H.B. NO. <sup>956</sup> H.D. 1 S.D. 2 C.D. 1

# 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 interoperable communications coordinator as a position 5 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: . STATEWIDE PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS 9 "PART 10 §128A-Definitions. As used in this part, 11 "interoperable communications" means the ability of first 12 responder and emergency management agencies to communicate with 13 one another via communication systems, including exchanging 14 voice and data with one another on demand, in real time, when 15 needed, and as authorized.

16 \$128A- Statewide interoperable communications executive
17 committee. There is established within the department of





1 defense for administrative purposes the statewide interoperable 2 communications executive committee. 3 §128A-Duties of the statewide interoperable 4 communications executive committee. (a) The statewide 5 interoperable communications executive committee shall obtain 6 the advice and input of the statewide interoperable 7 communications technical subcommittee, and then shall: 8 (1)Develop plans and strategies to improve public safety 9 communications interoperability among state; county; 10 and, if possible, federal public safety agencies; 11 (2) Develop plans and strategies to provide interoperable 12 communications between and among public safety 13 answering points in the State and public safety 14 responder communications networks, infrastructure, and 15 systems; 16 Develop plans and strategies to promote statewide (3) 17 public safety communications interoperability 18 utilizing state and county radio communication systems 19 and networks, the Nationwide Public Safety Broadband 20 Network, or FirstNet;





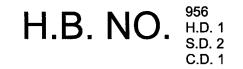
1	(4)	Develop plans and strategies for the coordination of
2		state; county; and, if possible, federal emergency
3		alerts and warnings with public safety answering
4		points and public safety responder communications
5		networks, infrastructure, and systems;
6	(5)	Review and adopt plans and recommendations to improve
7		or promote increased interoperability between public
8		safety responders and other government or
9		non-government stakeholders that support responses to
10		emergencies; and
11	(6)	Submit a status report on the requirements of this
12		subsection, including any obstacles and proposed
13		legislation, to the legislature no later than twenty
14		days prior to the convening of each regular session.
15	(b)	The members of the statewide interoperable
16	communica	tions executive committee shall include the following:
17	(1)	The adjutant general or the adjutant general's
18		designee, who shall serve as the chair of the
19		committee;
20	(2)	The attorney general or the attorney general's
21		designee;



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1	(3)	The deputy director of the law enforcement division of
2		the department of public safety or the deputy
3		director's designee;
4	(4)	The chairperson of the board of land and natural
5		resources or the chairperson's designee;
6	(5)	The state chief information officer or the chief
7		information officer's designee;
8	(6)	The director of transportation or the director's
9		designee;
10	(7)	The director of health or the director's designee;
11	(8)	The chairperson of the Hawaii enhanced 911 board or
12		the chairperson's designee; and
13	(9)	Four members at the executive or senior personnel
14		level from the first responder or emergency management
15		agencies from each of the four counties, to be
16		selected by the respective heads of the first
17		responder or emergency management agencies of each
18		county.
19	(c)	Members of the statewide interoperable communications
20	executive	committee shall receive no compensation but shall be
21	reimbursed	d for travel and other reasonable and necessary





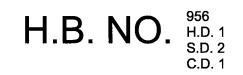
expenses incurred in carrying out the member's duties relating
 to the committee.

3 §128A- Statewide interoperable communications technical
4 subcommittee. (a) There is established a statewide
5 interoperable communications technical subcommittee to provide
6 technical advice to the statewide interoperable communications
7 executive committee.

8 Membership of the statewide interoperable (b) 9 communications technical subcommittee shall be limited to 10 representatives from any governmental agency having duties that include management, planning, and operation of public safety 11 12 communications systems and networks, including government land 13 mobile radio and broadband networks and those related to 14 emergency communications centers and public safety answering 15 points; provided that:

16 (1) The statewide interoperable communications coordinator
17 shall serve as the chairperson of the statewide
18 interoperable communications technical subcommittee;
19 (2) The respective lead radio communication engineer or
20 manager for the State and each county, or each lead
21 radio communication engineer or manager's respective





1		designee, shall serve on the subcommittee as subject
2		matter experts for their respective radio
3		communication systems and networks; and
4	(3)	The respective lead information security manager for
5		the State and each county, or each lead information
6		security manager's respective designee, shall serve on
7		the subcommittee as subject matter experts for matters
8		relating to cyber security.
9	(c)	The statewide interoperable communications technical
10	subcommit	tee shall:
11	(1)	Not have a fixed membership, subject to the limitation
12		established in subsection (b);
13	(2)	Not be subject to any quorum requirement; and
14	(3)	Be exempt from part I of chapter 92.
15	§128	A- Statewide interoperable communications
16	coordinat	or. (a) There is established within the office of
17	homeland	security the position of the statewide interoperable
18	communica	tions coordinator, which shall be a full-time
19	equivalen	t position exempt from chapter 76.
20	(b)	The statewide interoperable communications coordinator
21	shall:	





