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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 Hawaii 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 Hawaii 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 Hawaii 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



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 Hawaii 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



- 1 certified that the service is special or unique or is  
2 essential to the public interest and that, because of  
3 circumstances surrounding its fulfillment, personnel  
4 to perform the service cannot be obtained through  
5 normal civil service recruitment procedures. Any  
6 contract may be for any period not exceeding one year;
- 7 (3) Positions that must be filled without delay to comply  
8 with a court order or decree if the director  
9 determines that recruitment through normal recruitment  
10 civil service procedures would result in delay or  
11 noncompliance, such as the Felix-Cayetano consent  
12 decree;
- 13 (4) Positions filled by the legislature or by either house  
14 or any committee thereof;
- 15 (5) Employees in the office of the governor and office of  
16 the lieutenant governor, and household employees at  
17 Washington Place;
- 18 (6) Positions filled by popular vote;
- 19 (7) Department heads, officers, and members of any board,  
20 commission, or other state agency whose appointments



1 are made by the governor or are required by law to be  
2 confirmed by the senate;

3 (8) Judges, referees, receivers, masters, jurors, notaries  
4 public, land court examiners, court commissioners, and  
5 attorneys appointed by a state court for a special  
6 temporary service;

7 (9) One bailiff for the chief justice of the supreme court  
8 who shall have the powers and duties of a court  
9 officer and bailiff under section 606-14; one  
10 secretary or clerk for each justice of the supreme  
11 court, each judge of the intermediate appellate court,  
12 and each judge of the circuit court; one secretary for  
13 the judicial council; one deputy administrative  
14 director of the courts; three law clerks for the chief  
15 justice of the supreme court, two law clerks for each  
16 associate justice of the supreme court and each judge  
17 of the intermediate appellate court, one law clerk for  
18 each judge of the circuit court, two additional law  
19 clerks for the civil administrative judge of the  
20 circuit court of the first circuit, two additional law  
21 clerks for the criminal administrative judge of the



1 circuit court of the first circuit, one additional law  
2 clerk for the senior judge of the family court of the  
3 first circuit, two additional law clerks for the civil  
4 motions judge of the circuit court of the first  
5 circuit, two additional law clerks for the criminal  
6 motions judge of the circuit court of the first  
7 circuit, and two law clerks for the administrative  
8 judge of the district court of the first circuit; and  
9 one private secretary for the administrative director  
10 of the courts, the deputy administrative director of  
11 the courts, each department head, each deputy or first  
12 assistant, and each additional deputy, or assistant  
13 deputy, or assistant defined in paragraph (16);

14 (10) First deputy and deputy attorneys general, the  
15 administrative services manager of the department of  
16 the attorney general, one secretary for the  
17 administrative services manager, an administrator and  
18 any support staff for the criminal and juvenile  
19 justice resources coordination functions, and law  
20 clerks;



- 1           (11) (A) Teachers, principals, vice-principals, complex  
2                    area superintendents, deputy and assistant  
3                    superintendents, other certificated personnel,  
4                    and no more than twenty noncertificated  
5                    administrative, professional, and technical  
6                    personnel not engaged in instructional work;
- 7           (B) Effective July 1, 2003, teaching assistants,  
8                    educational assistants, bilingual or bicultural  
9                    school-home assistants, school psychologists,  
10                  psychological examiners, speech pathologists,  
11                  athletic health care trainers, alternative school  
12                  work study assistants, alternative school  
13                  educational or supportive services specialists,  
14                  alternative school project coordinators, and  
15                  communications aides in the department of  
16                  education;
- 17           (C) The special assistant to the state librarian and  
18                  one secretary for the special assistant to the  
19                  state librarian; and
- 20           (D) Members of the faculty of the university of  
21                  Hawaii, including research workers, extension



1 agents, personnel engaged in instructional work,  
2 and administrative, professional, and technical  
3 personnel of the university;

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

6 (13) (A) Positions filled by inmates, patients of state  
7 institutions, and persons with severe physical or  
8 mental disabilities participating in the work  
9 experience training programs;

10 (B) Positions filled with students in accordance with  
11 guidelines for established state employment  
12 programs; and

13 (C) Positions that provide work experience training  
14 or temporary public service employment that are  
15 filled by persons entering the workforce or  
16 persons transitioning into other careers under  
17 programs such as the federal Workforce Investment  
18 Act of 1998, as amended, or the Senior Community  
19 Service Employment Program of the Employment and  
20 Training Administration of the United States



