

# S.B. NO. 1110

JAN 27 2021

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## 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 purpose of this Act is to formally  
2 establish the statewide interoperable communications executive  
3 committee and technical subcommittee, and the position of  
4 statewide interoperability communications coordinator as a  
5 position exempt from section 76-16, Hawaii Revised Statutes.

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

9       **"PART . STATEWIDE PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS**

10       **§128A- Statewide interoperable communications executive**  
11 **committee.** There is established within the department of  
12 defense for administrative purposes the statewide interoperable  
13 communications executive committee.

14       **§128A- Duties of the statewide interoperable**  
15 **communications executive committee.** (a) The statewide  
16 interoperable communications executive committee shall have the

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1 following duties:

- 2 (1) Develop plans and strategies to improve public safety  
3 communications interoperability among state, county,  
4 and, where possible, federal public safety agencies;
- 5 (2) Develop plans and strategies to provide interoperable  
6 communications between and among public safety  
7 answering points in the State and public safety  
8 responder communications networks, infrastructure, and  
9 systems;
- 10 (3) Develop plans and strategies to promote statewide  
11 public safety communications interoperability  
12 utilizing state and county radio communication systems  
13 and networks, the Nationwide Public Safety Broadband  
14 Network, or FirstNet;
- 15 (4) Develop plans and strategies for the coordination of  
16 state, county, and, where possible, federal emergency  
17 alerts and warnings with public safety answering  
18 points and public safety responder communications  
19 networks, infrastructure, and systems; and
- 20 (5) Review and adopt plans and recommendations to improve  
21 or promote increased interoperability between public  
22 safety responders and other government or non-  
23 government stakeholders that support responses to

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1 emergencies.

2 (b) The members of the statewide interoperable  
3 communications executive committee shall consist of the  
4 following:

5 (1) The adjutant general or the adjutant general's  
6 designee, who shall serve as the chair of the  
7 committee;

8 (2) The attorney general or the attorney general's  
9 designee;

10 (3) The deputy director of the law enforcement of the  
11 department of public safety or the deputy director's  
12 designee;

13 (4) The chairperson of the board of land and natural  
14 resources or the chairperson's designee;

15 (5) The state chief information officer or the chief  
16 information officer's designee;

17 (6) The director of transportation or the director's  
18 designee;

19 (7) The director of health or the director's designee;

20 (8) The chairperson of the Hawaii enhanced 911 board or  
21 the chairperson's designee; and

22 (9) Four members at the executive or senior personnel  
23 level from the first responder or emergency management

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1 agencies from each of the four counties, to be  
2 selected by the respective heads of the first  
3 responder or emergency management agencies of each  
4 county.

5 (c) Members of the committee shall receive no compensation  
6 but shall be reimbursed for travel and other reasonable and  
7 necessary expenses incurred in carrying out their duties  
8 relating to the committee.

9 **§128A- Statewide interoperable communications technical**  
10 **subcommittee.** (a) There is also established a statewide  
11 interoperable communications technical subcommittee whose  
12 purpose is to provide technical advice to the statewide  
13 interoperable communications executive committee.

14 (b) Membership on the statewide interoperable  
15 communications technical subcommittee shall be open to  
16 representatives from any governmental agency whose duties  
17 include management, planning, and operation of public safety  
18 communications systems and networks, including government land  
19 mobile radio and broadband networks and those related to  
20 emergency communications centers and public answering points.

21 (c) The statewide interoperable communications coordinator  
22 shall serve as the chairperson of the statewide interoperable  
23 communications technical subcommittee.

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(d) The respective lead radio communication engineer/manager for the state and counties, or their designees shall serve on this committee as subject matter experts for their respective radio communication systems and networks;

(e) The respective lead information security manager for the state and counties, or their designees, shall serve on this committee as subject matter experts for matters relating to cyber security;

**§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 position exempt from chapter 76.

(b) The statewide interoperable communications coordinator shall have the following areas of responsibility:

(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;

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- (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 the single point of contact for the federal government and 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 update of the statewide communications interoperability plan;
- (8) Facilitate communications among responders during emergencies when responding to planned and unplanned events;
- (9) Coordinate closely with the state single point of contact on issues related to the implementation of the

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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 their 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 section (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

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1 be filled from those commissioned or enlisted  
2 personnel;

3 (2) Positions filled by persons employed by contract where  
4 the director of human resources development has  
5 certified that the service is special or unique or is  
6 essential to the public interest and that, because of  
7 circumstances surrounding its fulfillment, personnel  
8 to perform the service cannot be obtained through  
9 normal civil service recruitment procedures. Any such  
10 contract may be for any period not exceeding one year;

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;

17 (4) Positions filled by the legislature or by either house  
18 or any committee thereof;

19 (5) Employees in the office of the governor and office of  
20 the lieutenant governor, and household employees at  
21 Washington Place;

22 (6) Positions filled by popular vote;

23 (7) Department heads, officers, and members of any board,



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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

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1 clerk for the senior judge of the family court of the  
2 first circuit, two additional law clerks for the civil  
3 motions judge of the circuit court of the first  
4 circuit, two additional law clerks for the criminal  
5 motions judge of the circuit court of the first  
6 circuit, and two law clerks for the administrative  
7 judge of the district court of the first circuit; and  
8 one private secretary for the administrative director  
9 of the courts, the deputy administrative director of  
10 the courts, each department head, each deputy or first  
11 assistant, and each additional deputy, or assistant  
12 deputy, or assistant defined in paragraph (16);

