
A BILL FOR AN ACT

RELATING TO CIVIL SERVICE EXEMPT POSITIONS WITHIN THE DEPARTMENT
OF ACCOUNTING AND GENERAL SERVICES.

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

1 SECTION 1. Section 26-6, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The department shall:

4 (1) Preaudit and conduct after-the-fact audits of the
5 financial accounts of all state departments to
6 determine the legality of expenditures and the
7 accuracy of accounts;

8 (2) Report to the governor and to each regular session of
9 the legislature as to the finances of each department
10 of the State;

11 (3) Administer the state risk management program;

12 (4) Establish and manage motor pools;

13 (5) Manage the preservation and disposal of all records of
14 the State;

15 (6) Undertake the program of centralized engineering and
16 office leasing services, including operation and
17 maintenance and lease buyback processing pursuant to

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subsection (d) of public buildings, for departments of the State;

(7) Undertake the functions of the state surveyor;

(8) Establish accounting and internal control systems;

(9) Have the discretion to employ persons within the comptroller's office who shall be exempt from chapters 76 and 89 in support of communications, change management, and business process improvement programs as part of the State's information technology modernization efforts; provided that the persons shall be members of the state employees' retirement system and shall be eligible to receive the benefits of any state employee benefit program generally applicable to officers and employees of the State;

(10) Have the discretion to employ persons within the public works division's special project branch who shall be exempt from chapters 76 and 89 as part of the State's efforts to undertake unique and specialized public works projects; provided that the persons shall be members of the state employees' retirement system and shall be eligible to receive the benefits of any

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1 state employee benefit program generally applicable to
2 officers and employees of the State;

3 ~~[(10)]~~ (11) Provide centralized computer information
4 management and processing services through the chief
5 information officer;

6 ~~[(11)]~~ (12) Establish a program to provide a means for
7 public access to public information and develop an
8 information network for state government;

9 ~~[(12)]~~ (13) Assume administrative responsibility for the
10 office of information practices; and

11 ~~[(13)]~~ (14) Approve state fleet acquisitions; provided
12 that:

13 (A) Beginning January 1, 2022, all new light-duty
14 motor vehicles that are passenger cars purchased
15 for the State's fleet shall be zero-emission
16 vehicles;

17 (B) Beginning as soon as practicable but no later
18 than January 1, 2030, all new light-duty motor
19 vehicles that are multipurpose passenger vehicles
20 and trucks for the State's fleet shall be zero-
21 emission vehicles; and

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(C) The comptroller may authorize an exemption for new fleet vehicle purchases if zero-emission vehicles are demonstrated to be cost-prohibitive on a lifecycle basis or unsuitable for the vehicles' planned purpose, or if funds are unavailable.

For the purposes of this subsection:

"Light-duty motor vehicle" has the same meaning as defined in title 10 Code of Federal Regulations part 490.

"Multipurpose passenger vehicle" has the same meaning as defined in title 49 Code of Federal Regulations section 571.3.

"Passenger car" has the same meaning as defined in title 49 Code of Federal Regulations section 571.3.

"Truck" has the same meaning as defined in title 49 Code of Federal Regulations section 571.3.

"Zero-emission vehicle" has the same meaning as specified in title 40 Code of Federal Regulations section 88.1."

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

"(b) The civil service to which this chapter applies shall comprise all positions in the State now existing or hereafter

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1 established and embrace all personal services performed for the
2 State, except the following:

- 3 (1) Commissioned and enlisted personnel of the Hawaii
4 National Guard and positions in the Hawaii National
5 Guard that are required by state or federal laws or
6 regulations or orders of the National Guard to be
7 filled from those commissioned or enlisted personnel;
- 8 (2) Positions filled by persons employed by contract where
9 the director of human resources development has
10 certified that the service is special or unique or is
11 essential to the public interest and that, because of
12 circumstances surrounding its fulfillment, personnel
13 to perform the service cannot be obtained through
14 normal civil service recruitment procedures. Any
15 contract may be for any period not exceeding one year;
- 16 (3) Positions that must be filled without delay to comply
17 with a court order or decree if the director
18 determines that recruitment through normal recruitment
19 civil service procedures would result in delay or
20 noncompliance, such as the Felix-Cayetano consent
21 decree;

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

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

(6) Positions filled by popular vote;

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

(8) Judges, referees, receivers, masters, jurors, notaries public, land court examiners, court commissioners, and attorneys appointed by a state court for a special temporary service;

(9) One bailiff for the chief justice of the supreme court who shall have the powers and duties of a court officer and bailiff under section 606-14; one secretary or clerk for each justice of the supreme court, each judge of the intermediate appellate court, and each judge of the circuit court; one secretary for the judicial council; one deputy administrative director of the courts; three law clerks for the chief

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1 justice of the supreme court, two law clerks for each
2 associate justice of the supreme court and each judge
3 of the intermediate appellate court, one law clerk for
4 each judge of the circuit court, two additional law
5 clerks for the civil administrative judge of the
6 circuit court of the first circuit, two additional law
7 clerks for the criminal administrative judge of the
8 circuit court of the first circuit, one additional law
9 clerk for the senior judge of the family court of the
10 first circuit, two additional law clerks for the civil
11 motions judge of the circuit court of the first
12 circuit, two additional law clerks for the criminal
13 motions judge of the circuit court of the first
14 circuit, and two law clerks for the administrative
15 judge of the district court of the first circuit; and
16 one private secretary for the administrative director
17 of the courts, the deputy administrative director of
18 the courts, each department head, each deputy or first
19 assistant, and each additional deputy, or assistant
20 deputy, or assistant defined in paragraph (16);

21 (10) First deputy and deputy attorneys general, the
22 administrative services manager of the department of

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1 the attorney general, one secretary for the
2 administrative services manager, an administrator and
3 any support staff for the criminal and juvenile
4 justice resources coordination functions, and law
5 clerks;

6 (11) (A) Teachers, principals, vice-principals, complex
7 area superintendents, deputy and assistant
8 superintendents, other certificated personnel,
9 and no more than twenty noncertificated
10 administrative, professional, and technical
11 personnel not engaged in instructional work;

12 (B) Effective July 1, 2003, teaching assistants,
13 educational assistants, bilingual or bicultural
14 school-home assistants, school psychologists,
15 psychological examiners, speech pathologists,
16 athletic health care trainers, alternative school
17 work study assistants, alternative school
18 educational or supportive services specialists,
19 alternative school project coordinators, and
20 communications aides in the department of
21 education;

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(C) The special assistant to the state librarian and one secretary for the special assistant to the state librarian; and

(D) Members of the faculty of the university of Hawaii, including research workers, extension agents, personnel engaged in instructional work, and administrative, professional, and technical personnel of the university;

(12) Employees engaged in special, research, or demonstration projects approved by the governor;

(13) (A) Positions filled by inmates, patients of state institutions, and persons with severe physical or mental disabilities participating in the work experience training programs;

(B) Positions filled with students in accordance with guidelines for established state employment programs; and

(C) Positions that provide work experience training or temporary public service employment that are filled by persons entering the workforce or persons transitioning into other careers under programs such as the federal Workforce Investment

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Act of 1998, as amended, or the Senior Community Service Employment Program of the Employment and Training Administration of the United States Department of Labor, or under other similar state programs;

(14) A custodian or guide at Iolani Palace, the Royal Mausoleum, and Hulihee Palace;

(15) Positions filled by persons employed on a fee, contract, or piecework basis, who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State;

(16) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, article V, of the Hawaii State Constitution; three additional deputies or assistants either in charge of the highways, harbors, and airports divisions or other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the

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governor; one additional deputy in the department of human services either in charge of welfare or other functions within the department as may be assigned by the director of human services; four additional deputies in the department of health, each in charge of one of the following: behavioral health, environmental health, hospitals, and health resources administration, including other functions within the department as may be assigned by the director of health, with the approval of the governor; two additional deputies in charge of the law enforcement programs, administration, or other functions within the department of law enforcement as may be assigned by the director of law enforcement, with the approval of the governor; three additional deputies each in charge of the correctional institutions, rehabilitation services and programs, and administration or other functions within the department of corrections and rehabilitation as may be assigned by the director of corrections and rehabilitation, with the approval of the governor; two administrative assistants to the state librarian; and

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1 an administrative assistant to the superintendent of
2 education;

3 (17) Positions specifically exempted from this part by any
4 other law; provided that:

5 (A) Any exemption created after July 1, 2014, shall
6 expire three years after its enactment unless
7 affirmatively extended by an act of the
8 legislature; and

9 (B) All of the positions defined by paragraph (9)
10 shall be included in the position classification
11 plan;

12 (18) Positions in the state foster grandparent program and
13 positions for temporary employment of senior citizens
14 in occupations in which there is a severe personnel
15 shortage or in special projects;

16 (19) Household employees at the official residence of the
17 president of the university of Hawaii;

18 (20) Employees in the department of education engaged in
19 the supervision of students during meal periods in the
20 distribution, collection, and counting of meal
21 tickets, and in the cleaning of classrooms after
22 school hours on a less than half-time basis;

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(21) Employees hired under the tenant hire program of the Hawaii public housing authority; provided that no more than twenty-six per cent of the authority's workforce in any housing project maintained or operated by the authority shall be hired under the tenant hire program;

