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# A BILL FOR AN ACT

RELATING TO HOMELAND SECURITY.

**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



1 to perform the service cannot be obtained through  
2 normal civil service recruitment procedures. Any  
3 [~~such~~] contract may be for any period not exceeding  
4 one year;

5 (3) Positions that must be filled without delay to comply  
6 with a court order or decree if the director  
7 determines that recruitment through normal recruitment  
8 civil service procedures would result in delay or  
9 noncompliance, such as the Felix-Cayetano consent  
10 decree;

11 (4) Positions filled by the legislature or by either house  
12 or any committee thereof;

13 (5) Employees in the office of the governor and office of  
14 the lieutenant governor, and household employees at  
15 Washington Place;

16 (6) Positions filled by popular vote;

17 (7) Department heads, officers, and members of any board,  
18 commission, or other state agency whose appointments  
19 are made by the governor or are required by law to be  
20 confirmed by the senate;



- 1           (8) Judges, referees, receivers, masters, jurors, notaries  
2           public, land court examiners, court commissioners, and  
3           attorneys appointed by a state court for a special  
4           temporary service;
- 5           (9) One bailiff for the chief justice of the supreme court  
6           who shall have the powers and duties of a court  
7           officer and bailiff under section 606-14; one  
8           secretary or clerk for each justice of the supreme  
9           court, each judge of the intermediate appellate court,  
10          and each judge of the circuit court; one secretary for  
11          the judicial council; one deputy administrative  
12          director of the courts; three law clerks for the chief  
13          justice of the supreme court, two law clerks for each  
14          associate justice of the supreme court and each judge  
15          of the intermediate appellate court, one law clerk for  
16          each judge of the circuit court, two additional law  
17          clerks for the civil administrative judge of the  
18          circuit court of the first circuit, two additional law  
19          clerks for the criminal administrative judge of the  
20          circuit court of the first circuit, one additional law  
21          clerk for the senior judge of the family court of the



1 first circuit, two additional law clerks for the civil  
2 motions judge of the circuit court of the first  
3 circuit, two additional law clerks for the criminal  
4 motions judge of the circuit court of the first  
5 circuit, and two law clerks for the administrative  
6 judge of the district court of the first circuit; and  
7 one private secretary for the administrative director  
8 of the courts, the deputy administrative director of  
9 the courts, each department head, each deputy or first  
10 assistant, and each additional deputy, or assistant  
11 deputy, or assistant defined in paragraph (16);

12 (10) First deputy and deputy attorneys general, the  
13 administrative services manager of the department of  
14 the attorney general, one secretary for the  
15 administrative services manager, an administrator and  
16 any support staff for the criminal and juvenile  
17 justice resources coordination functions, and law  
18 clerks;

19 (11) (A) Teachers, principals, vice-principals, complex  
20 area superintendents, deputy and assistant  
21 superintendents, other certificated personnel, no



- 1 more than twenty noncertificated administrative,  
2 professional, and technical personnel not engaged  
3 in instructional work;
- 4 (B) Effective July 1, 2003, teaching assistants,  
5 educational assistants, bilingual/bicultural  
6 school-home assistants, school psychologists,  
7 psychological examiners, speech pathologists,  
8 athletic health care trainers, alternative school  
9 work study assistants, alternative school  
10 educational/supportive services specialists,  
11 alternative school project coordinators, and  
12 communications aides in the department of  
13 education;
- 14 (C) The special assistant to the state librarian and  
15 one secretary for the special assistant to the  
16 state librarian; and
- 17 (D) Members of the faculty of the University of  
18 Hawaii, including research workers, extension  
19 agents, personnel engaged in instructional work,  
20 and administrative, professional, and technical  
21 personnel of the university;



- 1           (12) Employees engaged in special, research, or  
2           demonstration projects approved by the governor;
- 3           (13) (A) Positions filled by inmates, patients of state  
4           institutions, and persons with severe physical or  
5           mental disabilities participating in the work  
6           experience training programs;
- 7           (B) Positions filled with students in accordance with  
8           guidelines for established state employment  
9           programs; and
- 10          (C) Positions that provide work experience training  
11          or temporary public service employment that are  
12          filled by persons entering the workforce or  
13          persons transitioning into other careers under  
14          programs such as the federal Workforce Investment  
15          Act of 1998, as amended, or the Senior Community  
16          Service Employment Program of the Employment and  
17          Training Administration of the United States  
18          Department of Labor, or under other similar state  
19          programs;
- 20          (14) A custodian or guide at Iolani Palace, the Royal  
21          Mausoleum, and Hulihee Palace;



