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# 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 within  
5       the department of accounting and general services  
6       hired to support communications, change management,  
7       and business process improvement programs as part of  
8       the State's information technology modernization  
9       efforts.

10       The director shall determine the applicability of this  
11 section to specific positions.

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

14       SECTION 3. The department of accounting and general  
15 services shall submit a report to the legislature no later than  
16 twenty days prior to the convening of the regular sessions of  
17 2027, 2028, 2029, 2030, and 2031, on:

18       (1) The number and titles of the positions established and  
19 filled pursuant to:

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



1 (B) Sections 26-6(b)(10) and 76-16(b)(44), Hawaii  
2 Revised Statutes; and  
3 (2) Projects on which these employees are actively  
4 working.

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 Statutory material to be repealed is bracketed  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

7 SECTION 5. This Act shall take effect on January 1, 2077;  
8 provided that on December 31, 2031, sections 1 and 2 of this Act  
9 shall be repealed and sections 26-6 and 76-16, Hawaii Revised  
10 Statutes, shall be reenacted in the form in which it read on the  
11 day prior to the effective date of this Act.

12



**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 1/1/2077. Sunsets 12/31/2031. (SD1)

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

