
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 to
 14 ensure workforce stability, strengthen the retention of trained
 15 personnel, and preserve institutional knowledge, thereby
 16 maintaining continuous operational capacity to protect lives,
 17 property, and the environment.

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

20 "(b) The civil service to which this chapter applies shall
 21 comprise all positions in the State now existing or hereafter



1 established and embrace all personal services performed for the
2 State, except the following:

- 3 (1) Commissioned and enlisted personnel of the Hawaii
4 National Guard and positions in the Hawaii National
5 Guard that are required by state or federal laws or
6 regulations or orders of the National Guard to be
7 filled from those commissioned or enlisted personnel;
- 8 (2) Positions filled by persons employed by contract where
9 the director of human resources development has
10 certified that the service is special or unique or is
11 essential to the public interest and that, because of
12 circumstances surrounding its fulfillment, personnel
13 to perform the service cannot be obtained through
14 normal civil service recruitment procedures. Any
15 contract may be for any period not exceeding one year;
- 16 (3) Positions that must be filled without delay to comply
17 with a court order or decree if the director
18 determines that recruitment through normal recruitment
19 civil service procedures would result in delay or
20 noncompliance, such as the Felix-Cayetano consent
21 decree;



- 1 (4) Positions filled by the legislature or by either house
2 or any committee thereof;
- 3 (5) Employees in the office of the governor and office of
4 the lieutenant governor, and household employees at
5 Washington Place;
- 6 (6) Positions filled by popular vote;
- 7 (7) Department heads, officers, and members of any board,
8 commission, or other state agency whose appointments
9 are made by the governor or are required by law to be
10 confirmed by the senate;
- 11 (8) Judges, referees, receivers, masters, jurors, notaries
12 public, land court examiners, court commissioners, and
13 attorneys appointed by a state court for a special
14 temporary service;
- 15 (9) One bailiff for the chief justice of the supreme court
16 who shall have the powers and duties of a court
17 officer and bailiff under section 606-14; one
18 secretary or clerk for each justice of the supreme
19 court, each judge of the intermediate appellate court,
20 and each judge of the circuit court; one secretary for
21 the judicial council; one deputy administrative



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



- 1 (10) First deputy and deputy attorneys general, the
2 administrative services manager of the department of
3 the attorney general, one secretary for the
4 administrative services manager, an administrator and
5 any support staff for the criminal and juvenile
6 justice resources coordination functions, and law
7 clerks;
- 8 (11) (A) Teachers, principals, vice-principals, complex
9 area superintendents, deputy and assistant
10 superintendents, other certificated personnel,
11 and no more than twenty noncertificated
12 administrative, professional, and technical
13 personnel not engaged in instructional work;
- 14 (B) Effective July 1, 2003, teaching assistants,
15 educational assistants, bilingual or bicultural
16 school-home assistants, school psychologists,
17 psychological examiners, speech pathologists,
18 athletic health care trainers, alternative school
19 work study assistants, alternative school
20 educational or supportive services specialists,
21 alternative school project coordinators, and



- 1 communications aides in the department of
- 2 education;
- 3 (C) The special assistant to the state librarian and
- 4 one secretary for the special assistant to the
- 5 state librarian; and
- 6 (D) Members of the faculty of the university of
- 7 Hawaii, including research workers, extension
- 8 agents, personnel engaged in instructional work,
- 9 and administrative, professional, and technical
- 10 personnel of the university;
- 11 (12) Employees engaged in special, research, or
- 12 demonstration projects approved by the governor;
- 13 (13) (A) Positions filled by inmates, patients of state
- 14 institutions, and persons with severe physical or
- 15 mental disabilities participating in the work
- 16 experience training programs;
- 17 (B) Positions filled with students in accordance with
- 18 guidelines for established state employment
- 19 programs; and
- 20 (C) Positions that provide work experience training
- 21 or temporary public service employment that are



1 filled by persons entering the workforce or
2 persons transitioning into other careers under
3 programs such as the federal Workforce Investment
4 Act of 1998, as amended, or the Senior Community
5 Service Employment Program of the Employment and
6 Training Administration of the United States
7 Department of Labor, or under other similar state
8 programs;

