

JAN 25 2017

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 Oklahoma City bombing, the attacks of
2 September 11, 2001, Hurricane Katrina in 2005, and other
3 subsequent terrorist and natural disasters, have repeatedly
4 exposed the communications challenges faced by first responders
5 in communicating among each other. Such challenges to robust
6 and sustainable interoperable public safety communications
7 include a lack of essential public safety communications staff,
8 staff which exists are in disparate organizations or entities
9 that results in a lack of coordination and cooperation among
10 agencies, inadequate coordination in planning, lack of policies
11 and procedures, incompatible communications equipment that may
12 also be reaching the end of its useful life, equipment and
13 resources in multiple and disparate locations with inconsistent
14 or non-existent intra-agency or intra-entity coordination, and
15 limitations on funding. To deal with interoperable
16 communications issues, Congress passed Title XVIII of the
17 Homeland Security Act of 2002, as amended, which requires the
18 United States Department of Homeland Security, Office of

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1 Emergency Communications, to develop and update a national
2 emergency communications plan to ensure that emergency
3 responders at all levels of government and disciplines have
4 interoperable communications by identifying capabilities and
5 initiatives and setting strategic goals and national objectives.
6 To help states improve state and local interoperability
7 communications, homeland security grants for communication
8 interoperability initiatives require each state to establish a
9 statewide communication interoperability plan that includes
10 annual updates.

11 The legislature finds that as a matter of policy, all
12 efforts should be made to ensure that all county and state
13 public safety agencies have interoperable communications and
14 engage in coordinated planning, equipment purchases, and
15 infrastructure development. To achieve statewide
16 interoperability, all stakeholders must be involved in the
17 collaboration and development of shared objectives and
18 strategies. The purpose of this Act is to establish a statewide
19 governance system that includes an interoperability executive
20 board to set the overarching policy, guidance, and direction for
21 statewide interoperable public safety communications. It is the
22 intent of the legislature to create a statewide governance board
23 with this Act and that the statewide governance board will make

1 recommendations to the legislature for improvements and local
2 governance structures that will coordinate with the statewide
3 governance board.

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

7 "Part II. **STATEWIDE PUBLIC SAFETY COMMUNICATIONS**
8 **INTEROPERABILITY**

9 §128A- **Statewide interoperability executive board.** (a)

10 There is established within the department of defense for
11 administrative purposes the statewide interoperability executive
12 board, which shall be the primary steering group for public
13 safety interoperable communications statewide.

14 (b) The members of the statewide interoperability
15 executive board shall consist of:

16 (1) The adjutant general or designee who shall serve as
17 the chair of the board;

18 (2) The attorney general or designee who shall serve as
19 the co-chair of the board;

20 (3) The deputy director of law enforcement of the
21 department of public safety or designee;

22 (4) The director of transportation or designee;

- 1 (5) The chairperson of the board of land and natural
- 2 resources or designee;
- 3 (6) The director of health or designee;
- 4 (7) The comptroller or designee;
- 5 (8) The director, who is also the chief information
- 6 officer of the enterprise technology services or designee,
- 7 provided such designee is a decision maker and
- 8 knowledgeable of public safety communications;
- 9 (9) The mayor of each county or designee who shall be the
- 10 county managing director or chief of staff;
- 11 (10) Chair of the Hawaii Fire Chiefs Association or
- 12 designee;
- 13 (11) One chief of police or designee who shall be selected
- 14 by all chiefs of police in Hawaii;
- 15 (12) The chairperson of the enhanced 911 board or designee;
- 16 (13) The chairperson of the 700 MHz regional planning
- 17 committee or designee.
- 18 For purposes of this subsection, any designee must have the
- 19 authority to act on behalf of the member identified for
- 20 membership.
- 21 (c) Members of the board shall receive no compensation but
- 22 shall be reimbursed for travel and other reasonable and

1 necessary expenses incurred in carrying out their duties
2 relating to the board.

3 **§128A- Duties of the statewide interoperability**
4 **executive board.** (a) The statewide interoperability executive
5 board shall have the following duties:

6 (1) Develop, annually update, and monitor implementation
7 of the statewide communications interoperability plan,
8 which shall be designed to achieve statewide interoperable
9 public safety communications;

10 (2) Establish, develop, and recommend policies and
11 strategies to improve public safety communications
12 interoperability among state and county public safety
13 agencies and, where possible, federal agencies;

14 (3) Develop standards, plans, and policies to encourage
15 and foster consistent design and development of public
16 safety communications infrastructure and systems;

17 (4) Where appropriate, recommend changes and improvements
18 in existing public safety communications infrastructure and
19 governance as required or appropriate for implementation of
20 interoperability plans;

21 (5) Develop recommendations for legislation to promote
22 statewide public safety communications interoperability and
23 governance at the state and county levels;

1 (6) Develop recommendations for development of state and
2 county policies to promote statewide public safety
3 communications interoperability;

4 (7) Coordinate state and county activities relating to
5 obtaining, implementing, and using federal grants for
6 support and coordination of public safety interoperable
7 communications systems, resources, staffing,
8 infrastructure, equipment, and training;

9 (8) Conduct an annual review of the interoperability plan
10 and provide yearly summary to the United States Department
11 of Homeland Security, Office of Emergency Communications,
12 or its successor, aligning the update with standards
13 established in the National Emergency Communications Plan
14 by the federal office;

15 (9) Coordinate statewide interoperability activities among
16 state and county agencies, and, as appropriate, federal
17 agencies;

18 (10) Advise the governor and the legislature on
19 implementation of the interoperability plan;

20 (11) Submit a report to the legislature no later than
21 twenty days prior to the convening of each regular session on
22 the status of the interoperability plan and the activities of
23 the board; and

1 (12) Adopt rules necessary to carry out the board's duties
2 and powers. Chapter 91 shall not apply to rules of the board.

