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# A BILL FOR AN ACT

RELATING TO THE HAWAII EMERGENCY MANAGEMENT AGENCY.

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

1 SECTION 1. The legislature finds that the Hawai'i emergency  
2 management agency is administratively attached to the department  
3 of defense and currently led by an administrator of emergency  
4 management. However, the increasing frequency and complexity of  
5 both natural and human-caused disasters in Hawai'i require a  
6 leadership structure with clearer operational authority and a  
7 more defined chain of command within the department of defense.

8 The legislature further finds that the department of  
9 transportation provides a useful organizational model, with a  
10 director supported by deputy directors who each have defined  
11 operational authority over administration, airports, harbors,  
12 and highways. Similarly, converting the administrator position  
13 of the Hawai'i emergency management agency into a deputy director  
14 position within the department of defense, under the direction  
15 of the adjutant general who serves as the director of Hawaii  
16 emergency management, will strengthen coordination, clarify

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1 authority, and enhance the State's ability to prepare for,  
2 respond to, and recover from disasters.

3 Accordingly, the purpose of this Act is to establish the  
4 administrator of emergency management as the deputy director of  
5 emergency management, serving under the adjutant general within  
6 the department of defense, and to vest this position with  
7 operational authority over the Hawai'i emergency management  
8 agency.

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

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

15 (1) Commissioned and enlisted personnel of the Hawaii  
16 National Guard and positions in the Hawaii National  
17 Guard that are required by state or federal laws or  
18 regulations or orders of the National Guard to be  
19 filled from those commissioned or enlisted personnel;

20 (2) Positions filled by persons employed by contract where  
21 the director of human resources development has  
22 certified that the service is special or unique or is

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essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform the service cannot be obtained through normal civil service recruitment procedures. Any

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

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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  
22 first circuit, two additional law clerks for the civil

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1 motions judge of the circuit court of the first  
2 circuit, two additional law clerks for the criminal  
3 motions judge of the circuit court of the first  
4 circuit, and two law clerks for the administrative  
5 judge of the district court of the first circuit; and  
6 one private secretary for the administrative director  
7 of the courts, the deputy administrative director of  
8 the courts, each department head, each deputy or first  
9 assistant, and each additional deputy, or assistant  
10 deputy, or assistant defined in paragraph (16);  
11 (10) First deputy and deputy attorneys general, the  
12 administrative services manager of the department of  
13 the attorney general, one secretary for the  
14 administrative services manager, an administrator and  
15 any support staff for the criminal and juvenile  
16 justice resources coordination functions, and law  
17 clerks;  
18 (11) (A) Teachers, principals, vice-principals, complex  
19 area superintendents, deputy and assistant  
20 superintendents, other certificated personnel,  
21 and no more than twenty noncertificated

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

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

8 (C) Positions that provide work experience training  
9 or temporary public service employment that are  
10 filled by persons entering the workforce or  
11 persons transitioning into other careers under  
12 programs such as the federal Workforce Investment  
13 Act of 1998, as amended, or the Senior Community  
14 Service Employment Program of the Employment and  
15 Training Administration of the United States  
16 Department of Labor, or under other similar state  
17 programs;

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

20 (15) Positions filled by persons employed on a fee,  
21 contract, or piecework basis, who may lawfully perform  
22 their duties concurrently with their private business

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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  
10 airports divisions or other functions within the  
11 department of transportation as may be assigned by the  
12 director of transportation, with the approval of the  
13 governor; one additional deputy in the department of  
14 human services either in charge of welfare or other  
15 functions within the department as may be assigned by  
16 the director of human services; four additional  
17 deputies in the department of health, each in charge  
18 of one of the following: behavioral health,  
19 environmental health, hospitals, and health resources  
20 administration, including other functions within the  
21 department as may be assigned by the director of  
22 health, with the approval of the governor; two

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1 additional deputies in charge of the law enforcement  
2 programs, administration, or other functions within  
3 the department of law enforcement as may be assigned  
4 by the director of law enforcement, with the approval  
5 of the governor; three additional deputies each in  
6 charge of the correctional institutions,  
7 rehabilitation services and programs, and  
8 administration or other functions within the  
9 department of corrections and rehabilitation as may be  
10 assigned by the director of corrections and  
11 rehabilitation, with the approval of the governor; two  
12 administrative assistants to the state librarian;  
13 [and] an administrative assistant to the  
14 superintendent of education; and the deputy director  
15 of emergency management in the department of defense;  
16 (17) Positions specifically exempted from this part by any  
17 other law; provided that:  
18 (A) Any exemption created after July 1, 2014, shall  
19 expire three years after its enactment unless  
20 affirmatively extended by an act of the  
21 legislature; and

