RELATING TO HOMELAND SECURITY.

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

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

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

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

(c) The Hawaii state fusion center shall:
(1) Be continually staffed to monitor all crimes and hazards and shall be the focal point for sharing local, national, and international information and context with the national level intelligence community;

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

(3) Establish a joint integration center to:

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

(B) Coordinate with local, state, and federal agencies for asset response activities including:

   (i) Furnishing technical assistance to affected entities to protect their assets, mitigate vulnerabilities, and reduce impacts of cyber incidents;
(ii) Identifying other entities that may be at risk and assessing their risk to the same or similar vulnerabilities;

(iii) Assessing potential risks to the State or region, including potential cascading effects, and developing courses of action to mitigate these risks;

(iv) Facilitating information sharing and operational coordination to respond to threats; and

(v) Providing guidance as to how best to utilize federal resources and capabilities in a timely, effective manner to speed recovery;

and

(C) Provide intelligence support and related activities and facilitate the building of situational threat awareness and sharing of related intelligence, including the integrated analysis of threat trends and events, the identification of knowledge gaps, and the ability
to degrade or mitigate adversary threat capabilities."

SECTION 2. Section 76-16, Hawaii Revised Statutes, is amended by amending subsection (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 be filled from those commissioned or enlisted personnel;

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

(3) Positions that must be filled without delay to comply with a court order or decree if the director determines that recruitment through normal recruitment civil service procedures would result in delay or noncompliance, such as the Felix-Cayetano consent decree;

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

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

(6) Positions filled by popular vote;

(7) Department heads, officers, and members of any board, 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
clerss for the criminal administrative judge of the
circuit court of the first circuit, one additional law
clerk for the senior judge of the family court of the
first circuit, two additional law clerks for the civil
motions judge of the circuit court of the first
circuit, two additional law clerks for the criminal motions judge of the circuit court of the first circuit, and two law clerks for the administrative judge of the district court of the first circuit; and one private secretary for the administrative director of the courts, the deputy administrative director of the courts, each department head, each deputy or first assistant, and each additional deputy, or assistant deputy, or assistant defined in paragraph (16); 

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

(11) (A) Teachers, principals, vice-principals, complex area superintendents, deputy and assistant superintendents, other certificated personnel, not more than twenty noncertificated
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 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 impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State;

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

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

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

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

(18) Positions in the state foster grandparent program and
positions for temporary employment of senior citizens
in occupations in which there is a severe personnel
shortage or in special projects;

(19) Household employees at the official residence of the
president of the University of Hawaii;

(20) Employees in the department of education engaged in
the supervision of students during meal periods in the
distribution, collection, and counting of meal
tickets, and in the cleaning of classrooms after
school hours on a less than half-time basis;
(21) Employees hired under the tenant hire program of the
Hawaii public housing authority; provided that not
more than twenty-six per cent of the authority's
workforce in any housing project maintained or
operated by the authority shall be hired under the
tenant hire program;
(22) Positions of the federally funded expanded food and
nutrition program of the University of Hawaii that
require the hiring of nutrition program assistants who
live in the areas they serve;
(23) Positions filled by persons with severe disabilities
who are certified by the state vocational
rehabilitation office that they are able to perform
safely the duties of the positions;
(24) The sheriff;
(25) A gender and other fairness coordinator hired by the
judiciary;
(26) Positions in the Hawaii National Guard youth and adult
education programs;
(27) In the state energy office in the department of business, economic development, and tourism, all energy program managers, energy program specialists, energy program assistants, and energy analysts;

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

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

(30) In the director's office of the department of human 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) The Hawaii state fusion center director.

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

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

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