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# A BILL FOR AN ACT

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RELATING TO THE HAWAII NATIONAL GUARD.

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

1        SECTION 1. Section 89-6, Hawaii Revised Statutes, is  
2 amended by amending subsection (f) to read as follows:  
3        "(f) The following individuals shall not be included in  
4 any appropriate bargaining unit or be entitled to coverage under  
5 this chapter:  
6            (1) Elected or appointed official;  
7            (2) Member of any board or commission; provided that  
8            nothing in this paragraph shall prohibit a member of a  
9            collective bargaining unit from serving on a governing  
10           board of a charter school, on the state public charter  
11           school commission, or as a charter school authorizer  
12           established under chapter 302D;  
13           (3) Top-level managerial and administrative personnel,  
14           including the department head, deputy or assistant to  
15           a department head, administrative officer, director,  
16           or chief of a state or county agency or major  
17           division, and legal counsel;

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- (4) Secretary to top-level managerial and administrative personnel under paragraph (3);
- (5) Individual concerned with confidential matters affecting employee-employer relations;
- (6) Part-time employee working less than twenty hours per week, except part-time employees included in unit (5);
- (7) Temporary employee of three months' duration or less;
- (8) Employee of the executive office of the governor or a household employee at Washington Place;
- (9) Employee of the executive office of the lieutenant governor;
- (10) Employee of the executive office of the mayor;
- (11) Staff of the legislative branch of the State;
- (12) Staff of the legislative branches of the counties, except employees of the clerks' offices of the counties;
- (13) Any commissioned and enlisted personnel of the Hawaii national guard;
- (14) Inmate, kokua, patient, ward, or student of a state institution;
- (15) Student help;
- (16) Staff of the Hawaii labor relations board;

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1 (17) Employees of the Hawaii national guard [~~youth~~  
2 ~~challenge academy;~~] civil-military program; or

3 (18) Employees of the office of elections."

4 SECTION 2. Section 121-44, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 " [+] ~~§121-44~~ [+] ~~[youth challenge]~~ civil-military

7 program[-]; nā kula alaka'i. (a) There is established the  
8 Hawaii national guard civil-military program, also known as "nā  
9 kula alaka'i," to be administered by the department of defense.

10 The department of defense may establish and administer youth and  
11 adult education programs within the Hawaii national guard civil-  
12 military program.

13 (b) Positions in the Hawaii national guard civil-military  
14 program shall be exempt from chapters 76 and 89.

15 [+] (c) Notwithstanding any other law to the contrary,  
16 the department of defense may receive, expend, use, manage, and  
17 invest money, services, or property, real, personal, or mixed,  
18 that may be given, bequeathed, devised, or in any other manner  
19 provided, from sources other than the legislature or the federal  
20 government, for any purpose authorized under the Hawaii national  
21 guard [~~youth challenge~~] civil-military program, as described in  
22 that certain grant program under the National Guard Bureau, and

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1 not inconsistent with any terms or conditions imposed by the  
2 donor, this section, or chapter 84.

3 [+] (d) A gift of money shall be deposited by the  
4 director of finance in a separate account in the state treasury  
5 and expended in accordance with law and any terms and conditions  
6 that may pertain to the gift. Unless otherwise specified as a  
7 term or condition, the department of defense may convert a gift  
8 of property into money. Income derived from property or the  
9 conversion of property may be used for the purposes described in  
10 this section and to pay for the storage, handling, management,  
11 repair, maintenance, and distribution of other properties held  
12 by the department of defense for these purposes.

13 [+] (e) All expenditures made pursuant to this section  
14 shall be subject to the approval of the adjutant general.

15 [+] (f) In the case of services and property, real,  
16 personal, or mixed received, the department of defense shall  
17 thereafter be responsible for their management, repair, and  
18 maintenance.

19 [+] (g) The source making the gift shall not be liable  
20 upon any claim for injury arising from the donated property;  
21 provided that this provision shall not affect the responsibility  
22 or liability of manufacturers of defective products nor shall it

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1 affect the responsibilities of negligent persons who cause  
2 dangerous conditions that result in injury.

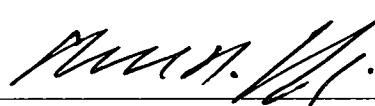
3 [({})] (h) The department of defense shall maintain records  
4 of each gift, the essential facts of gift management, details  
5 relating to expenditures of all money made pursuant to this  
6 section, and the current disposition, use, and condition of each  
7 gift held by the department. This information shall be compiled  
8 and reported annually to the legislature and the governor, and  
9 shall be made available to the general public free of charge."

10 SECTION 3. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 

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BY REQUEST

# S.B. NO. 3110

**Report Title:**

Hawaii National Guard Youth Challenge Program; Civil-Military Program; Nā Kula Alaka‘i; Civil Service; Collective Bargaining; Exemption

**Description:**

Clarifies that employees of the Hawaii National Guard youth and adult educational programs are excluded from collective bargaining. Renames the "Hawaii National Guard Youth Challenge Program" to the "Hawaii National Guard Civil-Military Program" and codifies its Hawaiian name, "Nā Kula Alaka‘i."

*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 NATIONAL GUARD.

PURPOSE: To clarify that employees of the Hawaii National Guard youth and adult educational programs are excluded from collective bargaining. To rename the "Hawaii National Guard Youth Challenge Program" to "Hawaii National Guard Civil-Military Program" and codify its Hawaiian name, "Nā Kula Alaka'i."

MEANS: Amend sections 89-6(f)(17) and 121-44, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Act 65, Session Laws of Hawaii 2002, exempted positions in the Hawaii National Guard Youth Challenge Academy from civil service and collective bargaining. Act 43, Session Laws of Hawaii 2009, later broadened the civil services exemption in section 76-16(b)(27) to include "positions in the Hawaii national guard youth and adult educational programs," ensuring that the exemption applied to employees in the Hawaii National Guard Youth Challenge Program, under which the Hawaii National Guard Youth Challenge Academy is administered. Act 43, however, did not make a corresponding amendment to section 89-6(f)(17). This inconsistency has created confusion in processing pay and personnel action for the employees of the Hawaii National Guard Job Challenge Academy, which also operates under the Hawaii National Guard Youth Challenge Program.

This bill aligns section 89-6(f)(17) with section 76-16(B)(27) to ensure consistency between civil service and collective bargaining exemptions and will address inefficiencies the department has been having with personnel and pay once all the positions in the Hawaii National Guard Youth

Challenge Program are reorganized under a single Program ID.

Additionally, the Hawaii National Guard Youth Challenge Program must be renamed to the Hawaii National Guard Civil-Military Program to align the program federally with the United States Department of Defense (DoD). The DoD's civil-military program leverages military training resources with community partnerships to enhance national readiness and expand access to educational opportunities for youth, adults, and veterans. This change will ensure national alignment and consistent program standards.

Furthermore, this bill codifies "Nā Kula Alaka'i" as the Hawaiian name for the program. The renaming was a recommendation by the National Guard Bureau (NGB) to establish a local community-related name.

Impact on the public: None.

Impact on the department and other agencies: Aligning statutory wording will improve administrative efficiency by simplifying the processing and tracking of pay and personnel actions, as well as hiring procedures. It will also align the program better with the DoD and NGB.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: DEF 114.

OTHER AFFECTED  
AGENCIES: Department of Human Resources Development.

EFFECTIVE DATE: Upon approval.