
A BILL FOR AN ACT

RELATING TO CIVIL SERVICE EXEMPT POSITIONS WITHIN THE DEPARTMENT
OF ACCOUNTING AND GENERAL SERVICES.

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

- 1 SECTION 1. Section 26-6, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:
3 "(b) The department shall:
4 (1) Preaudit and conduct after-the-fact audits of the
5 financial accounts of all state departments to
6 determine the legality of expenditures and the
7 accuracy of accounts;
8 (2) Report to the governor and to each regular session of
9 the legislature as to the finances of each department
10 of the State;
11 (3) Administer the state risk management program;
12 (4) Establish and manage motor pools;
13 (5) Manage the preservation and disposal of all records of
14 the State;
15 (6) Undertake the program of centralized engineering and
16 office leasing services, including operation and



1 maintenance and lease buyback processing pursuant to
2 subsection (d) of public buildings, for departments of
3 the State;

4 (7) Undertake the functions of the state surveyor;

5 (8) Establish accounting and internal control systems;

6 (9) Have the discretion to employ persons within the
7 comptroller's office who shall be exempt from chapters
8 76 and 89 in support of communications, change
9 management, and business process improvement programs
10 as part of the State's information technology
11 modernization efforts; provided that the persons shall
12 be members of the state employees' retirement system
13 and shall be eligible to receive the benefits of any
14 state employee benefit program generally applicable to
15 officers and employees of the State;

16 (10) Have the discretion to employ persons within the
17 public works division's special project branch who
18 shall be exempt from chapters 76 and 89 as part of the
19 State's efforts to undertake unique and specialized
20 public works projects; provided that the persons shall
21 be members of the state employees' retirement system



1 and shall be eligible to receive the benefits of any
2 state employee benefit program generally applicable to
3 officers and employees of the State;

4 ~~[(10)]~~ (11) Provide centralized computer information
5 management and processing services through the chief
6 information officer;

7 ~~[(11)]~~ (12) Establish a program to provide a means for
8 public access to public information and develop an
9 information network for state government;

10 ~~[(12)]~~ (13) Assume administrative responsibility for the
11 office of information practices; and

12 ~~[(13)]~~ (14) Approve state fleet acquisitions; provided that:

13 (A) Beginning January 1, 2022, all new light-duty
14 motor vehicles that are passenger cars purchased
15 for the State's fleet shall be zero-emission
16 vehicles;

17 (B) Beginning as soon as practicable but no later
18 than January 1, 2030, all new light-duty motor
19 vehicles that are multipurpose passenger vehicles
20 and trucks for the State's fleet shall be zero-
21 emission vehicles; and



1 (C) The comptroller may authorize an exemption for
2 new fleet vehicle purchases if zero-emission
3 vehicles are demonstrated to be cost-prohibitive
4 on a lifecycle basis or unsuitable for the
5 vehicles' planned purpose, or if funds are
6 unavailable.

7 For the purposes of this subsection:

8 "Light-duty motor vehicle" has the same meaning as defined
9 in title 10 Code of Federal Regulations part 490.

10 "Multipurpose passenger vehicle" has the same meaning as
11 defined in title 49 Code of Federal Regulations section 571.3.

12 "Passenger car" has the same meaning as defined in title 49
13 Code of Federal Regulations section 571.3.

14 "Truck" has the same meaning as defined in title 49 Code of
15 Federal Regulations section 571.3.

16 "Zero-emission vehicle" has the same meaning as specified
17 in title 40 Code of Federal Regulations section 88.1."

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~~] med-QUEST division of the
13 department of human services, the division
14 administrator, finance officer, health care services
15 branch administrator, medical director, and clinical
16 standards administrator;
- 17 (30) In the director's office of the department of human
18 services, the enterprise officer, information security
19 and privacy compliance officer, security and privacy
20 compliance engineer, security and privacy compliance
21 analyst, information technology implementation



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

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

8 (32) In the Hawaii emergency management agency, the
9 executive officer, public information officer, civil
10 defense administrative officer, branch chiefs, and
11 emergency operations center state warning point
12 personnel; provided that for state warning point
13 personnel, the director shall determine that
14 recruitment through normal civil service recruitment
15 procedures would result in delay or noncompliance;

16 (33) The executive director and seven full-time
17 administrative positions of the school facilities
18 authority;

19 (34) Positions in the Mauna Kea stewardship and oversight
20 authority;



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



1 (44) All positions filled by the public works division's
2 special project branch within the department of
3 accounting and general services; and

4 (45) All positions within the comptroller's office hired to
5 support communications, change management, and
6 business process improvement programs as part of the
7 State's information technology modernization efforts.

8 The director shall determine the applicability of this
9 section to specific positions.

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

12 SECTION 3. The department of accounting and general
13 services shall submit a report to the legislature no later than
14 twenty days prior to the convening of the regular sessions of
15 2027, 2028, 2029, 2030, and 2031, on:

16 (1) The number and titles of the positions established and
17 filled pursuant to:

18 (A) Sections 26-6(b)(9) and 76-16(b)(45), Hawaii
19 Revised Statutes; and

20 (B) Sections 26-6(b)(10) and 76-16(b)(44), Hawaii
21 Revised Statutes; and



1 (2) Projects on which these employees are actively
2 working.

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 3000;
6 provided that on December 31, 2031, sections 1 and 2 of this Act
7 shall be repealed and sections 26-6 and 76-16, Hawaii Revised
8 Statutes, shall be reenacted in the form in which it read on the
9 day prior to the effective date of this Act.



Report Title:

DAGS; Special Project Branch of the Public Works Division; Comptroller's Office; Information Technology Modernization Efforts; Civil Service; Collective Bargaining; Exemptions; Annual Report

Description:

Exempts from the State's civil service and collective bargaining laws the following positions within the Department of Accounting and General Services: all positions filled by the Public Works Division's Special Project Branch; and all positions within the Comptroller's Office hired to support communications, change management, and business process improvement programs as part of the State's information technology modernization efforts. Requires annual reports to the Legislature. Effective 7/1/3000. Sunsets 12/31/2031. (HD1)

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