

H.B. NO. 2255

A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL.

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

1 SECTION 1. Section 28-10.5, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:
3 (b) The attorney general may employ, without regard to
4 chapter 76, and at pleasure dismiss, an administrator to oversee
5 and carry out the resource coordination functions of the
6 department set forth in subsection (a). In addition, the
7 attorney general may employ, ~~[in accordance with]~~ without regard
8 to chapter 76, other support staff necessary for the performance
9 of the resource coordination functions.

10 SECTION 2. Section 76-16, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:
12 (b) The civil service to which this chapter applies shall
13 comprise all positions in the State now existing or hereafter
14 established and embrace all personal services performed for the
15 State, except the following:

16 (1) Commissioned and enlisted personnel of the Hawaii
17 National Guard and positions in the Hawaii National
18 Guard that are required by state or federal laws or

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1 regulations or orders of the National Guard to be
2 filled from those commissioned or enlisted personnel;

3 (2) Positions filled by persons employed by contract where
4 the director of human resources development has
5 certified that the service is special or unique or is
6 essential to the public interest and that, because of
7 circumstances surrounding its fulfillment, personnel
8 to perform the service cannot be obtained through
9 normal civil service recruitment procedures. Any
10 contract may be for any period not exceeding one year;

11 (3) Positions that must be filled without delay to comply
12 with a court order or decree if the director
13 determines that recruitment through normal recruitment
14 civil service procedures would result in delay or
15 noncompliance, such as the Felix-Cayetano consent
16 decree;

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

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

22 (6) Positions filled by popular vote;

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- 1 (7) Department heads, officers, and members of any board,
- 2 commission, or other state agency whose appointments
- 3 are made by the governor or are required by law to be
- 4 confirmed by the senate;
- 5 (8) Judges, referees, receivers, masters, jurors, notaries
- 6 public, land court examiners, court commissioners, and
- 7 attorneys appointed by a state court for a special
- 8 temporary service;
- 9 (9) One bailiff for the chief justice of the supreme court
- 10 who shall have the powers and duties of a court
- 11 officer and bailiff under section 606-14; one
- 12 secretary or clerk for each justice of the supreme
- 13 court, each judge of the intermediate appellate court,
- 14 and each judge of the circuit court; one secretary for
- 15 the judicial council; one deputy administrative
- 16 director of the courts; three law clerks for the chief
- 17 justice of the supreme court, two law clerks for each
- 18 associate justice of the supreme court and each judge
- 19 of the intermediate appellate court, one law clerk for
- 20 each judge of the circuit court, two additional law
- 21 clerks for the civil administrative judge of the
- 22 circuit court of the first circuit, two additional law

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1 clerks for the criminal administrative judge of the
2 circuit court of the first circuit, one additional law
3 clerk for the senior judge of the family court of the
4 first circuit, two additional law clerks for the civil
5 motions judge of the circuit court of the first
6 circuit, two additional law clerks for the criminal
7 motions judge of the circuit court of the first
8 circuit, and two law clerks for the administrative
9 judge of the district court of the first circuit; and
10 one private secretary for the administrative director
11 of the courts, the deputy administrative director of
12 the courts, each department head, each deputy or first
13 assistant, and each additional deputy, or assistant
14 deputy, or assistant defined in paragraph (16);
15 (10) [First] In the department of the attorney general,
16 first deputy and deputy attorneys general, the
17 administrative services manager of the department of
18 the attorney general, one secretary for the
19 administrative services manager, an administrator and
20 any support staff for the criminal and juvenile
21 justice resources coordination functions, [and] law
22 clerks[+], forensic analysts, special agents of the

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1 special investigation and prosecution division, a
2 litigation secretary and a litigation assistant of the
3 complex litigation division, and the charities
4 administrator.

5 (11) (A) Teachers, principals, vice-principals, complex
6 area superintendents, deputy and assistant
7 superintendents, other certificated personnel,
8 and no more than twenty noncertificated
9 administrative, professional, and technical
10 personnel not engaged in instructional work;
11 (B) Effective July 1, 2003, teaching assistants,
12 educational assistants, bilingual or bicultural
13 school-home assistants, school psychologists,
14 psychological examiners, speech pathologists,
15 athletic health care trainers, alternative school
16 work study assistants, alternative school
17 educational or supportive services specialists,
18 alternative school project coordinators, and
19 communications aides in the department of
20 education;

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1 (C) The special assistant to the state librarian and
2 one secretary for the special assistant to the
3 state librarian; and
4 (D) Members of the faculty of the university of
5 Hawaii, including research workers, extension
6 agents, personnel engaged in instructional work,
7 and administrative, professional, and technical
8 personnel of the university;
9 (12) Employees engaged in special, research, or
10 demonstration projects approved by the governor;
11 (13) (A) Positions filled by inmates, patients of state
12 institutions, and persons with severe physical or
13 mental disabilities participating in the work
14 experience training programs;
15 (B) Positions filled with students in accordance with
16 guidelines for established state employment
17 programs; and
18 (C) Positions that provide work experience training
19 or temporary public service employment that are
20 filled by persons entering the workforce or
21 persons transitioning into other careers under
22 programs such as the federal Workforce Investment

