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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 responsible for safeguarding the people of  
3 Hawai‘i before, during, and after natural or human-caused  
4 disasters. Hawaii's geographic isolation, reliance on fragile  
5 lifelines, and exposure to extreme weather events, wildfires,  
6 tsunamis, and other hazards necessitate a fully staffed, capable  
7 emergency management agency at all times.

8 The legislature further finds that Hawai‘i emergency  
9 management agency has relied extensively on temporary special  
10 project positions to carry out its duties during declared  
11 emergencies. While these positions were originally intended to  
12 address short-term needs, the realities of long-term disaster  
13 recovery, including those associated with the 2023 Maui  
14 wildfires, demonstrate that these responsibilities often extend  
15 for years rather than months.

16 The legislature additionally finds that instability within  
17 the Federal Emergency Management Agency under the current

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1 federal administration creates significant uncertainty in both  
2 staffing and funding support for Hawai'i. Leadership  
3 transitions, funding disruptions, and shifting policy priorities  
4 at the federal level place the State at risk of losing critical  
5 personnel and institutional expertise if Hawai'i emergency  
6 management agency remains dependent on temporary positions. The  
7 State cannot afford to allow disaster preparedness, response, or  
8 recovery operations to be compromised due to unpredictable  
9 federal actions.

10 Accordingly, the purpose of this Act is to authorize the  
11 Hawai'i emergency management agency to convert the Hawai'i  
12 emergency management agency's temporary special project  
13 positions into permanent positions exempt from civil service  
14 under chapters 76, Hawaii Revised Statutes, to ensure workforce  
15 stability, strengthen the retention of trained personnel, and  
16 preserve institutional knowledge, thereby maintaining continuous  
17 operational capacity to protect lives, property, and the  
18 environment.

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

21 "(b) The civil service to which this chapter applies shall  
22 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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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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the attorney general, one secretary for the administrative services manager, an administrator and any support staff for the criminal and juvenile justice resources coordination functions, and law clerks;

(11) (A) Teachers, principals, vice-principals, complex area superintendents, deputy and assistant

superintendents, other certificated personnel, and no more than twenty noncertificated

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,

13 psychological examiners, speech pathologists,

10 [www.who.int/mediacentre/health\\_care\\_trainers\\_alternative\\_healthcare.pdf](http://www.who.int/mediacentre/health_care_trainers_alternative_healthcare.pdf)

with steady oscillations, discontinuous changes

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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  
10 their duties concurrently with their private business  
11 or profession or other private employment and whose  
12 duties require only a portion of their time, if it is  
13 impracticable to ascertain or anticipate the portion  
14 of time to be devoted to the service of the State;

15 (16) Positions of first deputies or first assistants of  
16 each department head appointed under or in the manner  
17 provided in section 6, article V, of the Hawaii State  
18 Constitution; three additional deputies or assistants  
19 either in charge of the highways, harbors, and  
20 airports divisions or other functions within the  
21 department of transportation as may be assigned by the  
22 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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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 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;

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

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1 defense administrative officer, branch chiefs, special  
2 project positions created for Federal Emergency  
3 Management Agency funded disaster recovery operations,  
4 and 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) The executive director and staff of the 911 board;  
20 (38) The software developer supervisor and senior software  
21 developers in the department of taxation;

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

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

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

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

10 [+] (43) [+] All positions filled by the Hawaii tourism  
11 authority within the department of business, economic  
12 development, and tourism.

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

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

17 SECTION 3. Section 127A-3, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "§127A-3 Hawaii emergency

20 is established within the department of defense the Hawaii  
21 emergency management agency. The adjutant general shall serve  
22 as the director of Hawaii emergency management and, subject to

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1 the direction and control of the governor, shall oversee the  
2 agency.

3 (b) There shall be an administrator of emergency  
4 management who shall be appointed, and may be removed, by the  
5 director, and who shall have at least three years of experience  
6 leading emergency management efforts at the local, state, or  
7 federal level. The administrator of emergency management shall  
8 be the civilian head of and responsible for the day-to-day  
9 operations of the agency. The administrator of emergency  
10 management shall report to the director. The administrator of  
11 emergency management shall, in the absence of the director, have  
12 all the duties and responsibilities of the director, and shall  
13 report directly to the governor. The administrator of emergency  
14 management shall not be subject to chapter 76.

15 (c) The administrator may, from funds allotted therefor,  
16 employ technical, clerical, administrative, and other personnel  
17 and make such expenditures as may be necessary.

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

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

5 (e) The agency shall perform emergency management  
6 functions within the territorial limits of the State. In  
7 performing its duties, the agency shall:

8 (1) Prepare a state comprehensive emergency management  
9 plan, which shall be integrated into and coordinated  
10 with the emergency management plans of the federal  
11 government. The plan shall be integrated by a  
12 continuous, integrated comprehensive emergency  
13 management program. The plan shall contain provisions  
14 to ensure that the State prepares for, mitigates  
15 against, responds to, and recovers from emergencies  
16 and minor, major, and catastrophic disasters. In  
17 preparing and maintaining the plan, the agency shall  
18 work closely with agencies and organizations with  
19 emergency management responsibilities;

20 (2) Assign lead and support responsibilities to state  
21 agencies and personnel for emergency management  
22 functions and other support activities;

