

JAN 23 2020

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 in the office of homeland security a state fusion
6 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:

17 (1) Be continually staffed to monitor all crimes and
18 hazards and shall be the focal point for sharing

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1 local, national, and international information and
2 context with the national level intelligence
3 community;

4 (2) Collaborate among all levels of government to receive,
5 analyze, and disseminate threat-related information in
6 coordination with multi-disciplinary partners; and

7 (3) Establish a joint integration center to:

8 (A) Integrate information technology, cybersecurity,
9 and cybercrime prevention, and cyber and analytic
10 capabilities, and to improve situational
11 awareness related to critical infrastructure or
12 key resources protection of lifelines;

13 (B) Coordinate with local, state, and federal
14 agencies for asset response activities to
15 include:

16 (i) Furnishing technical assistance to affected
17 entities to protect their assets, mitigate
18 vulnerabilities, and reduce impacts of cyber
19 incidents;

20

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

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

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

13 (2) Positions filled by persons employed by contract where
14 the director of human resources development has
15 certified that the service is special or unique or is
16 essential to the public interest and that, because of
17 circumstances surrounding its fulfillment, personnel
18 to perform the service cannot be obtained through
19 normal civil service recruitment procedures. Any such
20 contract may be for any period not exceeding one year;

21 (3) Positions that must be filled without delay to comply
22 with a court order or decree if the director

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1 determines that recruitment through normal recruitment
2 civil service procedures would result in delay or
3 noncompliance, such as the Felix-Cayetano consent
4 decree;

5 (4) Positions filled by the legislature or by either house
6 or any committee thereof;

7 (5) Employees in the office of the governor and office of
8 the lieutenant governor, and household employees at
9 Washington Place;

10 (6) Positions filled by popular vote;

11 (7) Department heads, officers, and members of any board,
12 commission, or other state agency whose appointments
13 are made by the governor or are required by law to be
14 confirmed by the senate;

15 (8) Judges, referees, receivers, masters, jurors, notaries
16 public, land court examiners, court commissioners, and
17 attorneys appointed by a state court for a special
18 temporary service;

19 (9) One bailiff for the chief justice of the supreme court
20 who shall have the powers and duties of a court
21 officer and bailiff under section 606-14; one
22 secretary or clerk for each justice of the supreme

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1 court, each judge of the intermediate appellate court,
2 and each judge of the circuit court; one secretary for
3 the judicial council; one deputy administrative
4 director of the courts; three law clerks for the chief
5 justice of the supreme court, two law clerks for each
6 associate justice of the supreme court and each judge
7 of the intermediate appellate court, one law clerk for
8 each judge of the circuit court, two additional law
9 clerks for the civil administrative judge of the
10 circuit court of the first circuit, two additional law
11 clerks for the criminal administrative judge of the
12 circuit court of the first circuit, one additional law
13 clerk for the senior judge of the family court of the
14 first circuit, two additional law clerks for the civil
15 motions judge of the circuit court of the first
16 circuit, two additional law clerks for the criminal
17 motions judge of the circuit court of the first
18 circuit, and two law clerks for the administrative
19 judge of the district court of the first circuit; and
20 one private secretary for the administrative director
21 of the courts, the deputy administrative director of
22 the courts, each department head, each deputy or first

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1 assistant, and each additional deputy, or assistant
2 deputy, or assistant defined in paragraph (16);

3 (10) First deputy and deputy attorneys general, the
4 administrative services manager of the department of
5 the attorney general, one secretary for the
6 administrative services manager, an administrator and
7 any support staff for the criminal and juvenile
8 justice resources coordination functions, and law
9 clerks;

10 (11) (A) Teachers, principals, vice-principals, complex
11 area superintendents, deputy and assistant
12 superintendents, other certificated personnel,
13 not more than twenty noncertificated
14 administrative, professional, and technical
15 personnel not engaged in instructional work;

16 (B) Effective July 1, 2003, teaching assistants,
17 educational assistants, bilingual/bicultural
18 school-home assistants, school psychologists,
19 psychological examiners, speech pathologists,
20 athletic health care trainers, alternative school
21 work study assistants, alternative school
22 educational/supportive services specialists,

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1 alternative school project coordinators, and
2 communications aides in the department of
3 education;

4 (C) The special assistant to the state librarian and
5 one secretary for the special assistant to the
6 state librarian; and

7 (D) Members of the faculty of the University of
8 Hawaii, including research workers, extension
9 agents, personnel engaged in instructional work,
10 and administrative, professional, and technical
11 personnel of the university;

12 (12) Employees engaged in special, research, or
13 demonstration projects approved by the governor;

14 (13) (A) Positions filled by inmates, patients of state
15 institutions, persons with severe physical or
16 mental disabilities participating in the work
17 experience training programs;

18 (B) Positions filled with students in accordance with
19 guidelines for established state employment
20 programs; and

