portion of their time, if it is  
6                   impracticable to ascertain or anticipate the portion  
7                   of time to be devoted to the service of the State;
- 8           (16) Positions of first deputies or first assistants of  
9                   each department head appointed under or in the manner  
10                  provided in section 6, article V, of the Hawaii State  
11                  Constitution; three additional deputies or assistants  
12                  either in charge of the highways, harbors, and  
13                  airports divisions or other functions within the  
14                  department of transportation as may be assigned by the  
15                  director of transportation, with the approval of the  
16                  governor; provided that the deputy director of  
17                  highways shall be subject to the advice and consent of  
18                  the senate; one additional deputy in the department of  
19                  human services either in charge of welfare or other  
20                  functions within the department as may be assigned by  
21                  the director of human services; four additional



1 deputies in the department of health, each in charge  
2 of one of the following: behavioral health,  
3 environmental health, hospitals, and health resources  
4 administration, including other functions within the  
5 department as may be assigned by the director of  
6 health, with the approval of the governor; two  
7 additional deputies in charge of the law enforcement  
8 programs, administration, or other functions within  
9 the department of law enforcement as may be assigned  
10 by the director of law enforcement, with the approval  
11 of the governor; three additional deputies each in  
12 charge of the correctional institutions,  
13 rehabilitation services and programs, and  
14 administration or other functions within the  
15 department of corrections and rehabilitation as may be  
16 assigned by the director of corrections and  
17 rehabilitation, with the approval of the governor; two  
18 administrative assistants to the state librarian; and  
19 an administrative assistant to the superintendent of  
20 education;



- 1           (17) Positions specifically exempted from this part by any  
2           other law; provided that:
- 3           (A) Any exemption created after July 1, 2014, shall  
4           expire three years after its enactment unless  
5           affirmatively extended by an act of the  
6           legislature; and
- 7           (B) All of the positions defined by paragraph (9)  
8           shall be included in the position classification  
9           plan;
- 10          (18) Positions in the state foster grandparent program and  
11          positions for temporary employment of senior citizens  
12          in occupations in which there is a severe personnel  
13          shortage or in special projects;
- 14          (19) Household employees at the official residence of the  
15          president of the University of Hawaii;
- 16          (20) Employees in the department of education engaged in  
17          the supervision of students during meal periods in the  
18          distribution, collection, and counting of meal  
19          tickets, and in the cleaning of classrooms after  
20          school hours on a less than half-time basis;



- 1           (21) Employees hired under the tenant hire program of the  
2           Hawaii public housing authority; provided that [æ]  
3           not more than twenty-six per cent of the authority's  
4           workforce in any housing project maintained or  
5           operated by the authority shall be hired under the  
6           tenant hire program;
- 7           (22) Positions of the federally funded expanded food and  
8           nutrition program of the University of Hawaii that  
9           require the hiring of nutrition program assistants who  
10          live in the areas they serve;
- 11          (23) Positions filled by persons with severe disabilities  
12          who are certified by the state vocational  
13          rehabilitation office that they are able to perform  
14          safely the duties of the positions;
- 15          (24) The sheriff;
- 16          (25) A gender and other fairness coordinator hired by the  
17          judiciary;
- 18          (26) Positions in the Hawaii National Guard youth and adult  
19          education programs;
- 20          (27) In the Hawaii state energy office in the department of  
21          business, economic development, and tourism, all



- 1 energy program managers, energy program specialists,  
2 energy program assistants, and energy analysts;
- 3 (28) Administrative appeals hearing officers in the  
4 department of human services;
- 5 (29) In the Med-QUEST division of the department of human  
6 services, the division administrator, finance officer,  
7 health care services branch administrator, medical  
8 director, and clinical standards administrator;
- 9 (30) In the director's office of the department of human  
10 services, the enterprise officer, information security  
11 and privacy compliance officer, security and privacy  
12 compliance engineer, security and privacy compliance  
13 analyst, information technology implementation  
14 manager, assistant information technology  
15 implementation manager, resource manager, community or  
16 project development director, policy director, special  
17 assistant to the director, and limited English  
18 proficiency project manager or coordinator;
- 19 (31) The Alzheimer's disease and related dementia services  
20 coordinator in the executive office on aging;



- 1       (32) In the Hawaii emergency management agency, the
- 2             executive officer, public information officer, civil
- 3             defense administrative officer, branch chiefs, and
- 4             emergency operations center state warning point
- 5             personnel; provided that for state warning point
- 6             personnel, the director shall determine that
- 7             recruitment through normal civil service recruitment
- 8             procedures would result in delay or noncompliance;
- 9       (33) The executive director and seven full-time
- 10            administrative positions of the school facilities
- 11            authority;
- 12       (34) Positions in the Mauna Kea stewardship and oversight
- 13            authority;
- 14       (35) In the office of homeland security of the department
- 15            of law enforcement, the statewide interoperable
- 16            communications coordinator;
- 17       (36) In the social services division of the department of
- 18            human services, the business technology analyst;
- 19       (37) Senior software developers in the department of
- 20            taxation;
- 21       (38) The executive director and staff of the 911 board;



1 (39) In the department of law enforcement, five Commission  
2 on Accreditation for Law Enforcement Agencies, Inc.,  
3 coordinator positions;

4 (40) The administrator for the law enforcement standards  
5 board; and

6 (41) The state fire marshal.

7 The director shall determine the applicability of this  
8 section to specific positions.

9 Nothing in this section shall be deemed to affect the civil  
10 service status of any incumbent as it existed on July 1, 1955."

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

13 SECTION 3. This Act shall take effect upon its approval.

14

INTRODUCED BY:

*Kal Rhaak*



# S.B. NO. 459

**Report Title:**

DOT; Deputy Director of Highways; Advice and Consent

**Description:**

Requires the Deputy Director of Highways of the Department of Transportation to be subject to the advice and consent of the Senate.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

