



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 25, 2013

GOV. MSG. NO. 1278

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

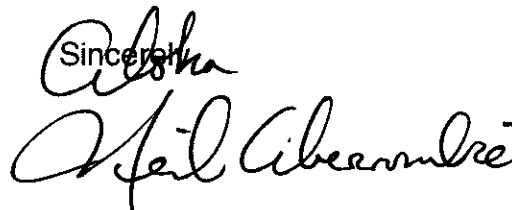
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 25, 2013, the following bill was signed into law:

SB680 SD1 HD1 CD1

RELATING TO HOMELAND SECURITY
ACT 175 (13)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO HOMELAND SECURITY.

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

1 SECTION 1. The legislature finds that there is an ever-
2 increasing possibility of terrorist or other man-made threats
3 to: infrastructure critical to national security; local, state
4 and federal governmental entities; and the stability and
5 security of the people of Hawaii. The increasing sophistication
6 of terrorist groups, transnational criminal organizations, and
7 others who would threaten the peace and security of Hawaii
8 greatly complicate the State's ability to protect its residents
9 and prevent attacks.

10 The legislature also finds that state departments and
11 agencies are performing many missions and tasks to combat
12 terrorism and support homeland security requirements without
13 underlying statutory authority or enabling legislation.

14 The purpose of this Act is to establish an office of
15 homeland security to provide a comprehensive program to protect
16 our people, infrastructure, and government from terrorism and
17 threats of attack.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 HOMELAND SECURITY

6 § -1 Policy and purpose. The legislature finds that
7 because of the existing and increasing possibility of the
8 occurrence of terrorist attacks of unprecedented size and
9 destructiveness, in order to ensure that the State will be
10 adequately prepared to deal with such attacks; preserve the
11 lives and property of the people of the State; and protect the
12 public peace, health, and safety, it is necessary to:

- 13 (1) Provide for homeland security by the State and to
14 authorize the creation of organizations for homeland
15 security in the counties of the State; and
16 (2) Provide programs, in coordination with county
17 agencies, other state and federal agencies, and the
18 private sector, to educate and train publicly and
19 privately employed workers and the general public to
20 be prepared for potential attacks.



1 The purpose of this chapter is to enact a homeland security
2 law to provide for all homeland security functions of this State
3 and its counties.

4 § -2 Definitions. As used in this chapter:

5 "Attack" means any attack or series of attacks by anyone
6 causing, or which may cause, damage or injury to persons or
7 property in the United States in any manner by the use of
8 chemical, biological, radiological, nuclear, explosives,
9 firearms, cyber, or other weapons or processes; and any form of
10 hostile action.

11 "County" means any of the political subdivisions of the
12 State, including the counties of Hawaii, Maui, and Kauai and the
13 city and county of Honolulu, but does not include the county of
14 Kalawao.

15 "Director of homeland security" or "director" means the
16 adjutant general.

17 "Facilities", except as otherwise provided in this chapter,
18 includes buildings and other structures, shelters, land, and
19 appurtenant materials.

20 "Homeland security" means a concerted effort to:

21 (1) Prevent terrorist attacks within the United States;



1 (2) Reduce the State's vulnerability to attacks and
2 terrorist activities; and

3 (3) Minimize the damage and recover from attacks that
4 occur.

5 "Necessary" means any methods, measures, or other actions
6 or determinations as are needed in the opinion of the governor,
7 or the governor's authorized representative, or a mayor, or a
8 mayor's authorized representative.

9 "States" includes the several states of the United States,
10 the District of Columbia, and the possessions and territories of
11 the United States.

12 § -3 State office of homeland security. (a) There
13 shall be established within the department of defense an office
14 of homeland security. The director of homeland security shall
15 employ appropriate personnel and make expenditures as may be
16 necessary to carry out this chapter. The director shall appoint
17 an administrator of homeland security who shall be exempt from
18 chapter 76, subject to removal by the director, and receive
19 compensation as the director may determine.

20 (b) The director shall be responsible for formulating and
21 carrying out programs for homeland security. The director
22 shall:



1 (1) Ensure coordination and cooperation among all
2 organizations for homeland security; public agencies,
3 including county, state, and federal agencies; and
4 private organizations; and

5 (2) Cooperate with county, state, and federal homeland
6 security and law enforcement agencies.

7 § -4 **Homeland security responsibilities.** The director
8 may:

9 (1) Prepare comprehensive plans and programs for homeland
10 security and homeland defense; provided that these
11 plans and programs shall be integrated and coordinated
12 with the plans of the counties and the federal
13 government to the fullest possible extent;

14 (2) Make studies and surveys of the vulnerabilities of
15 critical infrastructure and key resources in this
16 State as may be necessary, and participate in planning
17 for their protection;

18 (3) Develop and maintain a list of critical
19 infrastructure, coordinating the list with the
20 counties of the State, other state agencies, federal
21 agencies (including the Departments of Defense and



1 Homeland Security), the private sector, and other
2 agencies and organizations as necessary;

3 (4) Develop and maintain a capability to process security-
4 clearance applications for civilian workers of the
5 state and county governments;

6 (5) Foster coordination on security matters with all
7 nations of the Pacific region to the extent permitted
8 under federal law, including but not limited to
9 coordinating planning efforts, as appropriate;
10 sponsoring discussions and seminars; and hosting
11 periodic international conferences; and

12 (6) Solicit and manage funding, including but not limited
13 to grants from the federal government, funds from
14 other divisions in the department of defense and other
15 state agencies, and funds to provide personnel support
16 to the office of homeland security.

17 **§ -5 County organizations for homeland security.**

18 Counties are authorized, but not required, to establish
19 organizations for homeland security. If a county does not
20 establish a separate organization for homeland security, the
21 functions listed in section -4 shall be incorporated into the
22 responsibilities of the county civil defense agency."



1 SECTION 3. Section 26-21, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The department of defense shall be headed by a single
4 executive to be known as the adjutant general. The adjutant
5 general shall also be the director of civil defense[-] and the
6 director of homeland security.

7 There shall be a full-time vice director of civil defense
8 who shall be appointed and may be removed by the director.

9 The department shall be responsible for the defense of the
10 State and its people from mass violence, originating from either
11 human or natural causes.

12 The devolution of command of the military forces in the
13 absence of the adjutant general shall be within the military
14 establishment. The devolution of command of the civil defense
15 agency in the absence of the director of civil defense shall be
16 within the civil defense agency."

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect on July 1, 2013.

APPROVED this 25 day of JUN, 2013



GOVERNOR OF THE STATE OF HAWAII