1	(1)	Collaborate with state, county, and federal
2		governments and emergency response groups in long-term
3		strategic planning;
4	(2)	Aid stakeholders in the development of projects,
5		plans, policies, standards, priorities, and guidelines
6		for interoperable communications;
7	(3)	Meet regularly with all interoperability stakeholders
8		and partners to ensure transparency and information
9		sharing;
10	(4)	Coordinate governing body activities to maximize
11		integration and collaboration across the emergency
12		communications landscape;
13	(5)	Coordinate ongoing assessment of the applicability of
14		new technical developments in communications
15		technologies for state and county public safety radio
16		communication systems and networks;
17	(6)	Serve as a liaison between the statewide interoperable
18		communications executive committee or statewide
19		interoperable communications technical subcommittee,
20		or both, and the federal government and private

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	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
	(8) (9) (10)

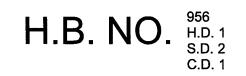
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1		credentialing or recognition of the agencies'
2		communications personnel; and
3	(12)	Serve as the state representative to the National
4		Council of Statewide Interoperability Coordinators."
5	SECT	ION 3. Section 76-16, Hawaii Revised Statutes, is
6	amended b	y amending subsection (b) to read as follows:
7	"(b)	The civil service to which this chapter applies shall
8	comprise	all positions in the State now existing or hereafter
9	establish	ed and embrace all personal services performed for the
10	State, ex	cept the following:
11	(1)	Commissioned and enlisted personnel of the Hawaii
12		National Guard as such, and positions in the Hawaii
13		National Guard that are required by state or federal
14		laws or regulations or orders of the National Guard to
15		be filled from those commissioned or enlisted
16		personnel;
17	(2)	Positions filled by persons employed by contract where
18		the director of human resources development has
19		certified that the service is special or unique or is
20		essential to the public interest and that, because of
21		circumstances surrounding its fulfillment, personnel

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



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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 justice of the supreme court, two law clerks for each 11 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



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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		

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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;

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1	(12)	Empl	oyees engaged in special, research, or		
2		demo	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 cu	stodian or guide at Iolani Palace, the Royal		
21		Maus	oleum, and Hulihee Palace;		



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1 Positions filled by persons employed on a fee, (15)2 contract, or piecework basis, who may lawfully perform 3 their duties concurrently with their private business or profession or other private employment and whose 4 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



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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		



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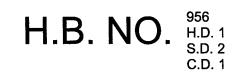
1		tickets, and in the cleaning of classrooms after
2		school hours on a less than half-time basis;
3	(21)	Employees hired under the tenant hire program of the
4		Hawaii public housing authority; provided that not
5		more than twenty-six per cent of the authority's
6		workforce in any housing project 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;



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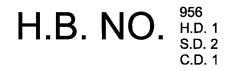
1	(27)	In the state energy office in the department of
2		business, economic development, and tourism, all
3		energy program managers, energy program specialists,
4		energy program assistants, and energy analysts;
5	(28)	Administrative appeals hearing officers in the
6		department of human services;
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;
16	(31)	The Alzheimer's disease and related dementia services
17		coordinator in the executive office on aging;
18	(32)	In the Hawaii emergency management agency, the
19		executive officer, public information officer, civil
20		defense administrative officer, branch chiefs, and
21		emergency operations center state warning point





1	personnel; provided that, for state warning point
2	personnel, the director shall determine that
3	recruitment through normal civil service recruitment
4	procedures would result in delay or noncompliance;
5	[ <del>and</del>
6	+](33)[+] The executive director and seven full-time
7	administrative positions of the school facilities
8	authority[-]; and
9	(34) In the office of homeland security of the department
10	of defense, the statewide interoperable communications
11	coordinator.
12	The director shall determine the applicability of this
13	section to specific positions.
14	Nothing in this section shall be deemed to affect the civil
15	service status of any incumbent as it existed on July 1, 1955."
16	SECTION 4. Chapter 128A, Hawaii Revised Statutes, is
17	amended by designating sections 128A-1 to 128A-5 as part I,
18	entitled "General Provisions".
19	SECTION 5. Statutory material to be repealed is bracketed
20	and stricken. New statutory material is underscored.
21	SECTION 6. This Act shall take effect on January 1, 2023.





#### Report Title:

Statewide Interoperable Public Safety Communications Executive Committee; Coordinator

#### Description:

Establishes a statewide interoperable communications executive committee and subcommittee for public safety communications and the position of the statewide interoperable communications coordinator. Defines "interoperable communications". Effective 1/1/2023. (CD1)

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

