HOUSE OF REPRESENTATIVES THIRTY-SECOND LEGISLATURE, 2023 STATE OF HAWAII

H.B. NO. ¹⁰³⁷ H.D. 2 S.D. 1 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:

SECTION 1. The purpose of this Act is to update the
 statutes regarding 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.

6 SECTION 2. Section 76-16, Hawaii Revised Statutes, is7 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

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be filled from those commissioned or enlisted 1 personnel; 2 3 (2) Positions filled by persons employed by contract where the director of human resources development has 4 certified that the service is special or unique or is 5 essential to the public interest and that, because of 6 7 circumstances surrounding its fulfillment, personnel 8 to perform the service cannot be obtained through 9 normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year; 10 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; (4) Positions filled by the legislature or by either house 17 18 or any committee thereof; Employees in the office of the governor and office of 19 (5) 20 the lieutenant governor, and household employees at

21 Washington Place;

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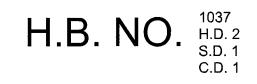
1	(6)	Positions filled by popular vote;
2	(7)	Department heads, officers, and members of any board,
3		commission, or other state agency whose appointments
4		are made by the governor or are required by law to be
5		confirmed by the senate;
6	(8)	Judges, referees, receivers, masters, jurors, notaries
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

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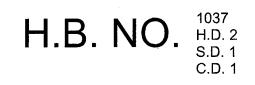


1 clerks for the civil administrative judge of the 2 circuit court of the first circuit, two additional law clerks for the criminal administrative judge of the 3 circuit court of the first circuit, one additional law 4 clerk for the senior judge of the family court of the 5 first circuit, two additional law clerks for the civil 6 7 motions judge of the circuit court of the first circuit, two additional law clerks for the criminal 8 9 motions judge of the circuit court of the first 10 circuit, and two law clerks for the administrative judge of the district court of the first circuit; and 11 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 assistant, and each additional deputy, or assistant 15 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

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1		just	ice resources coordination functions, and law
2		cler	cks;
3	(11)	(A)	Teachers, principals, vice-principals, complex
4			area superintendents, deputy and assistant
5			superintendents, other certificated personnel,
6			[not] <u>no</u> 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)	Empl	oyees engaged in special, research, or
7		demo	nstration 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

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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

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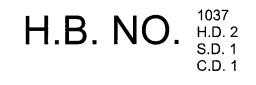
1 of health, each in charge of one of the following: 2 behavioral health, environmental health, hospitals, 3 and health resources administration, including other functions within the department as may be assigned by 4 5 the director of health, with the approval of the governor; two additional deputies in charge of the law 6 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 deputies each in charge of the correctional 11 institutions, rehabilitation services and programs, 12 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 rehabilitation, with the approval of the governor; an 16 17 administrative assistant to the state librarian; and an administrative assistant to the superintendent of 18 education; 19 Positions specifically exempted from this part by any 20 (17)

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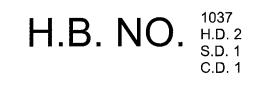
other law; provided that:

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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)	Posi	tions in the state foster grandparent program and
9		posit	tions for temporary employment of senior citizens
10		in o	ccupations in which there is a severe personnel
11		short	tage or in special projects;
12	(19)	House	ehold employees at the official residence of the
13		pres	ident of the University of Hawaii;
14	(20)	Emplo	oyees in the department of education engaged in
15		the s	supervision of students during meal periods in the
16		dist	ribution, collection, and counting of meal
17		ticke	ets, and in the cleaning of classrooms after
18		schoo	ol hours on a less than half-time basis;
19	(21)	Emplo	oyees hired under the tenant hire program of the
20		Hawa	ii public housing authority; provided that not
21		more	than twenty-six per cent of the authority's

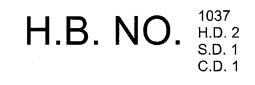
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1		workforce in any housing project maintained or
2		operated by the authority shall be hired under the
3		tenant hire program;
4	(22)	Positions of the federally funded expanded food and
5		nutrition program of the University of Hawaii that
6		require 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;

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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[$_{ au}$] 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;

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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,] <u>law enforcement</u> , 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:

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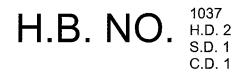
1	"(b)	The members of the statewide interoperable
2	communica	tions executive committee shall include the following:
3	(1)	The [adjutant general] <u>director of law enforcement</u> or
4		the [adjutant general's] <u>director's</u> designee, who
5		shall serve as the chair of the committee;
6	(2)	The attorney 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

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1	[(9)] <u>(8)</u> 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 January 1, 2024;
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.





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 1/1/2024. (CD1)

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

