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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 responsible for safeguarding the people of  
3 Hawaii before, during, and after natural or human-caused  
4 disasters. Hawaii's geographic isolation; reliance on fragile  
5 lifelines; and exposure to extreme weather events, wildfires,  
6 tsunamis, and other hazards necessitate a fully staffed, capable  
7 emergency management agency at all times.

8 The legislature further finds that the Hawaii emergency  
9 management agency has relied extensively on temporary special  
10 project positions to carry out its duties during declared  
11 emergencies. While these positions were originally intended to  
12 address short-term needs, the realities of long-term disaster  
13 recovery, including those associated with the 2023 Maui  
14 wildfires, demonstrate that these responsibilities often extend  
15 for years rather than months.

16 The legislature additionally finds that instability within  
17 the Federal Emergency Management Agency under the current



1 federal administration creates significant uncertainty in both  
2 staffing and funding support for Hawaii. Leadership  
3 transitions, funding disruptions, and shifting policy priorities  
4 at the federal level place the State at risk of losing critical  
5 personnel and institutional expertise if the Hawaii emergency  
6 management agency remains dependent on temporary positions. The  
7 State cannot afford to allow disaster preparedness, response, or  
8 recovery operations to be compromised due to unpredictable  
9 federal actions.

10 Accordingly, the purpose of this Act is to authorize the  
11 Hawaii emergency management agency to convert the Hawaii  
12 emergency management agency's temporary special project  
13 positions into permanent positions exempt from civil service  
14 under chapter 76, Hawaii Revised Statutes, to ensure workforce  
15 stability, strengthen the retention of trained personnel, and  
16 preserve institutional knowledge, thereby maintaining continuous  
17 operational capacity to protect lives, property, and the  
18 environment.

19 SECTION 2. Section 76-16, Hawaii Revised Statutes, is  
20 amended by amending subsection (b) to read as follows:



1        "(b) The civil service to which this chapter applies shall  
2    comprise all positions in the State now existing or hereafter  
3    established and embrace all personal services performed for the  
4    State, except the following:

5            (1) Commissioned and enlisted personnel of the Hawaii  
6            National Guard and positions in the Hawaii National  
7            Guard that are required by state or federal laws or  
8            regulations or orders of the National Guard to be  
9            filled from those commissioned or enlisted personnel;

10           (2) Positions filled by persons employed by contract where  
11           the director of human resources development has  
12           certified that the service is special or unique or is  
13           essential to the public interest and that, because of  
14           circumstances surrounding its fulfillment, personnel  
15           to perform the service cannot be obtained through  
16           normal civil service recruitment procedures. Any  
17           contract may be for any period not exceeding one year;

18           (3) Positions that must be filled without delay to comply  
19           with a court order or decree if the director  
20           determines that recruitment through normal recruitment  
21           civil service procedures would result in delay or



1 noncompliance, such as the Felix-Cayetano consent  
2 decree;

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

5 (5) Employees in the office of the governor and office of  
6 the lieutenant governor, and household employees at  
7 Washington Place;

8 (6) Positions filled by popular vote;

9 (7) Department heads, officers, and members of any board,  
10 commission, or other state agency whose appointments  
11 are made by the governor or are required by law to be  
12 confirmed by the senate;

13 (8) Judges, referees, receivers, masters, jurors, notaries  
14 public, land court examiners, court commissioners, and  
15 attorneys appointed by a state court for a special  
16 temporary service;

17 (9) One bailiff for the chief justice of the supreme court  
18 who shall have the powers and duties of a court  
19 officer and bailiff under section 606-14; one  
20 secretary or clerk for each justice of the supreme  
21 court, each judge of the intermediate appellate court,



1 and each judge of the circuit court; one secretary for  
2 the judicial council; one deputy administrative  
3 director of the courts; three law clerks for the chief  
4 justice of the supreme court, two law clerks for each  
5 associate justice of the supreme court and each judge  
6 of the intermediate appellate court, one law clerk for  
7 each judge of the circuit court, two additional law  
8 clerks for the civil administrative judge of the  
9 circuit court of the first circuit, two additional law  
10 clerks for the criminal administrative judge of the  
11 circuit court of the first circuit, one additional law  
12 clerk for the senior judge of the family court of the  
13 first circuit, two additional law clerks for the civil  
14 motions judge of the circuit court of the first  
15 circuit, two additional law clerks for the criminal  
16 motions judge of the circuit court of the first  
17 circuit, and two law clerks for the administrative  
18 judge of the district court of the first circuit; and  
19 one private secretary for the administrative director  
20 of the courts, the deputy administrative director of  
21 the courts, each department head, each deputy or first





1 educational or supportive services specialists,  
2 alternative school project coordinators, and  
3 communications aides in the department of  
4 education;

5 (C) The special assistant to the state librarian and  
6 one secretary for the special assistant to the  
7 state librarian; and