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1 (B) All of the positions defined by paragraph (9)  
2 shall be included in the position classification  
3 plan;

4 (18) Positions in the state foster grandparent program and  
5 positions for temporary employment of senior citizens  
6 in occupations in which there is a severe personnel  
7 shortage or in special projects;

8 (19) Household employees at the official residence of the  
9 president of the university of Hawaii;

10 (20) Employees in the department of education engaged in  
11 the supervision of students during meal periods in the  
12 distribution, collection, and counting of meal  
13 tickets, and in the cleaning of classrooms after  
14 school hours on a less than half-time basis;

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

21 (22) Positions of the federally funded expanded food and  
22 nutrition program of the university of Hawaii that

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1           require the hiring of nutrition program assistants who  
2           live in the areas they serve;

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

7           (24) The sheriff;

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

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

12           (27) In the Hawaii state energy office in the department of  
13           business, economic development, and tourism, all  
14           energy program managers, energy program specialists,  
15           energy program assistants, and energy analysts;

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

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

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

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

13 (32) In the Hawaii emergency management agency, the  
14 executive officer, public information officer, civil  
15 defense administrative officer, branch chiefs, and  
16 emergency operations center state warning point  
17 personnel; provided that for state warning point  
18 personnel, the director shall determine that  
19 recruitment through normal civil service recruitment  
20 procedures would result in delay or noncompliance;

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- 1 (33) The executive director and seven full-time  
2 administrative positions of the school facilities  
3 authority;
- 4 (34) Positions in the Mauna Kea stewardship and oversight  
5 authority;
- 6 (35) In the office of homeland security of the department  
7 of law enforcement, the statewide interoperable  
8 communications coordinator;
- 9 (36) In the social services division of the department of  
10 human services, the business technology analyst;
- 11 (37) The executive director and staff of the 911 board;
- 12 (38) The software developer supervisor and senior software  
13 developers in the department of taxation;
- 14 (39) In the department of law enforcement, five Commission  
15 on Accreditation for Law Enforcement Agencies, Inc.,  
16 coordinator positions;
- 17 (40) The state fire marshal and deputy state fire marshal  
18 in the office of the state fire marshal;
- 19 (41) The administrator for the law enforcement standards  
20 board;
- 21 (42) In the office of the director of taxation, the data  
22 privacy officer and tax business analysts; and

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1 [+] (43) [+] All positions filled by the Hawaii tourism  
2 authority within the department of business, economic  
3 development, and tourism.

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

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

8 SECTION 3. Section 127A-2, Hawaii Revised Statutes, is  
9 amended by amending the definition of "administrator" to read as  
10 follows:

11 "Administrator" Deputy director" means the  
12 ~~administrator~~ deputy director of ~~the Hawaii~~ emergency  
13 management ~~agency~~ established by section 127A-3."

14 SECTION 4. Section 127A-3, Hawaii Revised Statutes, is  
15 amended by amending subsections (b) to (d) to read as follows:

16 "(b) There shall be ~~an administrator~~ a deputy director  
17 of emergency management within the department of defense, who  
18 shall be appointed, and may be removed, by the director, and who  
19 shall have at least three years of experience leading emergency  
20 management efforts at the local, state, or federal level. The  
21 ~~administrator of emergency management~~ deputy director shall be  
22 the first assistant to the director with respect to emergency

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1 management functions and the civilian head of and responsible  
2 for the day-to-day operations of the agency. In the absence of  
3 the director, the deputy director shall exercise all powers and  
4 duties as they relate to emergency management. The  
5 ~~[administrator of emergency management]~~ deputy director shall  
6 report to the director~~[. The administrator of emergency~~  
7 ~~management shall, in the absence of the director, have all the~~  
8 ~~duties and responsibilities of the director, and shall report~~  
9 ~~directly to the governor.] and shall be paid a salary~~  
10 commensurate with the tier two deputy directors, as defined by  
11 the current salary commission, until the next salary commission  
12 is convened. The [administrator of emergency management] deputy  
13 director shall not be subject to chapter 76.

14 (c) The ~~[administrator]~~ deputy director may, from funds  
15 allotted therefore, employ technical, clerical, administrative,  
16 and other personnel and make such expenditures as may be  
17 necessary.

