

S.B. NO. 1110

JAN 27 2021

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 interoperability communications coordinator as a
5 position 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- Statewide interoperable communications executive**
11 **committee.** There is established within the department of
12 defense for administrative purposes the statewide interoperable
13 communications executive committee.

14 **§128A- Duties of the statewide interoperable**
15 **communications executive committee.** (a) The statewide
16 interoperable communications executive committee shall have the

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1 following duties:

2 (1) Develop plans and strategies to improve public safety
3 communications interoperability among state, county,
4 and, where possible, federal public safety agencies;

5 (2) Develop plans and strategies to provide interoperable
6 communications between and among public safety
7 answering points in the State and public safety
8 responder communications networks, infrastructure, and
9 systems;

10 (3) Develop plans and strategies to promote statewide
11 public safety communications interoperability
12 utilizing state and county radio communication systems
13 and networks, the Nationwide Public Safety Broadband
14 Network, or FirstNet;

15 (4) Develop plans and strategies for the coordination of
16 state, county, and, where possible, federal emergency
17 alerts and warnings with public safety answering
18 points and public safety responder communications
19 networks, infrastructure, and systems; and

20 (5) Review and adopt plans and recommendations to improve
21 or promote increased interoperability between public
22 safety responders and other government or non-
23 government stakeholders that support responses to

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1 emergencies.

2 (b) The members of the statewide interoperable
3 communications executive committee shall consist of the
4 following:

5 (1) The adjutant general or the adjutant general's
6 designee, who shall serve as the chair of the
7 committee;

8 (2) The attorney general or the attorney general's
9 designee;

10 (3) The deputy director of the law enforcement of the
11 department of public safety or the deputy director's
12 designee;

13 (4) The chairperson of the board of land and natural
14 resources or the chairperson's designee;

15 (5) The state chief information officer or the chief
16 information officer's designee;

17 (6) The director of transportation or the director's
18 designee;

19 (7) The director of health or the director's designee;

20 (8) The chairperson of the Hawaii enhanced 911 board or
21 the chairperson's designee; and

22 (9) Four members at the executive or senior personnel
23 level from the first responder or emergency management

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1 agencies from each of the four counties, to be
2 selected by the respective heads of the first
3 responder or emergency management agencies of each
4 county.

5 (c) Members of the committee shall receive no compensation
6 but shall be reimbursed for travel and other reasonable and
7 necessary expenses incurred in carrying out their duties
8 relating to the committee.

9 **§128A- Statewide interoperable communications technical**
10 **subcommittee.** (a) There is also established a statewide
11 interoperable communications technical subcommittee whose
12 purpose is to provide technical advice to the statewide
13 interoperable communications executive committee.

14 (b) Membership on the statewide interoperable
15 communications technical subcommittee shall be open to
16 representatives from any governmental agency whose duties
17 include management, planning, and operation of public safety
18 communications systems and networks, including government land
19 mobile radio and broadband networks and those related to
20 emergency communications centers and public answering points.

21 (c) The statewide interoperable communications coordinator
22 shall serve as the chairperson of the statewide interoperable
23 communications technical subcommittee.

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1 (d) The respective lead radio communication
2 engineer/manager for the state and counties, or their
3 designees shall serve on this committee as subject matter
4 experts for their respective radio communication systems and
5 networks;

6 (e) The respective lead information security manager for
7 the state and counties, or their designees, shall serve on this
8 committee as subject matter experts for matters relating to
9 cyber security;

10 **§128A- Statewide interoperable communications**

11 **coordinator.** (a) There is established within the office of
12 homeland security the position of the statewide interoperable
13 communications coordinator, which shall be a full-time position
14 exempt from chapter 76.