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

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

18 (16) Positions of first deputies or first assistants of
19 each department head appointed under or in the manner
20 provided in section 6, article V, of the Hawaii State
21 Constitution; three additional deputies or assistants



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



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

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

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

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

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



- 1 (19) Household employees at the official residence of the
2 president of the university of Hawaii;
- 3 (20) Employees in the department of education engaged in
4 the supervision of students during meal periods in the
5 distribution, collection, and counting of meal
6 tickets, and in the cleaning of classrooms after
7 school hours on a less than half-time basis;
- 8 (21) Employees hired under the tenant hire program of the
9 Hawaii public housing authority; provided that no more
10 than twenty-six per cent of the authority's workforce
11 in any housing project maintained or operated by the
12 authority shall be hired under the tenant hire
13 program;
- 14 (22) Positions of the federally funded expanded food and
15 nutrition program of the university of Hawaii that
16 require the hiring of nutrition program assistants who
17 live in the areas they serve;
- 18 (23) Positions filled by persons with severe disabilities
19 who are certified by the state vocational
20 rehabilitation office that they are able to perform
21 safely the duties of the positions;



- 1 (24) The sheriff;
- 2 (25) A gender and other fairness coordinator hired by the
- 3 judiciary;
- 4 (26) Positions in the Hawaii National Guard youth and adult
- 5 education programs;
- 6 (27) In the Hawaii state energy office in the department of
- 7 business, economic development, and tourism, all
- 8 energy program managers, energy program specialists,
- 9 energy program assistants, and energy analysts;
- 10 (28) Administrative appeals hearing officers in the
- 11 department of human services;
- 12 (29) In the Med-QUEST division of the department of human
- 13 services, the division administrator, finance officer,
- 14 health care services branch administrator, medical
- 15 director, and clinical standards administrator;
- 16 (30) In the director's office of the department of human
- 17 services, the enterprise officer, information security
- 18 and privacy compliance officer, security and privacy
- 19 compliance engineer, security and privacy compliance
- 20 analyst, information technology implementation
- 21 manager, assistant information technology



- 1 implementation manager, resource manager, community or
2 project development director, policy director, special
3 assistant to the director, and limited English
4 proficiency project manager or coordinator;
- 5 (31) The Alzheimer's disease and related dementia services
6 coordinator in the executive office on aging;
- 7 (32) In the Hawaii emergency management agency, the
8 executive officer, public information officer, civil
9 defense administrative officer, branch chiefs, eighty-
10 two special project positions created for Federal
11 Emergency Management Agency funded disaster recovery
12 operations; provided that no more than seventy per
13 cent shall be exempt; and emergency operations center
14 state warning point personnel; provided that for state
15 warning point personnel, the director shall determine
16 that recruitment through normal civil service
17 recruitment procedures would result in delay or
18 noncompliance;
- 19 (33) The executive director and seven full-time
20 administrative positions of the school facilities
21 authority;



- 1 (34) Positions in the Mauna Kea stewardship and oversight
2 authority;
- 3 (35) In the office of homeland security of the department
4 of law enforcement, the statewide interoperable
5 communications coordinator;
- 6 (36) In the social services division of the department of
7 human services, the business technology analyst;
- 8 (37) The executive director and staff of the 911 board;
- 9 (38) The software developer supervisor and senior software
10 developers in the department of taxation;
- 11 (39) In the department of law enforcement, five Commission
12 on Accreditation for Law Enforcement Agencies, Inc.,
13 coordinator positions;
- 14 (40) The state fire marshal and deputy state fire marshal
15 in the office of the state fire marshal;
- 16 (41) The administrator for the law enforcement standards
17 board;
- 18 (42) In the office of the director of taxation, the data
19 privacy officer and tax business analysts; and



1 [+] (43) [+] All positions filled by the Hawaii tourism authority
2 within the department of business, economic
3 development, and tourism.

4 The director shall determine the applicability of this
5 section to specific positions.

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

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

10 "**§127A-3 Hawaii emergency management agency.** (a) There
11 is established within the department of defense the Hawaii
12 emergency management agency. The adjutant general shall serve
13 as the director of Hawaii emergency management and, subject to
14 the direction and control of the governor, shall oversee the
15 agency.

