

JAN 25 2023

A BILL FOR AN ACT

RELATING TO STATEWIDE INTEROPERABLE PUBLIC SAFETY
COMMUNICATIONS.

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

1 SECTION 1. The purpose of this Act is to update the
2 wording regarding the statewide interoperable communications
3 executive committee as part of the migration of the office of
4 homeland security from the department of defense to the
5 department of law enforcement.

6 SECTION 2. Act 97, Session Laws of Hawaii 2022, is amended
7 by amending section 2 to read as follows:

8 "SECTION 2. Chapter 128A, Hawaii Revised Statutes, is
9 amended by adding a new part to be appropriately designated and
10 to read as follows:

11 "PART . STATEWIDE PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS

12 §128A- Definitions. As used in this part,

13 "interoperable communications" means the ability of first
14 responder and emergency management agencies to communicate with
15 one another via communication systems, including exchanging
16 voice and data with one another on demand, in real time, when
17 needed, and as authorized.

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1 §128A- Statewide interoperable communications executive
2 committee. There is established within the department of
3 [defense] law enforcement for administrative purposes the
4 statewide interoperable communications executive committee.

5 §128A- Duties of the statewide interoperable
6 communications executive committee. (a) The statewide
7 interoperable communications executive committee shall obtain
8 the advice and input of the statewide interoperable
9 communications technical subcommittee, and then shall:

- 10 (1) Develop plans and strategies to improve public safety
11 communications interoperability among state; county;
12 and, if possible, federal public safety agencies;
- 13 (2) Develop plans and strategies to provide interoperable
14 communications between and among public safety
15 answering points in the State and public safety
16 responder communications networks, infrastructure, and
17 systems;
- 18 (3) Develop plans and strategies to promote statewide
19 public safety communications interoperability
20 utilizing state and county radio communication systems
21 and networks, the Nationwide Public Safety Broadband
22 Network, or FirstNet;

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- 1 (4) Develop plans and strategies for the coordination of
2 state; county; and, if possible, federal emergency
3 alerts and warnings with public safety answering
4 points and public safety responder communications
5 networks, infrastructure, and systems;
- 6 (5) Review and adopt plans and recommendations to improve
7 or promote increased interoperability between public
8 safety responders and other government or
9 non-government stakeholders that support responses to
10 emergencies; and
- 11 (6) Submit a status report on the requirements of this
12 subsection, including any obstacles and proposed
13 legislation, to the legislature no later than twenty
14 days prior to the convening of each regular session.
- 15 (b) The members of the statewide interoperable
16 communications executive committee shall include the following:
- 17 (1) The [~~adjutant general~~] director of law enforcement or
18 the [~~adjutant general's~~] director of law enforcement's
19 designee, who shall serve as the chair of the
20 committee;
- 21 (2) The attorney general or the attorney general's
22 designee;

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- 1 [~~3~~] ~~The deputy director of the law enforcement division~~
2 ~~of the department of public safety or the deputy~~
3 ~~director's designee;~~
- 4 [~~4~~] (3) The chairperson of the board of land and natural
5 resources or the chairperson's designee;
- 6 [~~5~~] (4) The state chief information officer or the chief
7 information officer's designee;
- 8 [~~6~~] (5) The director of transportation or the director's
9 designee;
- 10 [~~7~~] (6) The director of health or the director's
11 designee;
- 12 [~~8~~] (7) The chairperson of the Hawaii enhanced 911 board
13 or the chairperson's designee; and
- 14 [~~9~~] (8) Four members at the executive or senior
15 personnel level from the first responder or emergency
16 management agencies from each of the four counties, to
17 be selected by the respective heads of the first
18 responder or emergency management agencies of each
19 county.
- 20 (c) Members of the statewide interoperable communications
21 executive committee shall receive no compensation but shall be
22 reimbursed for travel and other reasonable and necessary

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1 expenses incurred in carrying out the member's duties relating
2 to the committee.

3 §128A- Statewide interoperable communications technical
4 subcommittee. (a) There is established a statewide
5 interoperable communications technical subcommittee to provide
6 technical advice to the statewide interoperable communications
7 executive committee.