15 (b) The statewide interoperable communications coordinator
16 shall have the following areas of responsibility:

17 (1) Collaborate with state, county, and federal
18 governments and emergency response groups in long-term
19 strategic planning;

20 (2) Aid stakeholders in the development of projects,
21 plans, policies, standards, priorities, and guidelines
22 for interoperable communications;

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- 1 (3) Meet regularly with all interoperability stakeholders
2 and partners to ensure transparency and information
3 sharing;
- 4 (4) Coordinate governing body activities to maximize
5 integration and collaboration across the emergency
6 communications landscape;
- 7 (5) Coordinate ongoing assessment of the applicability of
8 new technical developments in communications
9 technologies for state and county public safety radio
10 communication systems and networks;
- 11 (6) Serve as the single point of contact for the federal
12 government and industry on issues concerning statewide
13 interoperable communications;
- 14 (7) Coordinate guidance, input, and recommendations from
15 state, county, and federal agencies on the statewide
16 communications interoperability plan and lead the
17 development, implementation, and regular update of the
18 statewide communications interoperability plan;
- 19 (8) Facilitate communications among responders during
20 emergencies when responding to planned and unplanned
21 events;
- 22 (9) Coordinate closely with the state single point of
23 contact on issues related to the implementation of the

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1 Nationwide Public Safety Broadband Network in the
2 State;

3 (10) Coordinate interoperability activities with Public
4 Safety Answering Points, operators of state, county
5 and federal communications systems and emergency
6 management coordinators;

7 (11) Manage communications unit program training and
8 exercises provided by federal and state agencies, and
9 work with public safety agencies to assist with any
10 credentialing or recognition of their communications
11 personnel; and

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

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

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

20 (1) Commissioned and enlisted personnel of the Hawaii
21 National Guard as such, and positions in the Hawaii
22 National Guard that are required by state or federal
23 laws or regulations or orders of the National Guard to

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1 be filled from those commissioned or enlisted
2 personnel;

3 (2) Positions filled by persons employed by contract where
4 the director of human resources development has
5 certified that the service is special or unique or is
6 essential to the public interest and that, because of
7 circumstances surrounding its fulfillment, personnel
8 to perform the service cannot be obtained through
9 normal civil service recruitment procedures. Any such
10 contract may be for any period not exceeding one year;

11 (3) Positions that must be filled without delay to comply
12 with a court order or decree if the director
13 determines that recruitment through normal recruitment
14 civil service procedures would result in delay or
15 noncompliance, such as the Felix-Cayetano consent
16 decree;

17 (4) Positions filled by the legislature or by either house
18 or any committee thereof;

19 (5) Employees in the office of the governor and office of
20 the lieutenant governor, and household employees at
21 Washington Place;

22 (6) Positions filled by popular vote;

23 (7) Department heads, officers, and members of any board,

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1 commission, or other state agency whose appointments
2 are made by the governor or are required by law to be
3 confirmed by the senate;

4 (8) Judges, referees, receivers, masters, jurors, notaries
5 public, land court examiners, court commissioners, and
6 attorneys appointed by a state court for a special
7 temporary service;

8 (9) One bailiff for the chief justice of the supreme court
9 who shall have the powers and duties of a court
10 officer and bailiff under section 606-14; one
11 secretary or clerk for each justice of the supreme
12 court, each judge of the intermediate appellate court,
13 and each judge of the circuit court; one secretary for
14 the judicial council; one deputy administrative
15 director of the courts; three law clerks for the chief
16 justice of the supreme court, two law clerks for each
17 associate justice of the supreme court and each judge
18 of the intermediate appellate court, one law clerk for
19 each judge of the circuit court, two additional law
20 clerks for the civil administrative judge of the
21 circuit court of the first circuit, two additional law
22 clerks for the criminal administrative judge of the
23 circuit court of the first circuit, one additional law

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

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

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

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- 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;
- 21 (12) Employees engaged in special, research, or
22 demonstration projects approved by the governor;
- 23 (13) (A) Positions filled by inmates, patients of state

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1 institutions, persons with severe physical or
2 mental disabilities participating in the work
3 experience training programs;

4 (B) Positions filled with students in accordance with
5 guidelines for established state employment
6 programs; and

