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# A BILL FOR AN ACT

RELATING TO HOMELAND SECURITY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 128A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§128A- Hawaii state fusion center. (a) There is  
5 established within the office of homeland security a state  
6 fusion center that shall be known as the Hawaii state fusion  
7 center. The director of homeland security, subject to the  
8 direction and control of the governor, shall oversee the Hawaii  
9 state fusion center.

10           (b) There shall be a Hawaii state fusion center director  
11 who shall be appointed, and may be removed, by the director of  
12 homeland security. The director of the Hawaii state fusion  
13 center shall be responsible for the day-to-day operations of the  
14 Hawaii state fusion center. The director of the Hawaii state  
15 fusion center shall be exempt from chapter 76.

16           (c) The Hawaii state fusion center shall:



- 1        (1) Be continually staffed to monitor all crimes and  
2        hazards and shall be the focal point for sharing  
3        local, national, and international information and  
4        context with the national level intelligence  
5        community;
- 6        (2) Collaborate among all levels of government to receive,  
7        analyze, and disseminate threat-related information in  
8        coordination with multi-disciplinary partners; and
- 9        (3) Establish a joint integration center to:
- 10       (A) Integrate information technology, cybersecurity,  
11       cybercrime prevention, and cyber and analytic  
12       capabilities to improve situational awareness  
13       related to critical infrastructure or key  
14       resources protection of lifelines;
- 15       (B) Coordinate with local, state, and federal  
16       agencies for asset response activities including:
- 17       (i) Furnishing technical assistance to affected  
18       entities to protect their assets, mitigate  
19       vulnerabilities, and reduce impacts of cyber  
20       incidents;
- 21



- 1            (ii) Identifying other entities that may be at  
2            risk and assessing their risk to the same or  
3            similar vulnerabilities;
- 4            (iii) Assessing potential risks to the State or  
5            region, including potential cascading  
6            effects, and developing courses of action to  
7            mitigate these risks;
- 8            (iv) Facilitating information sharing and  
9            operational coordination to respond to  
10           threats; and
- 11           (v) Providing guidance as to how best to utilize  
12           federal resources and capabilities in a  
13           timely, effective manner to speed recovery;  
14           and
- 15           (C) Provide intelligence support and related  
16           activities and facilitate the building of  
17           situational threat awareness and sharing of  
18           related intelligence, including the integrated  
19           analysis of threat trends and events, the  
20           identification of knowledge gaps, and the ability



1                   to degrade or mitigate adversary threat  
2                   capabilities."

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

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

9           (1) Commissioned and enlisted personnel of the Hawaii  
10           National Guard as such, and positions in the Hawaii  
11           National Guard that are required by state or federal  
12           laws or regulations or orders of the National Guard to  
13           be filled from those commissioned or enlisted  
14           personnel;

15           (2) Positions filled by persons employed by contract where  
16           the director of human resources development has  
17           certified that the service is special or unique or is  
18           essential to the public interest and that, because of  
19           circumstances surrounding its fulfillment, personnel  
20           to perform the service cannot be obtained through



- 1 normal civil service recruitment procedures. Any such  
2 contract may be for any period not exceeding one year;
- 3 (3) Positions that must be filled without delay to comply  
4 with a court order or decree if the director  
5 determines that recruitment through normal recruitment  
6 civil service procedures would result in delay or  
7 noncompliance, such as the Felix-Cayetano consent  
8 decree;
- 9 (4) Positions filled by the legislature or by either house  
10 or any committee thereof;
- 11 (5) Employees in the office of the governor and office of  
12 the lieutenant governor, and household employees at  
13 Washington Place;
- 14 (6) Positions filled by popular vote;
- 15 (7) Department heads, officers, and members of any board,  
16 commission, or other state agency whose appointments  
17 are made by the governor or are required by law to be  
18 confirmed by the senate;
- 19 (8) Judges, referees, receivers, masters, jurors, notaries  
20 public, land court examiners, court commissioners, and



1 attorneys appointed by a state court for a special  
2 temporary service;

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



- 1 circuit, two additional law clerks for the criminal  
2 motions judge of the circuit court of the first  
3 circuit, and two law clerks for the administrative  
4 judge of the district court of the first circuit; and  
5 one private secretary for the administrative director  
6 of the courts, the deputy administrative director of  
7 the courts, each department head, each deputy or first  
8 assistant, and each additional deputy, or assistant  
9 deputy, or assistant defined in paragraph (16);
- 10 (10) First deputy and deputy attorneys general, the  
11 administrative services manager of the department of  
12 the attorney general, one secretary for the  
13 administrative services manager, an administrator and  
14 any support staff for the criminal and juvenile  
15 justice resources coordination functions, and law  
16 clerks;
- 17 (11) (A) Teachers, principals, vice-principals, complex  
18 area superintendents, deputy and assistant  
19 superintendents, other certificated personnel,  
20 not more than twenty noncertificated



- 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;





