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# 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 statutes regarding the statewide interoperable communications  
3 executive committee to reflect the migration of the office of  
4 homeland security from the department of defense to the  
5 department of law enforcement.

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

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

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



- 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;



- 1 (6) Positions filled by popular vote;
- 2 (7) Department heads, officers, and members of any board,  
3 commission, or other state agency whose appointments  
4 are made by the governor or are required by law to be  
5 confirmed by the senate;
- 6 (8) Judges, referees, receivers, masters, jurors, notaries  
7 public, land court examiners, court commissioners, and  
8 attorneys appointed by a state court for a special  
9 temporary service;
- 10 (9) One bailiff for the chief justice of the supreme court  
11 who shall have the powers and duties of a court  
12 officer and bailiff under section 606-14; one  
13 secretary or clerk for each justice of the supreme  
14 court, each judge of the intermediate appellate court,  
15 and each judge of the circuit court; one secretary for  
16 the judicial council; one deputy administrative  
17 director of the courts; three law clerks for the chief  
18 justice of the supreme court, two law clerks for each  
19 associate justice of the supreme court and each judge  
20 of the intermediate appellate court, one law clerk for  
21 each judge of the circuit court, two additional law



1 clerks for the civil administrative judge of the  
2 circuit court of the first circuit, two additional law  
3 clerks for the criminal administrative judge of the  
4 circuit court of the first circuit, one additional law  
5 clerk for the senior judge of the family court of the  
6 first circuit, two additional law clerks for the civil  
7 motions judge of the circuit court of the first  
8 circuit, two additional law clerks for the criminal  
9 motions judge of the circuit court of the first  
10 circuit, and two law clerks for the administrative  
11 judge of the district court of the first circuit; and  
12 one private secretary for the administrative director  
13 of the courts, the deputy administrative director of  
14 the courts, each department head, each deputy or first  
15 assistant, and each additional deputy, or assistant  
16 deputy, or assistant defined in paragraph (16);  
17 (10) First deputy and deputy attorneys general, the  
18 administrative services manager of the department of  
19 the attorney general, one secretary for the  
20 administrative services manager, an administrator and  
21 any support staff for the criminal and juvenile



1 justice resources coordination functions, and law  
2 clerks;

3 (11) (A) Teachers, principals, vice-principals, complex  
4 area superintendents, deputy and assistant  
5 superintendents, other certificated personnel,  
6 [~~not~~] no more than twenty noncertificated  
7 administrative, professional, and technical  
8 personnel not engaged in instructional work;

9 (B) Effective July 1, 2003, teaching assistants,  
10 educational assistants, bilingual/bicultural  
11 school-home assistants, school psychologists,  
12 psychological examiners, speech pathologists,  
13 athletic health care trainers, alternative school  
14 work study assistants, alternative school  
15 educational/supportive services specialists,  
16 alternative school project coordinators, and  
17 communications aides in the department of  
18 education;

19 (C) The special assistant to the state librarian and  
20 one secretary for the special assistant to the  
21 state librarian; and



- 1 (D) Members of the faculty of the University of  
2 Hawaii, including research workers, extension  
3 agents, personnel engaged in instructional work,  
4 and administrative, professional, and technical  
5 personnel of the university;
- 6 (12) Employees engaged in special, research, or  
7 demonstration projects approved by the governor;
- 8 (13) (A) Positions filled by inmates, patients of state  
9 institutions, persons with severe physical or  
10 mental disabilities participating in the work  
11 experience training programs;
- 12 (B) Positions filled with students in accordance with  
13 guidelines for established state employment  
14 programs; and
- 15 (C) Positions that provide work experience training  
16 or temporary public service employment that are  
17 filled by persons entering the workforce or  
18 persons transitioning into other careers under  
19 programs such as the federal Workforce Investment  
20 Act of 1998, as amended, or the Senior Community  
21 Service Employment Program of the Employment and



1                    Training Administration of the United States  
2                    Department of Labor, or under other similar state  
3                    programs;

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

6        (15)    Positions filled by persons employed on a fee,  
7                    contract, or piecework basis, who may lawfully perform  
8                    their duties concurrently with their private business  
9                    or profession or other private employment and whose  
10                    duties require only a portion of their time, if it is  
11                    impracticable to ascertain or anticipate the portion  
12                    of time to be devoted to the service of the State;

13        (16)    Positions of first deputies or first assistants of  
14                    each department head appointed under or in the manner  
15                    provided in section 6, article V, of the Hawaii State  
16                    Constitution; three additional deputies or assistants  
17                    either in charge of the highways, harbors, and  
18                    airports divisions or other functions within the  
19                    department of transportation as may be assigned by the  
20                    director of transportation, with the approval of the  
21                    governor; four additional deputies in the department



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

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



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



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



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



1 (33) The executive director and seven full-time  
2 administrative positions of the school facilities  
3 authority;

4 (34) Positions in the Mauna Kea stewardship and oversight  
5 authority; and

6 [†] (35) [†] In the office of homeland security of the department  
7 of [~~defense,~~] law enforcement, the statewide  
8 interoperable communications coordinator.

9 The director shall determine the applicability of this  
10 section to specific positions.

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

13 SECTION 3. Section 128A-12, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "[†]§128A-12[†] **Statewide interoperable communications**  
16 **executive committee.** There is established within the department  
17 of [~~defense~~] law enforcement for administrative purposes the  
18 statewide interoperable communications executive committee."

19 SECTION 4. Section 128A-13, Hawaii Revised Statutes, is  
20 amended by amending subsection (b) to read as follows:



1           "(b) The members of the statewide interoperable  
2 communications executive committee shall include the following:

3           (1) The ~~[adjutant general]~~ director of law enforcement or  
4           the ~~[adjutant general's]~~ director's designee, who  
5           shall serve as the chair of the committee;

6           (2) The attorney general or the attorney general's  
7           designee;

8           ~~[(3) The deputy director of the law enforcement division of  
9           the department of public safety or the deputy  
10           director's designee;~~

11           ~~+(4)]~~ (3) The chairperson of the board of land and natural  
12           resources or the chairperson's designee;

13           ~~+(5)]~~ (4) The state chief information officer or the chief  
14           information officer's designee;

15           ~~+(6)]~~ (5) The director of transportation or the director's  
16           designee;

17           ~~+(7)]~~ (6) The director of health or the director's  
18           designee;

19           ~~+(8)]~~ (7) The chairperson of the Hawaii enhanced 911 board  
20           or the chairperson's designee; and



1        [~~9~~] (8) Four members at the executive or senior personnel  
2                    level from the first responder or emergency management  
3                    agencies from each of the four counties, to be  
4                    selected by the respective heads of the first  
5                    responder or emergency management agencies of each  
6                    county."

7            SECTION 5. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9            SECTION 6. This Act shall take effect on June 30, 3000;  
10 provided that the amendments made to section 76-16(b), Hawaii  
11 Revised Statutes, by section 2 of this Act shall take effect on  
12 January 1, 2024, after the amendments made to that section by  
13 section 24 of Act 278, Session Laws of Hawaii 2022, take effect.



# H.B. NO. 1037 H.D. 2

**Report Title:**

Statewide Interoperable Communications Executive Committee;  
Department of Law Enforcement

**Description:**

Amends provisions related to the statewide interoperable communications executive committee to reflect the migration of the office of homeland security from the department of defense to the department of law enforcement on 1/1/2024. Effective 6/30/3000. (HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