8 (b) Membership of the statewide interoperable
9 communications technical subcommittee shall be limited to
10 representatives from any governmental agency having duties that
11 include management, planning, and operation of public safety
12 communications systems and networks, including government land
13 mobile radio and broadband networks and those related to
14 emergency communications centers and public safety answering
15 points; provided that:

16 (1) The statewide interoperable communications coordinator
17 shall serve as the chairperson of the statewide
18 interoperable communications technical subcommittee;

19 (2) The respective lead radio communication engineer or
20 manager for the State and each county, or each lead
21 radio communication engineer or manager's respective
22 designee, shall serve on the subcommittee as subject

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1 matter experts for their respective radio
2 communication systems and networks; and

3 (3) The respective lead information security manager for
4 the State and each county, or each lead information
5 security manager's respective designee, shall serve on
6 the subcommittee as subject matter experts for matters
7 relating to cyber security.

8 (c) The statewide interoperable communications technical
9 subcommittee shall:

- 10 (1) Not have a fixed membership, subject to the limitation
11 established in subsection (b);
12 (2) Not be subject to any quorum requirement; and
13 (3) Be exempt from part I of chapter 92.

14 **§128A- Statewide interoperable communications**
15 **coordinator.** (a) There is established within the office of
16 homeland security the position of the statewide interoperable
17 communications coordinator, which shall be a full-time
18 equivalent position exempt from chapter 76.

19 (b) The statewide interoperable communications coordinator
20 shall:

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- 1 (1) Collaborate with state, county, and federal
2 governments and emergency response groups in long-term
3 strategic planning;
- 4 (2) Aid stakeholders in the development of projects,
5 plans, policies, standards, priorities, and guidelines
6 for interoperable communications;
- 7 (3) Meet regularly with all interoperability stakeholders
8 and partners to ensure transparency and information
9 sharing;
- 10 (4) Coordinate governing body activities to maximize
11 integration and collaboration across the emergency
12 communications landscape;
- 13 (5) Coordinate ongoing assessment of the applicability of
14 new technical developments in communications
15 technologies for state and county public safety radio
16 communication systems and networks;
- 17 (6) Serve as a liaison between the statewide interoperable
18 communications executive committee or statewide
19 interoperable communications technical subcommittee,
20 or both, and the federal government and private
21 communications industry on issues concerning statewide
22 interoperable communications;

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- 1 (7) Coordinate guidance, input, and recommendations from
2 state, county, and federal agencies on the statewide
3 communications interoperability plan and lead the
4 development, implementation, and regular updating of
5 the statewide communications interoperability plan;
- 6 (8) Assist, as necessary or requested, with communications
7 among responders during emergencies who are responding
8 to planned and unplanned events;
- 9 (9) Coordinate closely with the state single point of
10 contact on issues related to the implementation of the
11 Nationwide Public Safety Broadband Network in the
12 State;
- 13 (10) Coordinate interoperability activities with public
14 safety answering points; operators of state, county
15 and federal communications systems; and emergency
16 management coordinators;
- 17 (11) Manage communications unit program training and
18 exercises provided by federal and state agencies, and
19 work with public safety agencies to assist with any
20 credentialing or recognition of the agencies'
21 communications personnel; and

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1 (12) Serve as the state representative to the National
2 Council of Statewide Interoperability Coordinators."

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

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

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

15 (2) Positions filled by persons employed by contract where
16 the director of human resources development has
17 certified that the service is special or unique or is
18 essential to the public interest and that, because of
19 circumstances surrounding its fulfillment, personnel
20 to perform the service cannot be obtained through
21 normal civil service recruitment procedures. Any such
22 contract may be for any period not exceeding one year;

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- 1 (3) Positions that must be filled without delay to comply
2 with a court order or decree if the director
3 determines that recruitment through normal recruitment
4 civil service procedures would result in delay or
5 noncompliance, such as the Felix-Cayetano consent
6 decree;
- 7 (4) Positions filled by the legislature or by either house
8 or any committee thereof;
- 9 (5) Employees in the office of the governor and office of
10 the lieutenant governor, and household employees at
11 Washington Place;
- 12 (6) Positions filled by popular vote;
- 13 (7) Department heads, officers, and members of any board,
14 commission, or other state agency whose appointments
15 are made by the governor or are required by law to be
16 confirmed by the senate;
- 17 (8) Judges, referees, receivers, masters, jurors, notaries
18 public, land court examiners, court commissioners, and
19 attorneys appointed by a state court for a special
20 temporary service;
- 21 (9) One bailiff for the chief justice of the supreme court
22 who shall have the powers and duties of a court

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

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1 of the courts, the deputy administrative director of
2 the courts, each department head, each deputy or first
3 assistant, and each additional deputy, or assistant
4 deputy, or assistant defined in paragraph (16);

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

12 (11) (A) Teachers, principals, vice-principals, complex
13 area superintendents, deputy and assistant
14 superintendents, other certificated personnel,
15 not more than twenty noncertificated
16 administrative, professional, and technical
17 personnel not engaged in instructional work;

