
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 and positions in the Hawaii National
9 Guard that are required by state or federal laws or
10 regulations or orders of the National Guard to be
11 filled from those commissioned or enlisted personnel;

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

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1 normal civil service recruitment procedures. Any
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;

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(9) One bailiff for the chief justice of the supreme court who shall have the powers and duties of a court officer and bailiff under section 606-14; one secretary or clerk for each justice of the supreme court, each judge of the intermediate appellate court, and each judge of the circuit court; one secretary for the judicial council; one deputy administrative director of the courts; three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court and each judge of the intermediate appellate court, one law clerk for each judge of the circuit court, two additional law clerks for the civil administrative judge of the circuit court of the first circuit, two additional law clerks for the criminal administrative judge of the circuit court of the first circuit, one additional law clerk for the senior judge of the family court of the first circuit, two additional law clerks for the civil motions judge of the circuit court of the first circuit, two additional law clerks for the criminal motions judge of the circuit court of the first circuit, and two law clerks for the administrative

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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,
17 and no more than twenty noncertificated
18 administrative, professional, and technical
19 personnel not engaged in instructional work;

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

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1 psychological examiners, speech pathologists,
2 athletic health care trainers, alternative school
3 work study assistants, alternative school
4 educational or 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]
12 university of Hawaii, including research workers,
13 extension agents, personnel engaged in
14 instructional work, and administrative,
15 professional, and technical personnel of the
16 university;

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

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

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

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

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

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

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(16) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, article V, of the Hawaii State Constitution; three additional deputies or assistants either in charge of the highways, harbors, and airports divisions or other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the governor; one additional deputy in the department of human services either in charge of welfare or other functions within the department as may be assigned by the director of human services; four additional deputies in the department of health, each in charge of one of the following: behavioral health, environmental health, hospitals, and health resources administration, including other functions within the department as may be assigned by the director of health, with the approval of the governor; two additional deputies in charge of the law enforcement programs, administration, or other functions within the department of law enforcement as may be assigned by the director of law enforcement, with the approval

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of the governor; three additional deputies each in charge of the correctional institutions, rehabilitation services and programs, and administration or other functions within the department of corrections and rehabilitation as may be assigned by the director of corrections and rehabilitation, with the approval of the governor; two administrative assistants to the state librarian; and an administrative assistant to the superintendent of education;

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

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

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

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

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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] 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] university of
18 Hawaii that require the hiring of nutrition program
19 assistants who live in the areas they serve;

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

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rehabilitation office that they are able to perform
safely the duties of the positions;

(24) The sheriff;

(25) A gender and other fairness coordinator hired by the
judiciary;

(26) Positions in the Hawaii National Guard youth and adult
education programs;

(27) In the Hawaii state energy office in the department of
business, economic development, and tourism, all
energy program managers, energy program specialists,
energy program assistants, and energy analysts;

(28) Administrative appeals hearing officers in the
department of human services;

(29) In the Med-QUEST division of the department of human
services, the division administrator, finance officer,
health care services branch administrator, medical
director, and clinical standards administrator;

(30) In the director's office of the department of human
services, the enterprise officer, information security
and privacy compliance officer, security and privacy
compliance engineer, security and privacy compliance
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;

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(35) In the office of homeland security of the department of law enforcement, the statewide interoperable communications coordinator;

(36) In the social services division of the department of human services, the business technology analyst;

[+] (37) [+] The executive director and staff of the 911 board;

[+] (38) [~~+~~ ~~Senior~~] The software developer supervisor and senior software developers in the department of taxation;

[+] (39) [+] In the department of law enforcement, five Commission on Accreditation for Law Enforcement Agencies, Inc., coordinator positions;

[+] (40) [+] The state fire marshal; [and

[+] (41) [+] The administrator for the law enforcement standards board~~[-]~~; and

(42) In the director's office of the department of taxation, the data privacy officer and tax business analysts.

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

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

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

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

4

5

INTRODUCED BY: Nashia K. Parker

6

BY REQUEST

JAN 21 2025

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Report Title:

DOTAX; Tax Administration; Civil Service; Exemptions

Description:

Permanently exempts the software developer supervisor in the Department of Taxation and the data privacy officer and tax business analysts in the Director's office of the Department 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

DEPARTMENT: Taxation

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

PURPOSE: To permanently exempt the following positions in the Department from civil service: The data privacy officer and tax business analysts in the Director's office and the software developer supervisor.

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

JUSTIFICATION: The Department proposes permanently exempting certain positions from civil service: The data privacy officer and tax business analysts in the Director's office and the software developer supervisor. These exempt positions will be crucial as the department enhances its operational capacity.

The data privacy officer will coordinate, develop, and implement applicable privacy requirements and manage privacy risks through the department-wide privacy program. This position will be responsible for ensuring the Department complies with federal, state, and other applicable policies and protects the sensitive information of taxpayers and the Department. Additionally, this position will oversee data sharing and exchanges for compliance with privacy requirements.

Tax business analysts will be responsible for managing both business and technical changes required to properly implement complex tax law changes. The analysts will ensure all updates comply with the law and meet the needs of taxpayers.

A software developer supervisor will supervise senior software developers, who implement complex system changes.

Impact on the public: None.

Impact on the Department and other agencies:

The Department will strengthen its ability to administer the tax system and improve the coordination of internal business processes to meet its obligations to protect taxpayer information and manage privacy risks through secure data sharing and exchanges with federal, State, and other government partners.

GENERAL FUND: Appropriation is being requested through the state budget.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: TAX 107.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.