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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.

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

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

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

14 (2) Positions filled by persons employed by contract where  
15 the director of human resources development has  
16 certified that the service is special or unique or is  
17 essential to the public interest and that, because of  
18 circumstances surrounding its fulfillment, personnel

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

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

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1 motions judge of the circuit court of the first  
2 circuit, and two law clerks for the administrative  
3 judge of the district court of the first circuit; and  
4 one private secretary for the administrative director  
5 of the courts, the deputy administrative director of  
6 the courts, each department head, each deputy or first  
7 assistant, and each additional deputy, or assistant  
8 deputy, or assistant defined in paragraph (16);  
9 (10) First deputy and deputy attorneys general, the  
10 administrative services manager of the department of  
11 the attorney general, one secretary for the  
12 administrative services manager, an administrator and  
13 any support staff for the criminal and juvenile  
14 justice resources coordination functions, and law  
15 clerks;  
16 (11) (A) Teachers, principals, vice-principals, complex  
17 area superintendents, deputy and assistant  
18 superintendents, other certificated personnel, no  
19 more than twenty noncertificated administrative,  
20 professional, and technical personnel not engaged  
21 in instructional work;

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- 1 (B) Effective July 1, 2003, teaching assistants,  
2 educational assistants, bilingual/bicultural  
3 school-home assistants, school psychologists,  
4 psychological examiners, speech pathologists,  
5 athletic health care trainers, alternative school  
6 work study assistants, alternative school  
7 educational/supportive services specialists,  
8 alternative school project coordinators, and  
9 communications aides in the department of  
10 education;
- 11 (C) The special assistant to the state librarian and  
12 one secretary for the special assistant to the  
13 state librarian; and
- 14 (D) Members of the faculty of the University of  
15 Hawaii, including research workers, extension  
16 agents, personnel engaged in instructional work,  
17 and administrative, professional, and technical  
18 personnel of the university;
- 19 (12) Employees engaged in special, research, or  
20 demonstration projects approved by the governor;
- 21 (13) (A) Positions filled by inmates, patients of state  
22 institutions, persons with severe physical or

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

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

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

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

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

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



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- 1           (18) Positions in the state foster grandparent program and  
2                   positions for temporary employment of senior citizens  
3                   in occupations in which there is a severe personnel  
4                   shortage or in special projects;
- 5           (19) Household employees at the official residence of the  
6                   president of the University of Hawaii;
- 7           (20) Employees in the department of education engaged in  
8                   the supervision of students during meal periods in the  
9                   distribution, collection, and counting of meal  
10                  tickets, and in the cleaning of classrooms after  
11                  school hours on a less than half-time basis;
- 12          (21) Employees hired under the tenant hire program of the  
13                  Hawaii public housing authority; provided that not  
14                  more than twenty-six per cent of the authority's  
15                  workforce in any housing project maintained or  
16                  operated by the authority shall be hired under the  
17                  tenant hire program;
- 18          (22) Positions of the federally funded expanded food and  
19                  nutrition program of the University of Hawaii that  
20                  require the hiring of nutrition program assistants who  
21                  live in the areas they serve;

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

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1 compliance engineer, security and privacy compliance  
2 analyst, information technology implementation  
3 manager, assistant information technology  
4 implementation manager, resource manager,  
5 community/project development director, policy  
6 director, special assistant to the director, and  
7 limited English proficiency project  
8 manager/coordinator;

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

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

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

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1 (34) Positions in the Mauna Kea stewardship and oversight  
2 authority;

3 (35) In the office of homeland security of the department  
4 of law enforcement, the statewide interoperable  
5 communications coordinator[+] and the cybersecurity,  
6 economic, education, and infrastructure security  
7 coordinator; and

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

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

16 "(a) There shall be established within the department of  
17 law enforcement an office of homeland security. The director  
18 shall employ appropriate personnel and make expenditures as may  
19 be necessary to carry out this chapter. The director shall  
20 appoint an administrator of homeland security and a  
21 cybersecurity, economic, education, and infrastructure security  
22 coordinator who shall be exempt from chapter 76, subject to

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1 removal by the director, and receive compensation as the  
2 director may determine."

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

5 SECTION 4. This Act, upon its approval, shall take effect  
6 on July 1, 2024.

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INTRODUCED BY: \_\_\_\_\_



9

BY REQUEST

JAN 22 2024

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**Report Title:**

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

**Description:**

Establishes the Cybersecurity, Economic, Education, and Infrastructure Security Coordinator within the Department of Law Enforcement. Amends sections 76-16 and 128A-3, HRS.

*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: LAW ENFORCEMENT

TITLE: A BILL FOR AN ACT RELATING TO HOMELAND SECURITY.

PURPOSE: Establishes the Cybersecurity, Economic, Education, and Infrastructure Security Coordinator within the Department of Law Enforcement.

MEANS: Amends sections 76-16(b) and 128A-3, Hawaii Revised Statutes

JUSTIFICATION: The position is needed to ensure coordination with homeland security and law enforcement efforts relating to cybersecurity, economic, education and infrastructure within the State.

Impact on the public: This bill will provide for increased vigilance in the area of homeland security and cybersecurity.

Impact on the department and other agencies: None.

GENERAL FUND: Yes.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: Law 900.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: July 1, 2024.