A BILL FOR AN ACT

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 in 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, and cybercrime prevention, and cyber and analytic capabilities, and 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 to include:

   (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, 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 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 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
clersks for the civil administrative judge of the
circuit court of the first circuit, two additional law
clersks 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
dge 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;
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;

The sheriff;

A gender and other fairness coordinator hired by the judiciary;

Positions in the Hawaii National Guard youth and adult education programs;

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; [and]

Administrative appeals hearing officers in the department of human services;

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;

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) In the office of homeland security of the department of defense, 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. New statutory material is underscored.

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

INTRODUCED BY: [Signature]

BY REQUEST
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.