- 1 (12) Employees engaged in special, research, or  
2 demonstration projects approved by the governor;
- 3 (13) (A) Positions filled by inmates, patients of state  
4 institutions, persons with severe physical or  
5 mental disabilities participating in the work  
6 experience training programs;
- 7 (B) Positions filled with students in accordance with  
8 guidelines for established state employment  
9 programs; and
- 10 (C) Positions that provide work experience training  
11 or temporary public service employment that are  
12 filled by persons entering the workforce or  
13 persons transitioning into other careers under  
14 programs such as the federal Workforce Investment  
15 Act of 1998, as amended, or the Senior Community  
16 Service Employment Program of the Employment and  
17 Training Administration of the United States  
18 Department of Labor, or under other similar state  
19 programs;
- 20 (14) A custodian or guide at Iolani Palace, the Royal  
21 Mausoleum, and Hulihee Palace;



1           (15) Positions filled by persons employed on a fee,  
2                   contract, or piecework basis, who may lawfully perform  
3                   their duties concurrently with their private business  
4                   or profession or other private employment and whose  
5                   duties require only a portion of their time, if it is  
6                   impracticable to ascertain or anticipate the portion  
7                   of time to be devoted to the service of the State;  
8           (16) Positions of first deputies or first assistants of  
9                   each department head appointed under or in the manner  
10                  provided in section 6, article V, of the Hawaii State  
11                  Constitution; three additional deputies or assistants  
12                  either in charge of the highways, harbors, and  
13                  airports divisions or other functions within the  
14                  department of transportation as may be assigned by the  
15                  director of transportation, with the approval of the  
16                  governor; four additional deputies in the department  
17                  of health, each in charge of one of the following:  
18                  behavioral health, environmental health, hospitals,  
19                  and health resources administration, including other  
20                  functions within the department as may be assigned by  
21                  the director of health, with the approval of the



- 1 governor; an administrative assistant to the state  
2 librarian; and an administrative assistant to the  
3 superintendent of education;
- 4 (17) Positions specifically exempted from this part by any  
5 other law; provided that:
- 6 (A) Any exemption created after July 1, 2014, shall  
7 expire three years after its enactment unless  
8 affirmatively extended by an act of the  
9 legislature; and
- 10 (B) All of the positions defined by paragraph (9)  
11 shall be included in the position classification  
12 plan;
- 13 (18) Positions in the state foster grandparent program and  
14 positions for temporary employment of senior citizens  
15 in occupations in which there is a severe personnel  
16 shortage or in special projects;
- 17 (19) Household employees at the official residence of the  
18 president of the University of Hawaii;
- 19 (20) Employees in the department of education engaged in  
20 the supervision of students during meal periods in the  
21 distribution, collection, and counting of meal



- 1 tickets, and in the cleaning of classrooms after  
2 school hours on a less than half-time basis;
- 3 (21) Employees hired under the tenant hire program of the  
4 Hawaii public housing authority; provided that not  
5 more than twenty-six per cent of the authority's  
6 workforce in any housing project maintained or  
7 operated by the authority shall be hired under the  
8 tenant hire program;
- 9 (22) Positions of the federally funded expanded food and  
10 nutrition program of the University of Hawaii that  
11 require the hiring of nutrition program assistants who  
12 live in the areas they serve;
- 13 (23) Positions filled by persons with severe disabilities  
14 who are certified by the state vocational  
15 rehabilitation office that they are able to perform  
16 safely the duties of the positions;
- 17 (24) The sheriff;
- 18 (25) A gender and other fairness coordinator hired by the  
19 judiciary;
- 20 (26) Positions in the Hawaii National Guard youth and adult  
21 education programs;



- 1 (27) In the state energy office in the department of  
2 business, economic development, and tourism, all  
3 energy program managers, energy program specialists,  
4 energy program assistants, and energy analysts;
- 5 (28) Administrative appeals hearing officers in the  
6 department of human services;
- 7 (29) In the Med-QUEST division of the department of human  
8 services, the division administrator, finance officer,  
9 health care services branch administrator, medical  
10 director, and clinical standards administrator;
- 11 (30) In the director's office of the department of human  
12 services, the enterprise officer, information security  
13 and privacy compliance officer, security and privacy  
14 compliance engineer, and security and privacy  
15 compliance analyst; [~~and~~]
- 16 [+] (31) [+] The Alzheimer's disease and related dementia  
17 services coordinator in the executive office on  
18 aging[-]; and
- 19 (32) The Hawaii state fusion center director.
- 20 The director shall determine the applicability of this  
21 section to specific positions.



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

3           SECTION 3. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5           SECTION 4. This Act shall take effect upon its approval.

6



**Report Title:**

Homeland Security

**Description:**

Establishes the Hawaii state fusion center as a program under the office of homeland security and establishes the position of Hawaii state fusion center director who shall be state-funded, responsible to the director of homeland security, and accountable to manage the operations of the center. (HD1)

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

