

---

---

**A BILL FOR AN ACT**

RELATING TO TAX ADMINISTRATION.

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

1           SECTION 1. Section 76-16, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

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

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

13           (2) Positions filled by persons employed by contract where  
14 the director of human resources development has  
15 certified that the service is special or unique or is  
16 essential to the public interest and that, because of  
17 circumstances surrounding its fulfillment, personnel  
18 to perform the service cannot be obtained through

H.B. NO. 2489

- 1 normal civil service recruitment procedures. Any such  
2 contract may be for any period not exceeding one year;
- 3 (3) Positions that must be filled without delay to comply  
4 with a court order or decree if the director  
5 determines that recruitment through normal recruitment  
6 civil service procedures would result in delay or  
7 noncompliance, such as the Felix-Cayetano consent  
8 decree;
- 9 (4) Positions filled by the legislature or by either house  
10 or any committee thereof;
- 11 (5) Employees in the office of the governor and office of  
12 the lieutenant governor, and household employees at  
13 Washington Place;
- 14 (6) Positions filled by popular vote;
- 15 (7) Department heads, officers, and members of any board,  
16 commission, or other state agency whose appointments  
17 are made by the governor or are required by law to be  
18 confirmed by the senate;
- 19 (8) Judges, referees, receivers, masters, jurors, notaries  
20 public, land court examiners, court commissioners, and  
21 attorneys appointed by a state court for a special  
22 temporary service;

H.B. NO. 2489

1           (9) One bailiff for the chief justice of the supreme court  
2           who shall have the powers and duties of a court  
3           officer and bailiff under section 606-14; one  
4           secretary or clerk for each justice of the supreme  
5           court, each judge of the intermediate appellate court,  
6           and each judge of the circuit court; one secretary for  
7           the judicial council; one deputy administrative  
8           director of the courts; three law clerks for the chief  
9           justice of the supreme court, two law clerks for each  
10          associate justice of the supreme court and each judge  
11          of the intermediate appellate court, one law clerk for  
12          each judge of the circuit court, two additional law  
13          clerks for the civil administrative judge of the  
14          circuit court of the first circuit, two additional law  
15          clerks for the criminal administrative judge of the  
16          circuit court of the first circuit, one additional law  
17          clerk for the senior judge of the family court of the  
18          first circuit, two additional law clerks for the civil  
19          motions judge of the circuit court of the first  
20          circuit, two additional law clerks for the criminal  
21          motions judge of the circuit court of the first  
22          circuit, and two law clerks for the administrative

H.B. NO. 2489

1 judge of the district court of the first circuit; and  
2 one private secretary for the administrative director  
3 of the courts, the deputy administrative director of  
4 the courts, each department head, each deputy or first  
5 assistant, and each additional deputy, or assistant  
6 deputy, or assistant defined in paragraph (16);

7 (10) First deputy and deputy attorneys general, the  
8 administrative services manager of the department of  
9 the attorney general, one secretary for the  
10 administrative services manager, an administrator and  
11 any support staff for the criminal and juvenile  
12 justice resources coordination functions, and law  
13 clerks;

14 (11) (A) Teachers, principals, vice-principals, complex  
15 area superintendents, deputy and assistant  
16 superintendents, other certificated personnel, no  
17 more than twenty noncertificated administrative,  
18 professional, and technical personnel not engaged  
19 in instructional work;

20 (B) Effective July 1, 2003, teaching assistants,  
21 educational assistants, bilingual/bicultural  
22 school-home assistants, school psychologists,

H.B. NO. 2489

1                   psychological examiners, speech pathologists,  
2                   athletic health care trainers, alternative school  
3                   work study assistants, alternative school  
4                   educational/supportive services specialists,  
5                   alternative school project coordinators, and  
6                   communications aides in the department of  
7                   education;

8                   (C) The special assistant to the state librarian and  
9                   one secretary for the special assistant to the  
10                  state librarian; and

11                  (D) Members of the faculty of the University of  
12                  Hawaii, including research workers, extension  
13                  agents, personnel engaged in instructional work,  
14                  and administrative, professional, and technical  
15                  personnel of the university;

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

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

H.B. NO. 2489

- 1 (B) Positions filled with students in accordance with  
2 guidelines for established state employment  
3 programs; and
- 4 (C) Positions that provide work experience training  
5 or temporary public service employment that are  
6 filled by persons entering the workforce or  
7 persons transitioning into other careers under  
8 programs such as the federal Workforce Investment  
9 Act of 1998, as amended, or the Senior Community  
10 Service Employment Program of the Employment and  
11 Training Administration of the United States  
12 Department of Labor, or under other similar state  
13 programs;
- 14 (14) A custodian or guide at Iolani Palace, the Royal  
15 Mausoleum, and Hulihee Palace;
- 16 (15) Positions filled by persons employed on a fee,  
17 contract, or piecework basis, who may lawfully perform  
18 their duties concurrently with their private business  
19 or profession or other private employment and whose  
20 duties require only a portion of their time, if it is  
21 impracticable to ascertain or anticipate the portion  
22 of time to be devoted to the service of the State;

H.B. NO. 2489

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

H.B. NO. 2489

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

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

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

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

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



H.B. NO. 2489

- 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 not  
12 more than twenty-six per cent of the authority's  
13 workforce in any housing project maintained or  
14 operated by the authority shall be hired under the  
15 tenant hire 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

# H.B. NO. 2489

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

H.B. NO. 2489

1 manager, assistant information technology  
2 implementation manager, resource manager,  
3 community/project development director, policy  
4 director, special assistant to the director, and  
5 limited English proficiency project  
6 manager/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, and  
12 emergency operations center state warning point  
13 personnel; provided that, for state warning point  
14 personnel, the director shall determine that  
15 recruitment through normal civil service recruitment  
16 procedures would result in delay or noncompliance;

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

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

H.B. NO. 2489

1 (35) In the office of homeland security of the department  
2 of law enforcement, the statewide interoperable  
3 communications coordinator; [~~and~~]

4 [+](36)[+] In the social services division of the department of  
5 human services, the business technology analyst[-];  
6 and

7 (37) Senior software developers in the department of  
8 taxation.

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

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

13 SECTION 2. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.

16

17

INTRODUCED BY:



18

BY REQUEST

JAN 2'2 2024

# H.B. NO. 2489

**Report Title:**

Department of Taxation; Senior Software Developers; Civil Service; Exemptions

**Description:**

Permanently exempts senior software developers in the Department of Taxation from civil service.

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

JUSTIFICATION SHEET

H.B. NO. 2489

DEPARTMENT: Taxation

TITLE: A BILL FOR AN ACT RELATING TO TAX  
ADMINISTRATION.

PURPOSE: To exempt senior software developers in the  
Department of Taxation from civil service.

MEANS: Amend section 76-16(b), Hawaii Revised  
Statutes.

JUSTIFICATION: The department requires the services of  
high-level software developers to implement  
complex system changes. Having exempt  
senior software developers will allow the  
department to perform some complex system  
changes, thereby lessening its reliance on  
contracted services for such work.

Impact on the public: None.

Impact on the department and other agencies:  
The department will be able to build an  
internal team of software developers capable  
of performing complex system changes with  
less need for contracted services.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: None.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval.