

ACT 97

H.B. NO. 956

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 formally establish the state-wide interoperable communications executive committee and technical subcom-

mittee, and the position of statewide interoperable communications coordinator as a position exempt from section 76-16, Hawaii Revised Statutes.

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

"PART . STATEWIDE PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS

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

§128A- Statewide interoperable communications executive committee. There is established within the department of defense for administrative purposes the statewide interoperable communications executive committee.

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

- (1) Develop plans and strategies to improve public safety communications interoperability among state; county; and, if possible, federal public safety agencies;
- (2) Develop plans and strategies to provide interoperable communications between and among public safety answering points in the State and public safety responder communications networks, infrastructure, and systems;
- (3) Develop plans and strategies to promote statewide public safety communications interoperability utilizing state and county radio communication systems and networks, the Nationwide Public Safety Broadband Network, or FirstNet;
- (4) Develop plans and strategies for the coordination of state; county; and, if possible, federal emergency alerts and warnings with public safety answering points and public safety responder communications networks, infrastructure, and systems;
- (5) Review and adopt plans and recommendations to improve or promote increased interoperability between public safety responders and other government or non-government stakeholders that support responses to emergencies; and
- (6) Submit a status report on the requirements of this subsection, including any obstacles and proposed legislation, to the legislature no later than twenty days prior to the convening of each regular session.

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

- (1) The adjutant general or the adjutant general's designee, who shall serve as the chair of the committee;
- (2) The attorney general or the attorney general's designee;
- (3) The deputy director of the law enforcement division of the department of public safety or the deputy director's designee;
- (4) The chairperson of the board of land and natural resources or the chairperson's designee;
- (5) The state chief information officer or the chief information officer's designee;

- (6) The director of transportation or the director's designee;
- (7) The director of health or the director's designee;
- (8) The chairperson of the Hawaii enhanced 911 board or the chairperson's designee; and
- (9) Four members at the executive or senior personnel level from the first responder or emergency management agencies from each of the four counties, to be selected by the respective heads of the first responder or emergency management agencies of each county.

(c) Members of the statewide interoperable communications executive committee shall receive no compensation but shall be reimbursed for travel and other reasonable and necessary expenses incurred in carrying out the member's duties relating to the committee.

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

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

- (1) The statewide interoperable communications coordinator shall serve as the chairperson of the statewide interoperable communications technical subcommittee;
- (2) The respective lead radio communication engineer or manager for the State and each county, or each lead radio communication engineer or manager's respective designee, shall serve on the subcommittee as subject matter experts for their respective radio communication systems and networks; and
- (3) The respective lead information security manager for the State and each county, or each lead information security manager's respective designee, shall serve on the subcommittee as subject matter experts for matters relating to cyber security.

(c) The statewide interoperable communications technical subcommittee shall:

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

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

- (b) The statewide interoperable communications coordinator shall:
 - (1) Collaborate with state, county, and federal governments and emergency response groups in long-term strategic planning;
 - (2) Aid stakeholders in the development of projects, plans, policies, standards, priorities, and guidelines for interoperable communications;
 - (3) Meet regularly with all interoperability stakeholders and partners to ensure transparency and information sharing;
 - (4) Coordinate governing body activities to maximize integration and collaboration across the emergency communications landscape;

- (5) Coordinate ongoing assessment of the applicability of new technical developments in communications technologies for state and county public safety radio communication systems and networks;
- (6) Serve as a liaison between the statewide interoperable communications executive committee or statewide interoperable communications technical subcommittee, or both, and the federal government and private communications industry on issues concerning statewide interoperable communications;
- (7) Coordinate guidance, input, and recommendations from state, county, and federal agencies on the statewide communications interoperability plan and lead the development, implementation, and regular updating of the statewide communications interoperability plan;
- (8) Assist, as necessary or requested, with communications among responders during emergencies who are responding to planned and unplanned events;
- (9) Coordinate closely with the state single point of contact on issues related to the implementation of the Nationwide Public Safety Broadband Network in the State;
- (10) Coordinate interoperability activities with public safety answering points; operators of state, county and federal communications systems; and emergency management coordinators;
- (11) Manage communications unit program training and exercises provided by federal and state agencies, and work with public safety agencies to assist with any credentialing or recognition of the agencies' communications personnel; and
- (12) Serve as the state representative to the National Council of Statewide Interoperability Coordinators."

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

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

- (1) Commissioned and enlisted personnel of the Hawaii National Guard as such, and positions in the Hawaii National Guard that are required by state or federal laws or regulations or orders of the National Guard to be filled from those commissioned or enlisted personnel;
- (2) Positions filled by persons employed by contract where the director of human resources development has certified that the service is special or unique or is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform the service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year;
- (3) Positions that must be filled without delay to comply with a court order or decree if the director determines that recruitment through normal recruitment civil service procedures would result in delay or noncompliance, such as the Felix-Cayetano consent decree;
- (4) Positions filled by the legislature or by either house or any committee thereof;
- (5) Employees in the office of the governor and office of the lieutenant governor, and household employees at Washington Place;