13 (10) First deputy and deputy attorneys general, the  
14 administrative services manager of the department of  
15 the attorney general, one secretary for the  
16 administrative services manager, an administrator and  
17 any support staff for the criminal and juvenile  
18 justice resources coordination functions, and law  
19 clerks;

20 (11) (A) Teachers, principals, vice-principals, complex  
21 area superintendents, deputy and assistant  
22 superintendents, other certificated personnel,  
23 not more than twenty noncertificated

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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

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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

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1 impracticable to ascertain or anticipate the portion  
2 of time to be devoted to the service of the State;

3 (16) Positions of first deputies or first assistants of  
4 each department head appointed under or in the manner  
5 provided in section 6, article V, of the Hawaii State  
6 Constitution; three additional deputies or assistants  
7 either in charge of the highways, harbors, and  
8 airports divisions or other functions within the  
9 department of transportation as may be assigned by the  
10 director of transportation, with the approval of the  
11 governor; four additional deputies in the department  
12 of health, each in charge of one of the following:  
13 behavioral health, environmental health, hospitals,  
14 and health resources administration, including other  
15 functions within the department as may be assigned by  
16 the director of health, with the approval of the  
17 governor; an administrative assistant to the state  
18 librarian; and an administrative assistant to the  
19 superintendent of education;

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

22 (A) Any exemption created after July 1, 2014, shall  
23 expire three years after its enactment unless

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1 affirmatively extended by an act of the

2 legislature; and

3 (B) All of the positions defined by paragraph (9)

4 shall be included in the position classification

5 plan;

6 (18) Positions in the state foster grandparent program and

7 positions for temporary employment of senior citizens

8 in occupations in which there is a severe personnel

9 shortage or in special projects;

10 (19) Household employees at the official residence of the

11 president of the University of Hawaii;

12 (20) Employees in the department of education engaged in

13 the supervision of students during meal periods in the

14 distribution, collection, and counting of meal

15 tickets, and in the cleaning of classrooms after

16 school hours on a less than half-time basis;

17 (21) Employees hired under the tenant hire program of the

18 Hawaii public housing authority; provided that not

19 more than twenty-six per cent of the authority's

20 workforce in any housing project maintained or

21 operated by the authority shall be hired under the

22 tenant hire program;

23 (22) Positions of the federally funded expanded food and

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1           nutrition program of the University of Hawaii that  
2           require the hiring of nutrition program assistants who  
3           live in the areas they serve;

4       (23) Positions filled by persons with severe disabilities  
5           who are certified by the state vocational  
6           rehabilitation office that they are able to perform  
7           safely the duties of the positions;

8       (24) The sheriff;

9       (25) A gender and other fairness coordinator hired by the  
10          judiciary;

11       (26) Positions in the Hawaii National Guard youth and adult  
12          education programs;

13       (27) In the state energy office in the department of  
14          business, economic development, and tourism, all  
15          energy program managers, energy program specialists,  
16          energy program assistants, and energy analysts; [and]

17       (28) Administrative appeals hearing officers in the  
18          department of human services;

19       (29) In the Med-QUEST division of the department of human  
20          services, the division administrator, finance officer,  
21          health care services branch administrator, medical  
22          director, and clinical standards administrator;

23       (30) In the director's office of the department of human

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services, the enterprise officer, information security  
and privacy compliance officer, security and privacy  
compliance engineer, and security and privacy  
compliance analyst; ~~and~~

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

(32) 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 follows:

"PART I. 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 upon its approval.

INTRODUCED BY: 

BY REQUEST



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**Report Title:**

Statewide Interoperable Public Safety Communications

**Description:**

Establishes a Statewide Interoperable Communications Executive Committee for public safety communications and the position of the Statewide Interoperable Communications Coordinator.

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

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## JUSTIFICATION SHEET

DEPARTMENT: Defense

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

PURPOSE: To formally establish the statewide  
interoperable communications executive  
committee and technical subcommittee, and  
the position of Statewide  
Interoperability Communications  
Coordinator as a position exempt from  
chapter 76, Hawaii Revised Statutes.

MEANS: Add a new part to chapter 128A,  
Hawaii Revised Statutes.

JUSTIFICATION: Effective interoperable  
communications among public safety  
agencies is essential, especially  
during emergencies. The rapid  
evolution of technologies calls for  
coordination in adoption and  
integration. A governance mechanism  
to establish processes and plans,  
determine and address capability  
gaps, and manage benefits and risks  
across organizations will help  
achieve progress towards  
interoperability. The SWIC position  
serves to coordinate among  
government agencies.

Impact on the public: None.

Impact on the department and other  
agencies: None.

GENERAL FUND: None.

OTHER FUND: None.

PPBS PROGRAM  
DESIGNATION: DEF 110.

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OTHER AFFECTED  
AGENCIES:

Attorney General, Chief Information Officer, Departments of Public Safety, Department of Transportation, Department of Health, and first responder agencies from all four (4) counties.

EFFECTIVE DATE: Upon approval.