1           (15) Positions filled by persons employed on a fee,  
2                   contract, or piecework basis, who may lawfully perform  
3                   their duties concurrently with their private business  
4                   or profession or other private employment and whose  
5                   duties require only a portion of their time, if it is  
6                   impracticable to ascertain or anticipate the portion  
7                   of time to be devoted to the service of the State;  
8           (16) Positions of first deputies or first assistants of  
9                   each department head appointed under or in the manner  
10                  provided in section 6, article V, of the Hawaii State  
11                  Constitution; three additional deputies or assistants  
12                  either in charge of the highways, harbors, and  
13                  airports divisions or other functions within the  
14                  department of transportation as may be assigned by the  
15                  director of transportation, with the approval of the  
16                  governor; one additional deputy in the department of  
17                  human services either in charge of welfare or other  
18                  functions within the department as may be assigned by  
19                  the director of human services; four additional  
20                  deputies in the department of health, each in charge  
21                  of one of the following: behavioral health,



1 environmental health, hospitals, and health resources  
2 administration, including other functions within the  
3 department as may be assigned by the director of  
4 health, with the approval of the governor; two  
5 additional deputies in charge of the law enforcement  
6 programs, administration, or other functions within  
7 the department of law enforcement as may be assigned  
8 by the director of law enforcement, with the approval  
9 of the governor; three additional deputies each in  
10 charge of the correctional institutions,  
11 rehabilitation services and programs, and  
12 administration or other functions within the  
13 department of corrections and rehabilitation as may be  
14 assigned by the director [~~of~~] of corrections and  
15 rehabilitation, with the approval of the governor; an  
16 administrative assistant to the state librarian; and  
17 an administrative assistant to the superintendent of  
18 education;

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



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

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

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

12 (19) Household employees at the official residence of the  
13 president of the University of Hawaii;

14 (20) Employees in the department of education engaged in  
15 the supervision of students during meal periods in the  
16 distribution, collection, and counting of meal  
17 tickets, and in the cleaning of classrooms after  
18 school hours on a less than half-time basis;

19 (21) Employees hired under the tenant hire program of the  
20 Hawaii public housing authority; provided that ~~not~~  
21 no more than twenty-six per cent of the authority's



- 1 workforce in any housing project maintained or  
2 operated by the authority shall be hired under the  
3 tenant hire program;
- 4 (22) Positions of the federally funded expanded food and  
5 nutrition program of the University of Hawaii that  
6 require the hiring of nutrition program assistants who  
7 live in the areas they serve;
- 8 (23) Positions filled by persons with severe disabilities  
9 who are certified by the state vocational  
10 rehabilitation office that they are able to perform  
11 safely the duties of the positions;
- 12 (24) The sheriff;
- 13 (25) A gender and other fairness coordinator hired by the  
14 judiciary;
- 15 (26) Positions in the Hawaii National Guard youth and adult  
16 education programs;
- 17 (27) In the Hawaii state energy office in the department of  
18 business, economic development, and tourism, all  
19 energy program managers, energy program specialists,  
20 energy program assistants, and energy analysts;



- 1 (28) Administrative appeals hearing officers in the  
2 department of human services;
- 3 (29) In the Med-QUEST division of the department of human  
4 services, the division administrator, finance officer,  
5 health care services branch administrator, medical  
6 director, and clinical standards administrator;
- 7 (30) In the director's office of the department of human  
8 services, the enterprise officer, information security  
9 and privacy compliance officer, security and privacy  
10 compliance engineer, security and privacy compliance  
11 analyst, information technology implementation  
12 manager, assistant information technology  
13 implementation manager, resource manager,  
14 community/project development director, policy  
15 director, special assistant to the director, and  
16 limited English proficiency project  
17 manager/coordinator;
- 18 (31) The Alzheimer's disease and related dementia services  
19 coordinator in the executive office on aging;
- 20 (32) In the Hawaii emergency management agency, the  
21 executive officer, public information officer, civil



1 defense administrative officer, branch chiefs, and  
2 emergency operations center state warning point  
3 personnel; provided that for state warning point  
4 personnel, the director shall determine that  
5 recruitment through normal civil service recruitment  
6 procedures would result in delay or noncompliance;

7 (33) The executive director and seven full-time  
8 administrative positions of the school facilities  
9 authority;

10 (34) Positions in the Mauna Kea stewardship and oversight  
11 authority;

12 (35) In the office of homeland security of the department  
13 of law enforcement, the statewide interoperable  
14 communications coordinator[+] and the Hawaii  
15 cybersecurity, economic, education, and infrastructure  
16 security coordinator; and

17 (36) In the social services division of the department of  
18 human services, the business technology analyst.

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



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

3 SECTION 2. Section 128A-3, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) There shall be established within the department of  
6 law enforcement an office of homeland security. The director  
7 shall employ appropriate personnel and make expenditures as may  
8 be necessary to carry out this chapter. The director shall  
9 appoint an administrator of homeland security and a Hawaii  
10 cybersecurity, economic, education, and infrastructure security  
11 coordinator who shall be exempt from chapter 76, subject to  
12 removal by the director, and receive compensation as the  
13 director may determine."

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

16 SECTION 4. This Act shall take effect on July 1, 2042.



**Report Title:**

Homeland Security; Hawaii Cybersecurity, Economic, Education,  
and Infrastructure Security Coordinator

**Description:**

Makes the Hawaii Cybersecurity, Economic, Education, and  
Infrastructure Security Coordinator exempt from civil service.  
Effective 7/1/2042. (SD1)

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

