

---

# A BILL FOR AN ACT

---

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;



- 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;



1 (16) Staff of the Hawaii labor relations board;

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

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

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

7 "[~~§~~§121-44[~~§~~] [~~Youth challenge~~] Civil-military  
8 program[-]; nā kula alaka'i. (a) There is established the  
9 Hawaii national guard civil-military program, also known as "nā  
10 kula alaka'i", to be administered by the department of defense.  
11 The department of defense may establish and administer youth and  
12 adult education programs within the Hawaii national guard civil-  
13 military program.

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

16 [~~(a)~~] (c) Notwithstanding any other law to the contrary,  
17 the department of defense may receive, expend, use, manage, and  
18 invest money, services, or property, real, personal, or mixed,  
19 that may be given, bequeathed, devised, or in any other manner  
20 provided, from sources other than the legislature or the federal  
21 government, for any purpose authorized under the Hawaii national



1 guard [~~youth challenge~~] civil-military program, as described in  
2 that certain grant program under the National Guard Bureau, and  
3 not inconsistent with any terms or conditions imposed by the  
4 donor, this section, or chapter 84.

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

15 [~~(e)~~] (e) All expenditures made pursuant to this section  
16 shall be subject to the approval of the adjutant general.

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



1        [~~(e)~~] (g) The source making the gift shall not be liable  
2 upon any claim for injury arising from the donated property;  
3 provided that this provision shall not affect the responsibility  
4 or liability of manufacturers of defective products nor shall it  
5 affect the responsibilities of negligent persons who cause  
6 dangerous conditions that result in injury.

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

14        (i) The Chief of the National Guard Manual and Department  
15 of Defense Instruction shall apply to the State, which has  
16 entered into a cooperative agreement with the National Guard  
17 Bureau for the purpose of establishing and operating a National  
18 Guard Youth Challenge Program."

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



1 SECTION 4. This Act shall take effect on July 1, 3000.



**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". 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.*