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- 1       (3) Adopt standards and requirements for county emergency
- 2               management plans. The standards and requirements
- 3               shall ensure that county plans are coordinated and
- 4               consistent with the state comprehensive emergency
- 5               management plan;
- 6       (4) Make recommendations to the legislature, building code
- 7               organizations, and counties for zoning, building, and
- 8               other land use controls; and other preparedness,
- 9               prevention, and mitigation measures designed to
- 10               eliminate emergencies or reduce their impact;
- 11       (5) Anticipate trends and promote innovations that will
- 12               enhance the emergency management system;
- 13       (6) Institute statewide public awareness programs. This
- 14               shall include intensive public educational campaigns
- 15               on emergency preparedness issues, including but not
- 16               limited to the personal responsibility of individual
- 17               citizens to be self-sufficient for up to fourteen days
- 18               following a natural or human-caused disaster;
- 19       (7) Coordinate federal, state, and local emergency
- 20               management activities and take all other steps,
- 21               including the partial or full mobilization of
- 22               emergency management forces and organizations in

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advance of an actual emergency, to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters;

- (8) Implement training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This shall include a continuous training program for agencies and individuals that will be called on to perform key roles in state and local post-disaster response and recovery efforts and for local government personnel on federal and state post-disaster response and recovery strategies and procedures;
- (9) Adopt standards and requirements for state agency emergency operating procedures and periodically review emergency operating procedures of state agencies and recommend revisions as needed to ensure consistency with the state comprehensive emergency management plan and program; and
- (10) Coordinate, in advance whenever possible, such executive orders, proclamations, and rules for

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1 issuance by the governor as are necessary or  
2 appropriate for coping with emergencies and disasters.

3 (f) The agency, with the approval of the governor and  
4 subject to positions authorized by the legislature, may  
5 establish permanent special project positions exempt from  
6 chapters 76 that are created for Federal Emergency Management  
7 Agency funded disaster recovery operations.

8 Notwithstanding any law to the contrary, the department of  
9 defense may authorize overtime compensation for these special  
10 project positions; provided that the compensation shall be  
11 subject to the availability of funds and consistent with the  
12 Fair Labor Standards Act of 1938, as amended.

13 The agency shall submit an annual report to the legislature  
14 no later than twenty days prior to the convening of each regular  
15 session. The report shall include:

16 (1) A list of all special project positions under this  
17 subsection that are exempt from chapter 76;  
18 (2) The justification for the exempt status of each  
19 position; and  
20 (3) Recommendations on whether any positions should be  
21 converted to civil service, including anticipated  
22 timelines for conversion, if applicable."

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1 SECTION 4. There are established within the Hawai‘i  
2 emergency management agency permanent full-time equivalent  
3 special project positions pursuant to section 127A-3(f), Hawaii  
4 Revised Statutes. The number and classification of these exempt  
5 positions shall initially correspond to the temporary special  
6 project positions, created for Federal Emergency Management  
7 Agency funded disaster recovery operations, that are in  
8 existence on June 30, 2026, including but not limited to  
9 positions in disaster recovery, grants management, planning,  
10 logistics, mitigation, and operations.

11 SECTION 5. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act, upon its approval, shall take effect  
14 on July 1, 2026.

15

16

INTRODUCED BY:

Nadine K. Nakamura

17

BY REQUEST

JAN 26 2026

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**Report Title:**

HIEMA; Special Project Positions; Civil Service; Exemption

**Description:**

Authorizes the Hawaii Emergency Management Agency to convert temporary special project positions created for Federal Emergency Management Agency funded disaster recovery operations into permanent positions exempt from civil service, subject to certain limitations.

*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 authorize the Hawai'i Emergency Management Agency (HIEMA) to convert temporary special project positions created for Federal Emergency Management Agency funded disaster recovery operations into permanent positions exempt from civil service, subject to certain limitations.

MEANS: Amend sections 76-16(b) and 127A-3, Hawaii Revised Statutes.

JUSTIFICATION: HIEMA is responsible for safeguarding the people of Hawai'i before, during, and after natural or human-caused disasters. Given Hawaii's unique circumstances to both natural and human-induced hazards, a capable and continuously staffed emergency management workforce is essential. HIEMA's reliance on temporary special project positions was never intended to support the current reality of lengthy disaster recovery operations and is no longer sustainable.

Additionally, instability within the Federal Emergency Management Agency (FEMA) under the current federal administration has created significant uncertainty regarding both staffing and funding support for Hawai'i. Federal leadership transitions, funding disruptions, unpredictable federal actions, and shifting policy priorities place the State at risk of losing critical personnel and expertise if HIEMA continues to depend on temporary special project positions.

This bill authorizes HIEMA to convert its temporary special project positions into permanent positions exempt from civil service to ensure workforce stability,

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retention of trained personnel, and preservation of institutional knowledge, regardless of changes at the federal level.

Impact on the public: The public will benefit from a stable, fully staffed emergency management agency capable of responding quickly and effectively to all-hazard incidents and sustaining recovery operations over the long term.

Impact on the department and other agencies: The Department of Human Resource Development will be required to assist HIEMA in converting existing special project positions. This will ultimately reduce the State's overall workload associated with refilling recurring temporary positions.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: DEF 118.

OTHER AFFECTED  
AGENCIES: Department of Human Resource Development.

EFFECTIVE DATE: June 30, 2026.