

JAN 28 2026

A BILL FOR AN ACT

RELATING TO THE HAWAII NATIONAL GUARD.

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

SECTION 1. Section 89-6, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(f) The following individuals shall not be included in any appropriate bargaining unit or be entitled to coverage under this chapter:

(1) Elected or appointed official;

(2) Member of any board or commission; provided that nothing in this paragraph shall prohibit a member of a collective bargaining unit from serving on a governing board of a charter school, on the state public charter school commission, or as a charter school authorizer established under chapter 302D;

(3) Top-level managerial and administrative personnel, including the department head, deputy or assistant to a department head, administrative officer, director, or chief of a state or county agency or major division, and legal counsel;

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

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

(18) Employees of the office of elections."

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

"[~~f~~]**\$121-44[~~f~~] [~~Youth challenge~~] civil-military
program[~~-~~]; nā kula alaka'i. (a) There is established the
Hawaii national guard civil-military program, also known as "nā
kula alaka'i," to be administered by the department of defense.
The department of defense may establish and administer youth and
adult education programs within the Hawaii national guard civil-
military program.**

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

[~~+a~~] (c) Notwithstanding any other law to the contrary,
the department of defense may receive, expend, use, manage, and
invest money, services, or property, real, personal, or mixed,
that may be given, bequeathed, devised, or in any other manner
provided, from sources other than the legislature or the federal
government, for any purpose authorized under the Hawaii national
guard [~~youth challenge~~] civil-military program, as described in
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 ~~[(b)]~~ (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)]~~ (e) All expenditures made pursuant to this section
14 shall be subject to the approval of the adjutant general.

15 ~~[(d)]~~ (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 ~~[(e)]~~ (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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affect the responsibilities of negligent persons who cause dangerous conditions that result in injury.

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

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

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

INTRODUCED BY:

Wm. H. H.

BY REQUEST

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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.