(22) Positions of the federally funded expanded food and nutrition program of the university of Hawaii that require the hiring of nutrition program assistants who live in the areas they serve;

(23) Positions filled by persons with severe disabilities who are certified by the state vocational rehabilitation office that they are able to perform safely the duties of the positions;

(24) The sheriff;

(25) A gender and other fairness coordinator hired by the judiciary;

(26) Positions in the Hawaii National Guard youth and adult education programs;

(27) In the Hawaii state energy office in the department of business, economic development, and tourism, all

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energy program managers, energy program specialists,
energy program assistants, and energy analysts;

(28) Administrative appeals hearing officers in the
department of human services;

(29) In the Med-QUEST division of the department of human
services, the division administrator, finance officer,
health care services branch administrator, medical
director, and clinical standards administrator;

(30) In the director's office of the department of human
services, the enterprise officer, information security
and privacy compliance officer, security and privacy
compliance engineer, security and privacy compliance
analyst, information technology implementation
manager, assistant information technology
implementation manager, resource manager, community or
project development director, policy director, special
assistant to the director, and limited English
proficiency project manager or coordinator;

(31) The Alzheimer's disease and related dementia services
coordinator in the executive office on aging;

(32) In the Hawaii emergency management agency, the
executive officer, public information officer, civil

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1 defense administrative officer, branch chiefs, and
2 emergency operations center state warning point
3 personnel; provided that for state warning point
4 personnel, the director shall determine that
5 recruitment through normal civil service recruitment
6 procedures would result in delay or noncompliance;

7 (33) The executive director and seven full-time
8 administrative positions of the school facilities
9 authority;

10 (34) Positions in the Mauna Kea stewardship and oversight
11 authority;

12 (35) In the office of homeland security of the department
13 of law enforcement, the statewide interoperable
14 communications coordinator;

15 (36) In the social services division of the department of
16 human services, the business technology analyst;

17 (37) The executive director and staff of the 911 board;

18 (38) The software developer supervisor and senior software
19 developers in the department of taxation;

20 (39) In the department of law enforcement, five Commission
21 on Accreditation for Law Enforcement Agencies, Inc.,
22 coordinator positions;

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(40) The state fire marshal and deputy state fire marshal
in the office of the state fire marshal;

(41) The administrator for the law enforcement standards
board;

(42) In the office of the director of taxation, the data
privacy officer and tax business analysts; ~~and~~

~~+~~ (43) ~~+~~ All positions filled by the Hawaii tourism
authority within the department of business, economic
development, and tourism ~~-~~;

(44) All positions filled by the public works division's
special project branch within the department of
accounting and general services; and

(45) All positions within the comptroller's office within
the department of accounting and general services
hired to support communications, change management,
and business process improvement programs as part of
the State's information technology modernization
efforts.

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

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

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1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *Nicholas K. Puhm*

6

BY REQUEST

JAN 26 2026

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Report Title:

DAGS; Public Works Division; Comptroller's Office; Civil Service; Exemptions

Description:

Permanently exempts certain positions within the Public Works Division, Special Project Branch, and the Comptroller's Office within the Department of Accounting and General Services from state civil service law.

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

JUSTIFICATION SHEET

DEPARTMENT: Accounting and General Services

TITLE: A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPT POSITIONS WITHIN THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES.

PURPOSE: To permanently exempt certain positions within the Public Works Division, Special Project Branch, and the Comptroller's Office within the Department of Accounting and General Services (DAGS) from the State Civil Service law.

MEANS: Amend sections 26-6(b) and 76-16(b), Hawaii Revised Statutes (HRS).

JUSTIFICATION: The success of the New Aloha Stadium Entertainment District (NASED) project, other innovative projects, and the Business Transformations Office (BTO) depends on DAGS' ability to quickly fill exempt positions with uniquely qualified individuals. These positions are hard to fill because they require specialized skill sets and are in high demand within the industry.

Section 26-6(b)(9) presently exempts positions engaged in the State's information technology modernization initiatives within the Comptroller's Office's BTO from Chapters 76 and 89. Amending section 76-16(b) will make this exemption permanent.

Impact on the public: The development of the NASED will improve the State's economy impacting housing, hotels, office, retail commercial and entertainment. Having qualified employees within the Public Works Division, Special Projects Branch as well as the Comptroller's Office's BTO will enable state government to run more efficiently and effectively.

Impact on the department and other agencies:
The DAGS BTO supports the statewide resource planning system efforts to modernize state business process across all state agencies.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION:

OTHER AFFECTED
AGENCIES: All state agencies.

EFFECTIVE DATE: Upon approval.