18 (B) Effective July 1, 2003, teaching assistants,
19 educational assistants, bilingual/bicultural
20 school-home assistants, school psychologists,
21 psychological examiners, speech pathologists,
22 athletic health care trainers, alternative school

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1 work study assistants, alternative school
2 educational/supportive services specialists,
3 alternative school project coordinators, and
4 communications aides in the department of
5 education;

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

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

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

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

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

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

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

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

20 (16) Positions of first deputies or first assistants of
21 each department head appointed under or in the manner
22 provided in section 6, article V, of the Hawaii State

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1 Constitution; three additional deputies or assistants
2 either in charge of the highways, harbors, and
3 airports divisions or other functions within the
4 department of transportation as may be assigned by the
5 director of transportation, with the approval of the
6 governor; four additional deputies in the department
7 of health, each in charge of one of the following:
8 behavioral health, environmental health, hospitals,
9 and health resources administration, including other
10 functions within the department as may be assigned by
11 the director of health, with the approval of the
12 governor; two additional deputies in charge of the law
13 enforcement programs, administration, or other
14 functions within the department of law enforcement as
15 may be assigned by the director of law enforcement,
16 with the approval of the governor; an administrative
17 assistant to the state librarian; and an
18 administrative assistant to the superintendent of
19 education;

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

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- 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 more than twenty-six per cent of the authority's
22 workforce in any housing project maintained or

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

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- 1 (29) In the Med-QUEST division of the department of human
2 services, the division administrator, finance officer,
3 health care services branch administrator, medical
4 director, and clinical standards administrator;
- 5 (30) In the director's office of the department of human
6 services, the enterprise officer, information security
7 and privacy compliance officer, security and privacy
8 compliance engineer, and security and privacy
9 compliance analyst;
- 10 (31) The Alzheimer's disease and related dementia services
11 coordinator in the executive office on aging;
- 12 (32) In the Hawaii emergency management agency, the
13 executive officer, public information officer, civil
14 defense administrative officer, branch chiefs, and
15 emergency operations center state warning point
16 personnel; provided that, for state warning point
17 personnel, the director shall determine that
18 recruitment through normal civil service recruitment
19 procedures would result in delay or noncompliance;
- 20 (33) The executive director and seven full-time
21 administrative positions of the school facilities
22 authority;

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

3 [†] (35) [†] In the office of homeland security of the department
4 of [~~defense,~~] law enforcement, the statewide
5 interoperable communications coordinator.

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

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

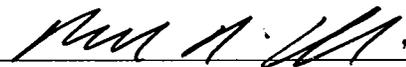
10 SECTION 5. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect on January 1, 2024;
13 provided that amendments made to sections of the Hawaii Revised
14 Statutes that are amended by this Act shall include amendments
15 made by section 24 of Act 278, Session Laws of Hawaii 2022, and
16 amendments made after the approval of this Act and before the
17 effective date of the amendments made by this Act, to the extent
18 that the intervening amendments may be harmonized with the
19 amendments made by this Act.

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INTRODUCED BY:



22

BY REQUEST

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Report Title:

Statewide Interoperable Public Safety Communications Executive Committee; Department of Law Enforcement

Description:

Amends section 2 of Act 97, Session Laws of Hawaii 2022, to reflect the migration of the Office of Homeland Security from the Department of Defense to the Department of Law Enforcement on January 1, 2024.

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

SB. NO. 1335

DEPARTMENT: Defense

TITLE: A BILL FOR AN ACT RELATING TO STATEWIDE INTEROPERABLE PUBLIC SAFETY COMMUNICATIONS.

PURPOSE: To update the wording regarding the statewide interoperable communications executive committee and the statewide interoperable communications coordinator (SWIC) as part of the migration of the Office of Homeland Security to the newly established Department of Law Enforcement.

MEANS: Amend Act 97, Session Laws of Hawaii 2022 (Act 97).

JUSTIFICATION: Act 278, Sessions Laws of Hawaii 2022, among other things, created the Department of Law Enforcement and enacted provisions to move the Office of Homeland Security from the Department of Defense to the Department of Law Enforcement on January 1, 2024. The statewide interoperable communications executive committee and the SWIC are related to the Office of Homeland Security's activities pursuant to Act 97 which necessitates updates to the wording in this Act to reflect the reorganization.

Impact on the public: None.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: DEF 110.

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OTHER AFFECTED
AGENCIES:

Department of Law Enforcement.

EFFECTIVE DATE:

January 1, 2024.