21 (C) Positions that provide work experience training
22 or temporary public service employment that are

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1 filled by persons entering the workforce or
2 persons transitioning into other careers under
3 programs such as the federal Workforce Investment
4 Act of 1998, as amended, or the Senior Community
5 Service Employment Program of the Employment and
6 Training Administration of the United States
7 Department of Labor, or under other similar state
8 programs;

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

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

18 (16) Positions of first deputies or first assistants of
19 each department head appointed under or in the manner
20 provided in section 6, article V, of the Hawaii State
21 Constitution; three additional deputies or assistants
22 either in charge of the highways, harbors, and

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1 airports divisions or other functions within the
2 department of transportation as may be assigned by the
3 director of transportation, with the approval of the
4 governor; four additional deputies in the department
5 of health, each in charge of one of the following:
6 behavioral health, environmental health, hospitals,
7 and health resources administration, including other
8 functions within the department as may be assigned by
9 the director of health, with the approval of the
10 governor; an administrative assistant to the state
11 librarian; and an administrative assistant to the
12 superintendent of education;

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

15 (A) Any exemption created after July 1, 2014, shall
16 expire three years after its enactment unless
17 affirmatively extended by an act of the
18 legislature; and

19 (B) All of the positions defined by paragraph (9)
20 shall be included in the position classification
21 plan;

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- 1 (18) Positions in the state foster grandparent program and
2 positions for temporary employment of senior citizens
3 in occupations in which there is a severe personnel
4 shortage or in special projects;
- 5 (19) Household employees at the official residence of the
6 president of the University of Hawaii;
- 7 (20) Employees in the department of education engaged in
8 the supervision of students during meal periods in the
9 distribution, collection, and counting of meal
10 tickets, and in the cleaning of classrooms after
11 school hours on a less than half-time basis;
- 12 (21) Employees hired under the tenant hire program of the
13 Hawaii public housing authority; provided that not
14 more than twenty-six per cent of the authority's
15 workforce in any housing project maintained or
16 operated by the authority shall be hired under the
17 tenant hire program;
- 18 (22) Positions of the federally funded expanded food and
19 nutrition program of the University of Hawaii that
20 require the hiring of nutrition program assistants who
21 live in the areas they serve;

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- 1 (23) Positions filled by persons with severe disabilities
2 who are certified by the state vocational
3 rehabilitation office that they are able to perform
4 safely the duties of the positions;
- 5 (24) The sheriff;
- 6 (25) A gender and other fairness coordinator hired by the
7 judiciary;
- 8 (26) Positions in the Hawaii National Guard youth and adult
9 education programs;
- 10 (27) In the state energy office in the department of
11 business, economic development, and tourism, all
12 energy program managers, energy program specialists,
13 energy program assistants, and energy analysts; [and]
- 14 (28) Administrative appeals hearing officers in the
15 department of human services;
- 16 (29) In the Med-QUEST division of the department of human
17 services, the division administrator, finance officer,
18 health care services branch administrator, medical
19 director, and clinical standards administrator;
- 20 (30) In the director's office of the department of human
21 services, the enterprise officer, information security
22 and privacy compliance officer, security and privacy

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1 compliance engineer, and security and privacy
2 compliance analyst; ~~and~~

3 ~~[(31)]~~ The alzheimer's disease and related dementia
4 services coordinator in the executive office on
5 aging~~[-]~~; and

6 (32) In the office of homeland security of the department
7 of defense, the Hawaii state fusion center director.

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

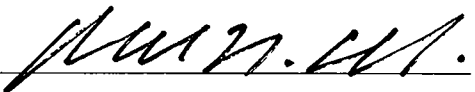
10 Nothing in this section shall be deemed to affect the civil
11 service status of any incumbent as it existed on July 1, 1955."

12 SECTION 3. New statutory material is underscored.

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

14

15

INTRODUCED BY: 

16

BY REQUEST

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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.

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

JUSTIFICATION SHEET

DEPARTMENT: Defense

TITLE: A BILL FOR AN ACT RELATING TO
HOMELAND SECURITY.

PURPOSE: To formally establish the Hawaii State
Fusion Center and the Center's Director
position, which shall be exempt from
chapter 76, Hawaii Revised Statutes.

MEANS: Add a new section to chapter 128A,
Hawaii Revised Statutes and add
exemption from civil service to
section 76-16, HRS.

JUSTIFICATION: On December 20, 2010, the State of
Hawaii was designated the 77th
Fusion Center by the Department of
Homeland Security. Since then, the
Center has yet to be formally
established by Hawaii law. In
addition, the Center's director
position has not been approved.

Impact on the public: None.

Impact on the department and other
agencies: None.

GENERAL FUND: None.

OTHER FUND: None.

PPBS PROGRAM
DESIGNATION: DEF 110

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.