



GOV. MSG. NO. 1197

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

JUN 17 2022

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on **JUN 17 2022**, the following bill was signed into law:

HB956 HD1 SD2 CD1

RELATING TO STATEWIDE INTEROPERABLE
PUBLIC SAFETY COMMUNICATIONS.
ACT 097

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

ORIGINAL

Approved by the Governor

on JUN 17 2022

HOUSE OF REPRESENTATIVES
THIRTY-FIRST LEGISLATURE, 2021
STATE OF HAWAII

ACT 097
H.B. NO. 956
H.D. 1
S.D. 2
C.D. 1

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 formally
2 establish the statewide interoperable communications executive
3 committee and technical subcommittee, and the position of
4 statewide interoperable communications coordinator as a position
5 exempt from section 76-16, Hawaii Revised Statutes.

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

9 **"PART . STATEWIDE PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS**

10 **§128A- Definitions.** As used in this part,
11 "interoperable communications" means the ability of first
12 responder and emergency management agencies to communicate with
13 one another via communication systems, including exchanging
14 voice and data with one another on demand, in real time, when
15 needed, and as authorized.

16 **§128A- Statewide interoperable communications executive**
17 **committee.** There is established within the department of



1 defense for administrative purposes the statewide interoperable
2 communications executive committee.

3 **§128A- Duties of the statewide interoperable**

4 **communications executive committee.** (a) The statewide
5 interoperable communications executive committee shall obtain
6 the advice and input of the statewide interoperable
7 communications technical subcommittee, and then shall:

8 (1) Develop plans and strategies to improve public safety
9 communications interoperability among state; county;
10 and, if possible, federal public safety agencies;

11 (2) Develop plans and strategies to provide interoperable
12 communications between and among public safety
13 answering points in the State and public safety
14 responder communications networks, infrastructure, and
15 systems;

16 (3) Develop plans and strategies to promote statewide
17 public safety communications interoperability
18 utilizing state and county radio communication systems
19 and networks, the Nationwide Public Safety Broadband
20 Network, or FirstNet;



- 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 or the adjutant general's
18 designee, who shall serve as the chair of the
19 committee;
- 20 (2) The attorney general or the attorney general's
21 designee;

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



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



1 designee, shall serve on the subcommittee as subject
2 matter experts for their respective radio
3 communication systems and networks; and

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

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

11 (1) Not have a fixed membership, subject to the limitation
12 established in subsection (b);

13 (2) Not be subject to any quorum requirement; and

14 (3) Be exempt from part I of chapter 92.

15 **§128A- Statewide interoperable communications**

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

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



- 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



1 communications industry on issues concerning statewide
2 interoperable communications;

3 (7) Coordinate guidance, input, and recommendations from
4 state, county, and federal agencies on the statewide
5 communications interoperability plan and lead the
6 development, implementation, and regular updating of
7 the statewide communications interoperability plan;

8 (8) Assist, as necessary or requested, with communications
9 among responders during emergencies who are responding
10 to planned and unplanned events;

11 (9) Coordinate closely with the state single point of
12 contact on issues related to the implementation of the
13 Nationwide Public Safety Broadband Network in the
14 State;

15 (10) Coordinate interoperability activities with public
16 safety answering points; operators of state, county
17 and federal communications systems; and emergency
18 management coordinators;

19 (11) Manage communications unit program training and
20 exercises provided by federal and state agencies, and
21 work with public safety agencies to assist with any

1 credentiaing or recognition of the agencies'
2 communications personnel; and
3 (12) Serve as the state representative to the National
4 Council of Statewide Interoperability Coordinators."