8 (D) Members of the faculty of the university of  
9 Hawaii, including research workers, extension  
10 agents, personnel engaged in instructional work,  
11 and administrative, professional, and technical  
12 personnel of the university;

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

15 (13) (A) Positions filled by inmates, patients of state  
16 institutions, and persons with severe physical or  
17 mental disabilities participating in the work  
18 experience training programs;

19 (B) Positions filled with students in accordance with  
20 guidelines for established state employment  
21 programs; and



1 (C) Positions that provide work experience training  
2 or temporary public service employment that are  
3 filled by persons entering the workforce or  
4 persons transitioning into other careers under  
5 programs such as the federal Workforce Investment  
6 Act of 1998, as amended, or the Senior Community  
7 Service Employment Program of the Employment and  
8 Training Administration of the United States  
9 Department of Labor, or under other similar state  
10 programs;

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

13 (15) Positions filled by persons employed on a fee,  
14 contract, or piecework basis, who may lawfully perform  
15 their duties concurrently with their private business  
16 or profession or other private employment and whose  
17 duties require only a portion of their time, if it is  
18 impracticable to ascertain or anticipate the portion  
19 of time to be devoted to the service of the State;

20 (16) Positions of first deputies or first assistants of  
21 each department head appointed under or in the manner



1 provided in section 6, article V, of the Hawaii State  
2 Constitution; three additional deputies or assistants  
3 either in charge of the highways, harbors, and  
4 airports divisions or other functions within the  
5 department of transportation as may be assigned by the  
6 director of transportation, with the approval of the  
7 governor; one additional deputy in the department of  
8 human services either in charge of welfare or other  
9 functions within the department as may be assigned by  
10 the director of human services; four additional  
11 deputies in the department of health, each in charge  
12 of one of the following: behavioral health,  
13 environmental health, hospitals, and health resources  
14 administration, including other functions within the  
15 department as may be assigned by the director of  
16 health, with the approval of the governor; two  
17 additional deputies in charge of the law enforcement  
18 programs, administration, or other functions within  
19 the department of law enforcement as may be assigned  
20 by the director of law enforcement, with the approval  
21 of the governor; three additional deputies each in



1 charge of the correctional institutions,  
2 rehabilitation services and programs, and  
3 administration or other functions within the  
4 department of corrections and rehabilitation as may be  
5 assigned by the director of corrections and  
6 rehabilitation, with the approval of the governor; two  
7 administrative assistants to the state librarian; and  
8 an administrative assistant to the superintendent of  
9 education;

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

12 (A) Any exemption created after July 1, 2014, shall  
13 expire three years after its enactment unless  
14 affirmatively extended by an act of the  
15 legislature; and

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

19 (18) Positions in the state foster grandparent program and  
20 positions for temporary employment of senior citizens



1                   in occupations in which there is a severe personnel  
2                   shortage or in special projects;

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

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

10                  (21) Employees hired under the tenant hire program of the  
11                  Hawaii public housing authority; provided that no more  
12                  than twenty-six per cent of the authority's workforce  
13                  in any housing project maintained or operated by the  
14                  authority shall be hired under the tenant hire  
15                  program;

16                  (22) Positions of the federally funded expanded food and  
17                  nutrition program of the university of Hawaii that  
18                  require the hiring of nutrition program assistants who  
19                  live in the areas they serve;

20                  (23) Positions filled by persons with severe disabilities  
21                  who are certified by the state vocational





1                   analyst, information technology implementation  
2                   manager, assistant information technology  
3                   implementation manager, resource manager, community or  
4                   project development director, policy director, special  
5                   assistant to the director, and limited English  
6                   proficiency project manager or coordinator;

7                   (31) The Alzheimer's disease and related dementia services  
8                   coordinator in the executive office on aging;

9                   (32) In the Hawaii emergency management agency, the  
10                  executive officer, public information officer, civil  
11                  defense administrative officer, branch chiefs, eighty-  
12                  two special project positions created for Federal  
13                  Emergency Management Agency funded disaster recovery  
14                  operations; provided that no more than seventy per  
15                  cent shall be exempt; and emergency operations center  
16                  state warning point personnel; provided that for state  
17                  warning point personnel, the director shall determine  
18                  that recruitment through normal civil service  
19                  recruitment procedures would result in delay or  
20                  noncompliance;



- 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;



1 (42) In the office of the director of taxation, the data  
2 privacy officer and tax business analysts; and  
3 [+] (43) [+] All positions filled by the Hawaii tourism authority  
4 within the department of business, economic  
5 development, and tourism.

6 The director shall determine the applicability of this  
7 section to specific positions.

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

10 SECTION 3. Section 127A-3, Hawaii Revised Statutes, is  
11 amended to read as follows:

12           **"§127A-3 Hawaii emergency management agency.** (a) There  
13    is established within the department of defense the Hawaii  
14    emergency management agency. The adjutant general shall serve  
15    as the director of Hawaii emergency management and, subject to  
16    the direction and control of the governor, shall oversee the  
17    agency.