1 Department of Labor, or under other similar state  
2 programs;

3 (14) A custodian or guide at Iolani Palace, the Royal  
4 Mausoleum, and Hulihee Palace;

5 (15) Positions filled by persons employed on a fee,  
6 contract, or piecework basis, who may lawfully perform  
7 their duties concurrently with their private business  
8 or profession or other private employment and whose  
9 duties require only a portion of their time, if it is  
10 impracticable to ascertain or anticipate the portion  
11 of time to be devoted to the service of the State;

12 (16) Positions of first deputies or first assistants of  
13 each department head appointed under or in the manner  
14 provided in section 6, article V, of the Hawaii State  
15 Constitution; three additional deputies or assistants  
16 either in charge of the highways, harbors, and  
17 airports divisions or other functions within the  
18 department of transportation as may be assigned by the  
19 director of transportation, with the approval of the  
20 governor; one additional deputy in the department of  
21 human services either in charge of welfare or other



1 functions within the department as may be assigned by  
2 the director of human services; four additional  
3 deputies in the department of health, each in charge  
4 of one of the following: behavioral health,  
5 environmental health, hospitals, and health resources  
6 administration, including other functions within the  
7 department as may be assigned by the director of  
8 health, with the approval of the governor; two  
9 additional deputies in charge of the law enforcement  
10 programs, administration, or other functions within  
11 the department of law enforcement as may be assigned  
12 by the director of law enforcement, with the approval  
13 of the governor; three additional deputies each in  
14 charge of the correctional institutions,  
15 rehabilitation services and programs, and  
16 administration or other functions within the  
17 department of corrections and rehabilitation as may be  
18 assigned by the director of corrections and  
19 rehabilitation, with the approval of the governor; two  
20 administrative assistants to the state librarian;  
21 [~~and~~] an administrative assistant to the



1           superintendent of education; and the deputy director  
2           of emergency management within the department of  
3           defense;

4           (17) Positions specifically exempted from this part by any  
5           other law; provided that:

6           (A) Any exemption created after July 1, 2014, shall  
7           expire three years after its enactment unless  
8           affirmatively extended by an act of the  
9           legislature; and

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

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

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

19          (20) Employees in the department of education engaged in  
20          the supervision of students during meal periods in the  
21          distribution, collection, and counting of meal



- 1 tickets, and in the cleaning of classrooms after  
2 school hours on a less than half-time basis;
- 3 (21) Employees hired under the tenant hire program of the  
4 Hawaii public housing authority; provided that no more  
5 than twenty-six per cent of the authority's workforce  
6 in any housing project maintained or operated by the  
7 authority shall be hired under the tenant hire  
8 program;
- 9 (22) Positions of the federally funded expanded food and  
10 nutrition program of the university of Hawaii that  
11 require the hiring of nutrition program assistants who  
12 live in the areas they serve;
- 13 (23) Positions filled by persons with severe disabilities  
14 who are certified by the state vocational  
15 rehabilitation office that they are able to perform  
16 safely the duties of the positions;
- 17 (24) The sheriff;
- 18 (25) A gender and other fairness coordinator hired by the  
19 judiciary;
- 20 (26) Positions in the Hawaii National Guard youth and adult  
21 education programs;



- 1           (27) In the Hawaii state energy office in the department of  
2           business, economic development, and tourism, all  
3           energy program managers, energy program specialists,  
4           energy program assistants, and energy analysts;
- 5           (28) Administrative appeals hearing officers in the  
6           department of human services;
- 7           (29) In the Med-QUEST division of the department of human  
8           services, the division administrator, finance officer,  
9           health care services branch administrator, medical  
10          director, and clinical standards administrator;
- 11          (30) In the director's office of the department of human  
12          services, the enterprise officer, information security  
13          and privacy compliance officer, security and privacy  
14          compliance engineer, security and privacy compliance  
15          analyst, information technology implementation  
16          manager, assistant information technology  
17          implementation manager, resource manager, community or  
18          project development director, policy director, special  
19          assistant to the director, and limited English  
20          proficiency project manager or coordinator;