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

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

19 (15) Positions filled by persons employed on a fee,
20 contract, or piecework basis, who may lawfully perform
21 their duties concurrently with their private business
22 or profession or other private employment and whose
23 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; four additional deputies in the department
12 of health, each in charge of one of the following:
13 behavioral health, environmental health, hospitals,
14 and health resources administration, including other
15 functions within the department as may be assigned by
16 the director of health, with the approval of the
17 governor; an administrative assistant to the state
18 librarian; and an administrative assistant to the
19 superintendent of education;

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

22 (A) Any exemption created after July 1, 2014, shall
23 expire three years after its enactment unless

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1 affirmatively extended by an act of the
2 legislature; and

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

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

10 (19) Household employees at the official residence of the
11 president of the University of Hawaii;

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

17 (21) Employees hired under the tenant hire program of the
18 Hawaii public housing authority; provided that not
19 more than twenty-six per cent of the authority's
20 workforce in any housing project maintained or
21 operated by the authority shall be hired under the
22 tenant hire program;

23 (22) Positions of the federally funded expanded food and

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1 nutrition program of the University of Hawaii that
2 require the hiring of nutrition program assistants who
3 live in the areas they serve;

4 (23) Positions filled by persons with severe disabilities
5 who are certified by the state vocational
6 rehabilitation office that they are able to perform
7 safely the duties of the positions;

8 (24) The sheriff;

9 (25) A gender and other fairness coordinator hired by the
10 judiciary;

11 (26) Positions in the Hawaii National Guard youth and adult
12 education programs;

13 (27) In the state energy office in the department of
14 business, economic development, and tourism, all
15 energy program managers, energy program specialists,
16 energy program assistants, and energy analysts; [and]

17 (28) Administrative appeals hearing officers in the
18 department of human services;

19 (29) In the Med-QUEST division of the department of human
20 services, the division administrator, finance officer,
21 health care services branch administrator, medical
22 director, and clinical standards administrator;

23 (30) In the director's office of the department of human

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1 services, the enterprise officer, information security
2 and privacy compliance officer, security and privacy
3 compliance engineer, and security and privacy
4 compliance analyst; [~~and~~]

5 [†](31)[†] The alzheimer's disease and related dementia
6 services coordinator in the executive office on
7 aging[-]; and

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

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

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

15 SECTION 4. Chapter 128A, Hawaii Revised Statutes, is
16 amended by designating sections 128A-1 to 128A-5 as follows:

17 "PART I. GENERAL PROVISIONS"

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

20 SECTION 6. This Act shall take effect upon its approval.

21

22

INTRODUCED BY: *M. N. K.*

23

BY REQUEST

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Report Title:

Statewide Interoperable Public Safety Communications

Description:

Establishes a Statewide Interoperable Communications Executive Committee for public safety communications and the position of the Statewide Interoperable Communications Coordinator.

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: Defense

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

PURPOSE: To formally establish the statewide
interoperable communications executive
committee and technical subcommittee, and
the position of Statewide
Interoperability Communications
Coordinator as a position exempt from
chapter 76, Hawaii Revised Statutes.

MEANS: Add a new part to chapter 128A,
Hawaii Revised Statutes.

JUSTIFICATION: Effective interoperable
communications among public safety
agencies is essential, especially
during emergencies. The rapid
evolution of technologies calls for
coordination in adoption and
integration. A governance mechanism
to establish processes and plans,
determine and address capability
gaps, and manage benefits and risks
across organizations will help
achieve progress towards
interoperability. The SWIC position
serves to coordinate among
government agencies.

Impact on the public: None.

Impact on the department and other
agencies: None.

GENERAL FUND: None.

OTHER FUND: None.

PPBS PROGRAM
DESIGNATION: DEF 110.

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OTHER AFFECTED
AGENCIES:

Attorney General, Chief Information Officer, Departments of Public Safety, Department of Transportation, Department of Health, and first responder agencies from all four (4) counties.

EFFECTIVE DATE: Upon approval.