18 (b) There shall be an administrator of emergency  
19 management who shall be appointed, and may be removed, by the  
20 director, and who shall have at least three years of experience  
21 leading emergency management efforts at the local, state, or



1 federal level. The administrator of emergency management shall  
2 be the civilian head of and responsible for the day-to-day  
3 operations of the agency. The administrator of emergency  
4 management shall report to the director. The administrator of  
5 emergency management shall, in the absence of the director, have  
6 all the duties and responsibilities of the director, and shall  
7 report directly to the governor. The administrator of emergency  
8 management shall not be subject to chapter 76.

9 (c) The administrator may, from funds allotted therefor,  
10 employ technical, clerical, administrative, and other personnel  
11 and make such expenditures as may be necessary.

12 (d) The administrator shall coordinate the activities of  
13 the agency with all county emergency management agencies, other  
14 state agencies, other states, or federal agencies involved in  
15 emergency management activities, and all organizations for  
16 emergency management within the State, whether public or  
17 private, and shall maintain liaison and cooperate with all  
18 county emergency management agencies, other state agencies,  
19 other states, or federal agencies involved in emergency  
20 management activities as provided in this chapter.





1 consistent with the state comprehensive emergency  
2 management plan;

3 (4) Make recommendations to the legislature, building code  
4 organizations, and counties for zoning, building, and  
5 other land use controls; and other preparedness,  
6 prevention, and mitigation measures designed to  
7 eliminate emergencies or reduce their impact;

8 (5) Anticipate trends and promote innovations that will  
9 enhance the emergency management system;

10 (6) Institute statewide public awareness programs. This  
11 shall include intensive public educational campaigns  
12 on emergency preparedness issues, including but not  
13 limited to the personal responsibility of individual  
14 citizens to be self-sufficient for up to fourteen days  
15 following a natural or human-caused disaster;

16 (7) Coordinate federal, state, and local emergency  
17 management activities and take all other steps,  
18 including the partial or full mobilization of  
19 emergency management forces and organizations in  
20 advance of an actual emergency, to ensure the  
21 availability of adequately trained and equipped forces



1 of emergency management personnel before, during, and  
2 after emergencies and disasters;

3 (8) Implement training programs to improve the ability of  
4 state and local emergency management personnel to  
5 prepare and implement emergency management plans and  
6 programs. This shall include a continuous training  
7 program for agencies and individuals that will be  
8 called on to perform key roles in state and local  
9 post-disaster response and recovery efforts and for  
10 local government personnel on federal and state post-  
11 disaster response and recovery strategies and  
12 procedures;

13 (9) Adopt standards and requirements for state agency  
14 emergency operating procedures and periodically review  
15 emergency operating procedures of state agencies and  
16 recommend revisions as needed to ensure consistency  
17 with the state comprehensive emergency management plan  
18 and program; and

19 (10) Coordinate, in advance whenever possible, such  
20 executive orders, proclamations, and rules for



1 issuance by the governor as are necessary or  
2 appropriate for coping with emergencies and disasters.

3 (f) The agency, with the approval of the governor and  
4 subject to positions authorized by the legislature, may  
5 establish permanent special project positions exempt from  
6 chapter 76 that are created for Federal Emergency Management  
7 Agency-funded disaster recovery operations. Thirty per cent of  
8 the special projects positions shall be transitioned to civil  
9 service over a period not to exceed five years.

10 Notwithstanding any law to the contrary, the department of  
11 defense may authorize overtime compensation for these special  
12 project positions; provided that the compensation shall be  
13 subject to the availability of funds and consistent with the  
14 Fair Labor Standards Act of 1938, as amended.

15 The agency shall submit an annual report to the legislature  
16 no later than twenty days prior to the convening of each regular  
17 session. The report shall include:

18 (1) A list of all special project positions under this  
19 subsection that are exempt from chapter 76;  
20 (2) The justification for the exempt status of each  
21 position; and



1        (3) Recommendations on whether any positions should be  
2                    converted to civil service, including anticipated  
3                    timelines for conversion, if applicable."

4 SECTION 4. There are established within the Hawaii  
5 emergency management agency permanent full-time equivalent  
6 special project positions pursuant to section 127A-3(f), Hawaii  
7 Revised Statutes. The number and classification of these exempt  
8 positions shall initially correspond to the temporary special  
9 project positions, created for Federal Emergency Management  
10 Agency-funded disaster recovery operations, that are in  
11 existence on June 30, 2026, including but not limited to  
12 positions in disaster recovery, grants management, planning,  
13 logistics, mitigation, and operations.

14 SECTION 5. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

**16** SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

HIEMA; Special Project Positions; Civil Service; Exemption

**Description:**

Authorizes the Hawaii Emergency Management Agency to convert temporary special project positions created for Federal Emergency Management Agency funded disaster recovery operations into permanent positions exempt from civil service, subject to certain limitations. 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.*