- (6) Positions filled by popular vote;
- (7) Department heads, officers, and members of any board, commission, or other state agency whose appointments are made by the governor or are required by law to be confirmed by the senate;
- (8) Judges, referees, receivers, masters, jurors, notaries public, land court examiners, court commissioners, and attorneys appointed by a state court for a special temporary service;
- (9) One bailiff for the chief justice of the supreme court who shall have the powers and duties of a court officer and bailiff under section 606-14; one secretary or clerk for each justice of the supreme court, each judge of the intermediate appellate court, and each judge of the circuit court; one secretary for the judicial council; one deputy administrative director of the courts; three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court and each judge of the intermediate appellate court, one law clerk for each judge of the circuit court, two additional law clerks for the civil administrative judge of the circuit court of the first circuit, two additional law clerks for the criminal administrative judge of the circuit court of the first circuit, one additional law clerk for the senior judge of the family court of the first circuit, two additional law clerks for the civil motions judge of the circuit court of the first circuit, two additional law clerks for the criminal motions judge of the circuit court of the first circuit, and two law clerks for the administrative judge of the district court of the first circuit; and one private secretary for the administrative director of the courts, the deputy administrative director of the courts, each department head, each deputy or first assistant, and each additional deputy, or assistant deputy, or assistant defined in paragraph (16);
- (10) First deputy and deputy attorneys general, the administrative services manager of the department of the attorney general, one secretary for the administrative services manager, an administrator and any support staff for the criminal and juvenile justice resources coordination functions, and law clerks;
- (11)
 - (A) Teachers, principals, vice-principals, complex area superintendents, deputy and assistant superintendents, other certificated personnel, not more than twenty noncertificated administrative, professional, and technical personnel not engaged in instructional work;
 - (B) Effective July 1, 2003, teaching assistants, educational assistants, bilingual/bicultural school-home assistants, school psychologists, psychological examiners, speech pathologists, athletic health care trainers, alternative school work study assistants, alternative school educational/supportive services specialists, alternative school project coordinators, and communications aides in the department of education;
 - (C) The special assistant to the state librarian and one secretary for the special assistant to the state librarian; and
 - (D) Members of the faculty of the University of Hawaii, including research workers, extension agents, personnel engaged in instructional work, and administrative, professional, and technical personnel of the university;
- (12) Employees engaged in special, research, or demonstration projects approved by the governor;

- (13) (A) Positions filled by inmates, patients of state institutions, persons with severe physical or mental disabilities participating in the work experience training programs;
- (B) Positions filled with students in accordance with guidelines for established state employment programs; and
- (C) Positions that provide work experience training or temporary public service employment that are filled by persons entering the workforce or persons transitioning into other careers under programs such as the federal Workforce Investment Act of 1998, as amended, or the Senior Community Service Employment Program of the Employment and Training Administration of the United States Department of Labor, or under other similar state programs;
- (14) A custodian or guide at Iolani Palace, the Royal Mausoleum, and Hulihee Palace;
- (15) Positions filled by persons employed on a fee, contract, or piecework basis, who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State;
- (16) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, article V, of the Hawaii State Constitution; three additional deputies or assistants either in charge of the highways, harbors, and airports divisions or other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the governor; four additional deputies in the department of health, each in charge of one of the following: behavioral health, environmental health, hospitals, and health resources administration, including other functions within the department as may be assigned by the director of health, with the approval of the governor; an administrative assistant to the state librarian; and an administrative assistant to the superintendent of education;
- (17) Positions specifically exempted from this part by any other law; provided that:
 - (A) Any exemption created after July 1, 2014, shall expire three years after its enactment unless affirmatively extended by an act of the legislature; and
 - (B) All of the positions defined by paragraph (9) shall be included in the position classification plan;
- (18) Positions in the state foster grandparent program and positions for temporary employment of senior citizens in occupations in which there is a severe personnel shortage or in special projects;
- (19) Household employees at the official residence of the president of the University of Hawaii;
- (20) Employees in the department of education engaged in the supervision of students during meal periods in the distribution, collection, and counting of meal tickets, and in the cleaning of classrooms after school hours on a less than half-time basis;
- (21) Employees hired under the tenant hire program of the Hawaii public housing authority; provided that not more than twenty-six per cent of the authority's workforce in any housing project maintained

- or operated by the authority shall be hired under the tenant hire program;
- (22) Positions of the federally funded expanded food and nutrition program of the University of Hawaii that require the hiring of nutrition program assistants who live in the areas they serve;
 - (23) Positions filled by persons with severe disabilities who are certified by the state vocational rehabilitation office that they are able to perform safely the duties of the positions;
 - (24) The sheriff;
 - (25) A gender and other fairness coordinator hired by the judiciary;
 - (26) Positions in the Hawaii National Guard youth and adult education programs;
 - (27) In the state energy office in the department of business, economic development, and tourism, all energy program managers, energy program specialists, energy program assistants, and energy analysts;
 - (28) Administrative appeals hearing officers in the department of human services;
 - (29) In the Med-QUEST division of the department of human services, the division administrator, finance officer, health care services branch administrator, medical director, and clinical standards administrator;
 - (30) In the director's office of the department of human services, the enterprise officer, information security and privacy compliance officer, security and privacy compliance engineer, and security and privacy compliance analyst;
 - (31) The Alzheimer's disease and related dementia services coordinator in the executive office on aging;
 - (32) In the Hawaii emergency management agency, the executive officer, public information officer, civil defense administrative officer, branch chiefs, and emergency operations center state warning point personnel; provided that, for state warning point personnel, the director shall determine that recruitment through normal civil service recruitment procedures would result in delay or noncompliance;
 - ~~and~~
 - ~~[(33)]~~ The executive director and seven full-time administrative positions of the school facilities authority~~[-]; and~~
 - (34) In the office of homeland security of the department of defense, the statewide interoperable communications coordinator.

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

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

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

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

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

(Approved June 17, 2022.)