16 (b) There shall be an administrator of emergency
17 management who shall be appointed, and may be removed, by the
18 director, and who shall have at least three years of experience
19 leading emergency management efforts at the local, state, or
20 federal level. The administrator of emergency management shall
21 be the civilian head of and responsible for the day-to-day



1 operations of the agency. The administrator of emergency
2 management shall report to the director. The administrator of
3 emergency management shall, in the absence of the director, have
4 all the duties and responsibilities of the director, and shall
5 report directly to the governor. The administrator of emergency
6 management shall not be subject to chapter 76.

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

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

19 (e) The agency shall perform emergency management
20 functions within the territorial limits of the State. In
21 performing its duties, the agency shall:



- 1 (1) Prepare a state comprehensive emergency management
2 plan, which shall be integrated into and coordinated
3 with the emergency management plans of the federal
4 government. The plan shall be integrated by a
5 continuous, integrated comprehensive emergency
6 management program. The plan shall contain provisions
7 to ensure that the State prepares for, mitigates
8 against, responds to, and recovers from emergencies
9 and minor, major, and catastrophic disasters. In
10 preparing and maintaining the plan, the agency shall
11 work closely with agencies and organizations with
12 emergency management responsibilities;
- 13 (2) Assign lead and support responsibilities to state
14 agencies and personnel for emergency management
15 functions and other support activities;
- 16 (3) Adopt standards and requirements for county emergency
17 management plans. The standards and requirements
18 shall ensure that county plans are coordinated and
19 consistent with the state comprehensive emergency
20 management plan;



- 1 (4) Make recommendations to the legislature, building code
2 organizations, and counties for zoning, building, and
3 other land use controls; and other preparedness,
4 prevention, and mitigation measures designed to
5 eliminate emergencies or reduce their impact;
- 6 (5) Anticipate trends and promote innovations that will
7 enhance the emergency management system;
- 8 (6) Institute statewide public awareness programs. This
9 shall include intensive public educational campaigns
10 on emergency preparedness issues, including but not
11 limited to the personal responsibility of individual
12 citizens to be self-sufficient for up to fourteen days
13 following a natural or human-caused disaster;
- 14 (7) Coordinate federal, state, and local emergency
15 management activities and take all other steps,
16 including the partial or full mobilization of
17 emergency management forces and organizations in
18 advance of an actual emergency, to ensure the
19 availability of adequately trained and equipped forces
20 of emergency management personnel before, during, and
21 after emergencies and disasters;



- 1 (8) Implement training programs to improve the ability of
2 state and local emergency management personnel to
3 prepare and implement emergency management plans and
4 programs. This shall include a continuous training
5 program for agencies and individuals that will be
6 called on to perform key roles in state and local
7 post-disaster response and recovery efforts and for
8 local government personnel on federal and state post-
9 disaster response and recovery strategies and
10 procedures;
- 11 (9) Adopt standards and requirements for state agency
12 emergency operating procedures and periodically review
13 emergency operating procedures of state agencies and
14 recommend revisions as needed to ensure consistency
15 with the state comprehensive emergency management plan
16 and program; and
- 17 (10) Coordinate, in advance whenever possible, such
18 executive orders, proclamations, and rules for
19 issuance by the governor as are necessary or
20 appropriate for coping with emergencies and disasters.



1 (f) The agency, with the approval of the governor and
2 subject to positions authorized by the legislature, may
3 establish permanent special project positions exempt from
4 chapter 76 that are created for Federal Emergency Management
5 Agency-funded disaster recovery operations. At least thirty per
6 cent of the special projects positions under section
7 76-16(b) (32) shall be transitioned to civil service no later
8 than July 1, 2031; provided that if an incumbent employee's
9 position is converted to a civil service position, the employee
10 shall experience no loss in position, rights and benefits, and
11 salary.

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

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

20 (1) A list of all special project positions under this
21 subsection that are exempt from chapter 76;



- 1 (2) The justification for the exempt status of each
- 2 position; and
- 3 (3) Recommendations on whether any positions should be
- 4 converted to civil service, including anticipated
- 5 timelines for conversion, if applicable."

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

16 SECTION 5. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 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. (HD2)

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