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

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

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

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



- 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



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



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

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

17 (11) (A) Teachers, principals, vice-principals, complex
18 area superintendents, deputy and assistant
19 superintendents, other certificated personnel,
20 not more than twenty noncertificated



1 administrative, professional, and technical
2 personnel not engaged in instructional work;
3 (B) Effective July 1, 2003, teaching assistants,
4 educational assistants, bilingual/bicultural
5 school-home assistants, school psychologists,
6 psychological examiners, speech pathologists,
7 athletic health care trainers, alternative school
8 work study assistants, alternative school
9 educational/supportive services specialists,
10 alternative school project coordinators, and
11 communications aides in the department of
12 education;
13 (C) The special assistant to the state librarian and
14 one secretary for the special assistant to the
15 state librarian; and
16 (D) Members of the faculty of the University of
17 Hawaii, including research workers, extension
18 agents, personnel engaged in instructional work,
19 and administrative, professional, and technical
20 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, 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; four additional deputies in the department
17 of health, each in charge of one of the following:
18 behavioral health, environmental health, hospitals,
19 and health resources administration, including other
20 functions within the department as may be assigned by
21 the director of health, with the approval of the



1 governor; an administrative assistant to the state
2 librarian; and an administrative assistant to the
3 superintendent of education;

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

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

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

13 (18) Positions in the state foster grandparent program and
14 positions for temporary employment of senior citizens
15 in occupations in which there is a severe personnel
16 shortage or in special projects;

17 (19) Household employees at the official residence of the
18 president of the University of Hawaii;

19 (20) Employees in the department of education engaged in
20 the supervision of students during meal periods in the
21 distribution, collection, and counting of meal



- 1 tickets, and in the cleaning of classrooms after
2 school hours on a less than half-time basis;
- 3 (21) Employees hired under the tenant hire program of the
4 Hawaii public housing authority; provided that not
5 more than twenty-six per cent of the authority's
6 workforce in any housing project maintained or
7 operated by the authority shall be hired under the
8 tenant hire program;
- 9 (22) Positions of the federally funded expanded food and
10 nutrition program of the University of Hawaii that
11 require the hiring of nutrition program assistants who
12 live in the areas they serve;
- 13 (23) Positions filled by persons with severe disabilities
14 who are certified by the state vocational
15 rehabilitation office that they are able to perform
16 safely the duties of the positions;
- 17 (24) The sheriff;
- 18 (25) A gender and other fairness coordinator hired by the
19 judiciary;
- 20 (26) Positions in the Hawaii National Guard youth and adult
21 education programs;



- 1 (27) In the state energy office in the department of
2 business, economic development, and tourism, all
3 energy program managers, energy program specialists,
4 energy program assistants, and energy analysts;
- 5 (28) Administrative appeals hearing officers in the
6 department of human services;
- 7 (29) In the Med-QUEST division of the department of human
8 services, the division administrator, finance officer,
9 health care services branch administrator, medical
10 director, and clinical standards administrator;
- 11 (30) In the director's office of the department of human
12 services, the enterprise officer, information security
13 and privacy compliance officer, security and privacy
14 compliance engineer, and security and privacy
15 compliance analyst;
- 16 (31) The Alzheimer's disease and related dementia services
17 coordinator in the executive office on aging;
- 18 (32) In the Hawaii emergency management agency, the
19 executive officer, public information officer, civil
20 defense administrative officer, branch chiefs, and
21 emergency operations center state warning point



1 personnel; provided that, for state warning point
2 personnel, the director shall determine that
3 recruitment through normal civil service recruitment
4 procedures would result in delay or noncompliance;
5 ~~and~~

6 ~~+~~ (33) ~~+~~ The executive director and seven full-time
7 administrative positions of the school facilities
8 authority~~[-]~~; and

9 (34) In the office of homeland security of the department
10 of defense, the statewide interoperable communications
11 coordinator.

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

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

16 SECTION 4. Chapter 128A, Hawaii Revised Statutes, is
17 amended by designating sections 128A-1 to 128A-5 as part I,
18 entitled "General Provisions".

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 6. This Act shall take effect on January 1, 2023.



H.B. NO. 956
H.D. 1
S.D. 2
C.D. 1

APPROVED this 17 day of June , 2022

A handwritten signature in black ink, appearing to read "David Ige". The signature is fluid and cursive, with a prominent flourish at the end.

GOVERNOR OF THE STATE OF HAWAII

HB No. 956, HD 1, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2022
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki
Speaker
House of Representatives

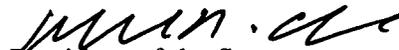


Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: May 3, 2022
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2022.


President of the Senate


Clerk of the Senate