

S.B. NO. 3150

JAN 24 2024

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."

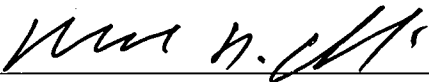
3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

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

7

8

INTRODUCED BY:



9

BY REQUEST

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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.

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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.