
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 (4) Positions filled by the legislature or by either house
2 or any committee thereof;
- 3 (5) Employees in the office of the governor and office of
4 the lieutenant governor, and household employees at
5 Washington Place;
- 6 (6) Positions filled by popular vote;
- 7 (7) Department heads, officers, and members of any board,
8 commission, or other state agency whose appointments
9 are made by the governor or are required by law to be
10 confirmed by the senate;
- 11 (8) Judges, referees, receivers, masters, jurors, notaries
12 public, land court examiners, court commissioners, and
13 attorneys appointed by a state court for a special
14 temporary service;
- 15 (9) One bailiff for the chief justice of the supreme court
16 who shall have the powers and duties of a court
17 officer and bailiff under section 606-14; one
18 secretary or clerk for each justice of the supreme
19 court, each judge of the intermediate appellate court,
20 and each judge of the circuit court; one secretary for
21 the judicial council; one deputy administrative
22 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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1 Act of 1998, as amended, or the Senior Community
2 Service Employment Program of the Employment and
3 Training Administration of the United States
4 Department of Labor, or under other similar state
5 programs;

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

(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.

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."

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

"§127A-3 Hawaii emergency management agency. (a) There is established within the department of defense the Hawaii emergency management agency. The adjutant general shall serve 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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1 advance of an actual emergency, to ensure the
2 availability of adequately trained and equipped forces
3 of emergency management personnel before, during, and
4 after emergencies and disasters;

5 (8) Implement training programs to improve the ability of
6 state and local emergency management personnel to
7 prepare and implement emergency management plans and
8 programs. This shall include a continuous training
9 program for agencies and individuals that will be
10 called on to perform key roles in state and local
11 post-disaster response and recovery efforts and for
12 local government personnel on federal and state post-
13 disaster response and recovery strategies and
14 procedures;

15 (9) Adopt standards and requirements for state agency
16 emergency operating procedures and periodically review
17 emergency operating procedures of state agencies and
18 recommend revisions as needed to ensure consistency
19 with the state comprehensive emergency management plan
20 and program; and

21 (10) Coordinate, in advance whenever possible, such
22 executive orders, proclamations, and rules for

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

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

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

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

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

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

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

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

INTRODUCED BY:

Nadine K. Mahi

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.

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 dependent 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.