

JAN 28 2026

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

S.B. NO. 3109

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

S.B. NO. 3109

1 essential to the public interest and that, because of
2 circumstances surrounding its fulfillment, personnel
3 to perform the service cannot be obtained through
4 normal civil service recruitment procedures. Any
5 contract may be for any period not exceeding one year;

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

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

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

17 (6) Positions filled by popular vote;

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

S.B. NO. 3109

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

S.B. NO. 3109

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

S.B. NO. 3109

1 administrative, professional, and technical
2 personnel not engaged in instructional work;

3 (B) Effective July 1, 2003, teaching assistants,
4 educational assistants, bilingual or bicultural
5 school-home assistants, school psychologists,
6 psychological examiners, speech pathologists,
7 athletic health care trainers, alternative school
8 work study assistants, alternative school
9 educational or supportive services specialists,
10 alternative school project coordinators, and
11 communications aides in the department of
12 education;

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

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

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

S.B. NO. 3109

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

S.B. NO. 3109

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

S.B. NO. 3109

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

S.B. NO. 3109

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

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

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

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

(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

S.B. NO. 3109

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;

S.B. NO. 3109

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;

S.B. NO. 3109

- 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

S.B. NO. 3109

[+](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-2, Hawaii Revised Statutes, is amended by amending the definition of "administrator" to read as follows:

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

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

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

S.B. NO. 3109

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,

S.B. NO. 3109

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.

S.B. NO. 3109

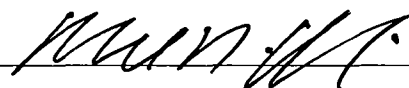
1 SECTION 8. The commission on salaries shall, pursuant to
2 section 26-56, Hawaii Revised Statutes, include the deputy
3 director of emergency management within its recommendations for
4 executive branch salary levels beginning with the next
5 adjustment cycle following the enactment of this Act.

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: 

11

BY REQUEST

S.B. NO. 3109

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.

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

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.