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

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

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

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1 governor; one additional deputy in the department of
2 human services either in charge of welfare or other
3 functions within the department as may be assigned by
4 the director of human services; four additional
5 deputies in the department of health, each in charge
6 of one of the following: behavioral health,
7 environmental health, hospitals, and health resources
8 administration, including other functions within the
9 department as may be assigned by the director of
10 health, with the approval of the governor; two
11 additional deputies in charge of the law enforcement
12 programs, administration, or other functions within
13 the department of law enforcement as may be assigned
14 by the director of law enforcement, with the approval
15 of the governor; three additional deputies each in
16 charge of the correctional institutions,
17 rehabilitation services and programs, and
18 administration or other functions within the
19 department of corrections and rehabilitation as may be
20 assigned by the director of corrections and
21 rehabilitation, with the approval of the governor; two
22 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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- 1 (21) Employees hired under the tenant hire program of the
- 2 Hawaii public housing authority; provided that no more
- 3 than twenty-six per cent of the authority's workforce
- 4 in any housing project maintained or operated by the
- 5 authority shall be hired under the tenant hire
- 6 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

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

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

5 (42) In the office of the director of taxation, the data
6 privacy officer and tax business analysts; [and
7 +] (43) [+] All positions filled by the Hawaii tourism
8 authority within the department of business, economic
9 development, and tourism[-]; and
10 (44) The oversight coordinator and staff of the Hawaii
11 correctional system oversight commission.

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

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

16 SECTION 3. Section 89-6, Hawaii Revised Statutes, is
17 amended by amending subsection (f) to read as follows:

18 (f) The following individuals shall not be included in any
19 appropriate bargaining unit or be entitled to coverage under
20 this chapter:

21 (1) Elected or appointed official;

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- 1 (10) Employee of the executive office of the mayor;
- 2 (11) Staff of the legislative branch of the State;
- 3 (12) Staff of the legislative branches of the counties,
4 except employees of the clerks' offices of the
5 counties;
- 6 (13) Any commissioned and enlisted personnel of the Hawaii
7 national guard;
- 8 (14) Inmate, kokua, patient, ward, or student of a state
9 institution;
- 10 (15) Student help;
- 11 (16) Staff of the Hawaii labor relations board;
- 12 (17) Employees of the Hawaii national guard youth challenge
13 academy; or
- 14 (18) Employees of the office of elections []; and
- 15 (19) A litigation assistant and forensic analysts of the
16 complex litigation division of the department of the
17 attorney general.

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

Madeline K. Mahan

4

BY REQUEST

JAN 26 2026

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Report Title:

ATG; Forensic Analysts; Special Agents; Litigation Secretary; Litigation Assistant; Charities Administrator; Hawaii Correctional System Oversight Commission; Oversight Coordinator; Civil Service; Bargaining Units; Exemptions

Description:

Permanently exempts specified positions of the Department of the Attorney General and its administratively attached Hawaii Correctional System Oversight Commission from civil service (chapter 76, HRS) and, for certain positions where the exemption from collective bargaining under chapter 89, HRS, may be unclear, to expressly provide the exemption. Makes housekeeping amendments to section 28-10.5(b), HRS.

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

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JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL.

PURPOSE: To permanently exempt specified positions of the department and its administratively attached Hawaii Correctional System Oversight Commission (HCSOC) from civil service (chapter 76, Hawaii Revised Statutes (HRS)) and, for certain positions where the exemption from collective bargaining under chapter 89, HRS, may be unclear, to expressly provide the exemption. These positions include a litigation secretary and litigation assistant of the Complex Litigation Division (CLD), forensic analysts of the Special Investigation and Prosecution Division (SIPD) and CLD, special agents of the SIPD, the Charities Administrator, and the Oversight Coordinator and staff of the HCSOC.

MEANS: Amend sections 28-10.5(b), 76-16(b) and 89-6(f), HRS.

JUSTIFICATION: The department requires the services of highly skilled and experienced personnel—including forensic analysts, special agents, and litigation support staff—to handle complex and sensitive legal matters. The Charities Administrator, who oversees more than 9,000 registered charitable organizations in the State, also requires a high level of technical and managerial expertise. Exempting these positions from civil service will enable the department to recruit and retain uniquely qualified candidates and employees.

Act 179, Session Laws of Hawaii 2019, established the Oversight Coordinator of the HCSOC as exempt from chapter 76, HRS, and authorized the coordinator to hire exempt staff. This bill, by amending section 76-

16(b), HRS, makes those exemptions permanent.

The bill also amends section 89-6(f), HRS, to specifically exempt a litigation assistant and forensic analysts of the CLD from collective bargaining under chapter 89. This exemption will provide the department with greater flexibility to recruit, retain, and manage highly skilled personnel, which is essential to carrying out sensitive and complex responsibilities.

Additionally, the bill makes housekeeping amendments to align section 28-10.5(b), HRS, with the civil service exemption presently provided for support staff for the criminal and juvenile justice resources coordination functions in section 76-16(b)(10), HRS.

Impact on the public: None.

Impact on the department and other agencies: The department will be able to fill these critical positions with qualified personnel.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: ATG-100.

OTHER AFFECTED
AGENCIES: Department of Human Resources Development.

EFFECTIVE DATE: Upon approval.