- 1 (31) The Alzheimer's disease and related dementia services  
2 coordinator in the executive office on aging;
- 3 (32) In the Hawaii emergency management agency, the  
4 executive officer, public information officer, civil  
5 defense administrative officer, branch chiefs, and  
6 emergency operations center state warning point  
7 personnel; provided that for state warning point  
8 personnel, the director shall determine that  
9 recruitment through normal civil service recruitment  
10 procedures would result in delay or noncompliance;
- 11 (33) The executive director and seven full-time  
12 administrative positions of the school facilities  
13 authority;
- 14 (34) Positions in the Mauna Kea stewardship and oversight  
15 authority;
- 16 (35) In the office of homeland security of the department  
17 of law enforcement, the statewide interoperable  
18 communications coordinator;
- 19 (36) In the social services division of the department of  
20 human services, the business technology analyst;
- 21 (37) The executive director and staff of the 911 board;



1 (38) The software developer supervisor and senior software  
2 developers in the department of taxation;

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

6 (40) The state fire marshal and deputy state fire marshal  
7 in the office of the state fire marshal;

8 (41) The administrator for the law enforcement standards  
9 board;

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

12 [†](43)[†] All positions filled by the Hawaii tourism authority  
13 within the department of business, economic  
14 development, and tourism.

15 The director shall determine the applicability of this  
16 section to specific positions.

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

19 SECTION 3. Section 127A-2, Hawaii Revised Statutes, is  
20 amended by amending the definition of "administrator" to read as  
21 follows:



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

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

6           "(b) There shall be ~~an administrator~~ a deputy director  
7 of emergency management within the department of defense, who  
8 shall be appointed, and may be removed, by the director, and who  
9 shall have at least three years of experience leading emergency  
10 management efforts at the local, state, or federal level. The  
11 ~~administrator of emergency management~~ deputy director shall be  
12 the first assistant to the director with respect to emergency  
13 management functions and the civilian head of and responsible  
14 for the day-to-day operations of the agency. In the absence of  
15 the director, the deputy director shall exercise all powers and  
16 duties as they relate to emergency management. The  
17 ~~administrator of emergency management~~ deputy director shall  
18 report to the director~~[- The administrator of emergency~~  
19 ~~management shall, in the absence of the director, have all the~~  
20 ~~duties and responsibilities of the director, and shall report~~  
21 ~~directly to the governor.]~~ and shall be paid a salary



1 commensurate with the tier two deputy directors, as defined by  
2 the current salary commission, until the next salary commission  
3 is convened. The [~~administrator of emergency management~~] deputy  
4 director shall not be subject to chapter 76.

5 (c) The [~~administrator~~] deputy director may, from funds  
6 allotted therefor, employ technical, clerical, administrative,  
7 and other personnel and make such expenditures as may be  
8 necessary.

9 (d) The [~~administrator~~] deputy director shall coordinate  
10 the activities of the agency with all county emergency  
11 management agencies, other state agencies, other states, or  
12 federal agencies involved in emergency management activities,  
13 and all organizations for emergency management within the State,  
14 whether public or private, and shall maintain liaison and  
15 cooperate with all county emergency management agencies, other  
16 state agencies, other states, or federal agencies involved in  
17 emergency management activities as provided in this chapter."

18 SECTION 5. Section 127A-5, Hawaii Revised Statutes, is  
19 amended by amending subsection (i) to read as follows:

20 "(i) Each county, under the mayor's direction, shall  
21 coordinate, develop, and implement a comprehensive emergency



1 management plan for the county and submit annual reports to the  
2 [~~administrator~~] deputy director on the status and updates of the  
3 plan."

4 SECTION 6. Sections 127A-6, 127A-16, and 127A-16.5, Hawaii  
5 Revised Statutes, are amended by substituting the word "deputy  
6 director," or similar term, wherever the word "administrator,"  
7 or similar term, appears, as the context requires.

8 SECTION 7. Every reference to the administrator of  
9 emergency management in all rules, policies, procedures,  
10 guidelines, and other material adopted or developed by the  
11 Hawai`i emergency management agency is amended to refer to the  
12 deputy director of emergency management, as appropriate, until  
13 amended or repealed by the Hawai`i emergency management agency.

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

19 SECTION 9. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.



1 SECTION 10. This Act shall take effect on July 1, 3000.



**Report Title:**

DOD; Hawaii Emergency Management Agency; Administrator; Deputy Director; Commission on Salaries

**Description:**

Establishes the Administrator of the Hawaii Emergency Management Agency as the Deputy Director of Emergency Management within the Department of Defense, under the direction of the Adjutant General. 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. Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