3 §128A- **Statewide interoperability coordinator.** (a)

4 There shall be a statewide interoperability coordinator in the
5 department of defense, office of homeland security, to serve as
6 the central coordination point for the Hawaii statewide
7 communications interoperability plan and, through coordination
8 and collaboration with agencies and entities in the homeland
9 security and emergency response communities, the implementation
10 of the interoperability plan.

11 (b) The statewide interoperability coordinator shall have
12 the following duties:

13 (1) Assist the statewide interoperability executive board
14 in coordinating and collaborating with state and county
15 responders and public safety communications providers in
16 conducting and submitting annual updates to the statewide
17 communications interoperability plan and other
18 communications related documents;

19 (2) Ensure that the state and county interoperability
20 plans align with and support local and national
21 communications strategies;

- 1 (3) Identify funding opportunities for planned
2 interoperability improvements and coordinate efforts to
3 acquire funding;
- 4 (4) Engage stakeholders in coordinating and developing
5 strategic interoperability plans;
- 6 (5) Represent the State of Hawaii as a member of the
7 National Council of Statewide Interoperability
8 Coordinators;
- 9 (6) Represent the State of Hawaii and the statewide
10 interoperability executive board in local, regional, and
11 national efforts to plan and implement changes required to
12 ensure communications operability, interoperability, and
13 continuity of communications for emergency responders in
14 Hawaii.
- 15 (7) Perform an analysis of the current status of
16 communications resources, where they exist, responsible
17 agency or entity, and policies and procedures currently in
18 place and provide such information to the board for
19 development of a state and county public safety
20 interoperable communications strategy
- 21 (8) If the statewide interoperability coordinator is not
22 the first responder network authority state point of
23 contact, the statewide interoperability coordinator shall

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1 coordinate with the State of Hawaii point of contact for
2 all activities related to the nationwide public safety
3 broadband network, also referred to as FirstNet;

4 (9) Review and approve homeland security grant
5 applications, in coordination with the homeland security
6 administrator, wherein public safety communications
7 equipment is requested, pursuant to grant guidance; and

8 (10) Perform other duties as necessary and as required by
9 the director of the department of defense who is also the
10 adjutant general."

11 SECTION 3. Chapter 128A, Hawaii Revised Statutes, is
12 amended by designating sections 128A-1 to 128A-5 as part I,
13 entitled "General Provisions".

14 SECTION 4. This Act, upon its approval, shall take effect
15 on July 1, 2017.

16
17 INTRODUCED BY: *M. N. U.*

18 BY REQUEST

JUSTIFICATION SHEET

DEPARTMENT: Defense

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

PURPOSE: Provides for the establishment of a statewide governance system that includes an interoperability executive board to set the overarching policy, guidance, and direction for statewide interoperable public safety communications. Further, the bill provides a mechanism to ensure timely funding of public safety interoperable communications systems by authorizing surcharges on various motor vehicle citations and criminal penalties to be deposited into a statewide interoperable public safety communications trust fund which can then be used to pay for, or offset costs of, public safety telecommunications systems and, if identified necessary, human resources.

MEANS: Adds a new part to Chapter 128A establishing a statewide interoperability executive board, and establishes a public safety interoperable communications trust fund in the state treasury in which shall be deposited all money received through appropriations, grants, fees, charges, and any surcharges as required by law.

JUSTIFICATION: As a matter of public policy, consistent with the federal law, Title XVIII of the Homeland Security Act of 2002, as amended, requiring the United States Department of Homeland Security, Office of Emergency Communications develop and update a national emergency communications plan to ensure all first responders have interoperable communications, this bill creates a statewide governance board to set

overarching policy, guidance and direction for statewide interoperable public safety communications. Further, the bill takes an affirmative step toward removing one of the greatest obstacles to interoperability: the lack of human resources and consistent funding. While the state and counties receive dollars from a variety of various federal grants, all of which have helped public safety entities, establishing a statewide governance body creates a coordinating mechanism to explore the types of human resources needed and identify the ongoing funding obligations to maintain or expand communications systems. The bill also creates an interoperable public safety communications trust fund, establishes surcharges to be put into the trust fund, and then uses the trust fund to fiscally support state and county interoperable communications initiatives.

Impact on the public: The public will be better served by true, planned and coordinated interoperable public safety communications, the impact of which is higher capability to save lives.

Impact on the department and other agencies: County and state agencies will see direct improvement in the coordination and development of interoperable public safety communications systems diminishing duplication of costs and opening opportunities to collaborate and cooperate among the key entities charged with saving lives.

GENERAL FUND:

None

OTHER FUNDS:

Creation of new trust fund, but no fiscal impact.

PPBS PROGRAM
DESIGNATION:

OTHER AFFECTED

AGENCIES: Attorney General, Public Safety, Land and
Natural Resources, Transportation, Health,
Accounting and General Services, Enterprise
Technology Services

EFFECTIVE DATE: July 1, 2017