18 (d) The ~~[administrator]~~ deputy director shall coordinate  
19 the activities of the agency with all county emergency  
20 management agencies, other state agencies, other states, or  
21 federal agencies involved in emergency management activities,  
22 and all organizations for emergency management within the State,

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1 whether public or private, and shall maintain liaison and  
2 cooperate with all county emergency management agencies, other  
3 state agencies, other states, or federal agencies involved in  
4 emergency management activities as provided in this chapter."

5 SECTION 5. Section 127A-5, Hawaii Revised Statutes, is  
6 amended by amending subsection (i) to read as follows:

7 "(i) Each county, under the mayor's direction, shall  
8 coordinate, develop, and implement a comprehensive emergency  
9 management plan for the county and submit annual reports to the  
10 [administrator] deputy director on the status and updates of the  
11 plan."

12 SECTION 6. Sections 127A-6, 127A-16, and 127A-16.5, Hawaii  
13 Revised Statutes, are amended by substituting the word "deputy  
14 director," or similar term, wherever the word "administrator,"  
15 or similar term, appears, as the context requires.

16 SECTION 7. Every reference to the administrator of  
17 emergency management in all rules, policies, procedures,  
18 guidelines, and other material adopted or developed by the  
19 Hawai'i emergency management agency is amended to refer to the  
20 deputy director of emergency management, as appropriate, until  
21 amended or repealed by the Hawai'i emergency management agency.

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1 SECTION 8. The commission on salaries shall, pursuant to  
2 section 26-56, Hawaii Revised Statutes, include the deputy  
3 director of emergency management within its recommendations for  
4 executive branch salary levels beginning with the next  
5 adjustment cycle following the enactment of this Act.

6 SECTION 9. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 10. This Act shall take effect upon its approval.

9

10

INTRODUCED BY:

Nadine K. Nakamura

11

BY REQUEST

JAN 26 2026

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**Report Title:**

DOD; Hawaii Emergency Management Agency; Administrator; Deputy Director; Commission on Salaries

**Description:**

Establishes the Administrator of the Hawai'i Emergency Management Agency as the Deputy Director of Emergency Management within the Department of Defense, under the direction of the Adjutant General, and clarifies the position's reporting structure and duties. Requires the Commission on Salaries, pursuant to section 26-56, HRS, to include the Deputy Director of Emergency Management in its recommendations for executive branch salary levels.

*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: Defense

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII EMERGENCY MANAGEMENT AGENCY.

PURPOSE: To establish the Administrator of the Hawai'i Emergency Management Agency (HIEMA) as the Deputy Director of Emergency Management within the Department of Defense (DOD), under the direction of the Adjutant General (TAG), and clarifies the position's reporting structure and duties. Requires the Commission on Salaries, pursuant to section 26-56, HRS, to include the Deputy Director of Emergency Management in its recommendations for executive branch salary levels.

MEANS: Amend sections 76-16(b), 127A-2, 127A-3(b) to (d), 127A-5(i), 127A-6, 127A-16, and 127A-16.5.

JUSTIFICATION: HIEMA is currently led by the Administrator of Emergency Management. However, the growing frequency and complexity of natural and human-caused disasters in Hawai'i require a leadership structure that more clearly defines operational authority and chain of command within the DOD. The Administrator of Emergency Management is the Director of Emergency Management for the DOD in TAG's absence and has operational authority over the administration of HIEMA. The Department of Transportation offers a useful organizational model, with a director supported by deputy directors who have clear operational authority over administration, airports, harbors, and highways. Similarly, establishing a deputy director of emergency management position within the DOD, under the direction of TAG, will clarify lines of authority, improve coordination across jurisdictions, and strengthen the State's

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capacity to prepare for, respond to, and recover from disasters.

Additionally, the most recent report by the Commission on Salaries did not include the Administrator of Emergency Management in its salary recommendations. Given the responsibilities of the Deputy Director of Emergency Management are comparable in scope to other executive leadership positions included in the Commission's report, this bill directs the Commission to include the position in its next adjustment cycle to ensure equitable recognition and compensation.

Impact on the public: The public will benefit from a more effective and responsive emergency management structure that enhances the State's ability to coordinate and execute timely all-hazard response and recovery efforts.

Impact on the department and other agencies: The Department of Human Resource Development will assist DOD with the administrative conversion of the position title. The Commission on Salaries will be required to include the Deputy Director of Emergency Management in its recommendations for executive branch salary levels.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: DEF 118.

OTHER AFFECTED  
AGENCIES: Department of Human Resource Development;  
Commission on Salaries.

EFFECTIVE DATE: Upon approval.