

# S.B. NO. 1081

JAN 24 2013

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## 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 citizens of Hawaii. The increasing  
6 sophistication of terrorist groups, trans-national criminal  
7 organizations, and others who would threaten the peace and  
8 security of our state, greatly complicates our ability to  
9 protect our citizens and prevent attacks.

10           The legislature further 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 a homeland security  
15 office and supporting laws to provide a comprehensive program to  
16 protect our citizens, infrastructure, and government from  
17 terrorism and threat 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. (a) Because of the existing  
7 and increasing possibility of the occurrence of terrorist  
8 attacks of unprecedented size and destructiveness, and in order  
9 to ensure that preparations of the State will be adequate to  
10 deal with such attacks, and generally to protect the public  
11 peace, health, and safety, and to preserve the lives and  
12 property of the people of the State, it is hereby found and  
13 declared to be necessary:

14 (1) To provide for homeland security by the State, and to  
15 authorize the creation of local organizations for  
16 homeland security in the counties of the State;

17 (2) To confer upon the governor the emergency powers  
18 provided herein; and

19 (3) To provide programs, in coordination with county  
20 agencies, other state and federal agencies, and the  
21 private sector, to educate and train publicly and  
22 privately employed workers and the general public to  
23 be prepared for attacks.

1 (b) It is further declared to be the purpose of this  
2 chapter and the policy of the State that all homeland security  
3 functions of the State and its counties be coordinated to the  
4 maximum extent with the comparable functions of the federal  
5 government including its various departments, and agencies of  
6 other states and localities, and of private agencies of every  
7 type, to the end that the most effective preparation and use may  
8 be made of the nation's manpower, resources, and facilities for  
9 dealing with any attack that may occur.

10 § -2 **Definitions.** As used in this chapter:

11 "Attack" means any attack or series of attacks by anyone  
12 causing, or which may cause, damage or injury to persons or  
13 property in the United States in any manner by the use of  
14 chemical, biological, radiological, nuclear, explosives,  
15 firearms, cyber, or other weapons or processes; and any form of  
16 hostile action.

17 "County" means any of the political subdivisions including  
18 the counties of Hawaii, Maui, and Kauai and the city and county  
19 of Honolulu, but does not include the county of Kalawao.

20 "Director of homeland security" means the adjutant general,  
21 pursuant to section 26-21.

1 "Facilities", except as otherwise provided in this chapter,  
2 includes buildings and other structures, shelters, land, and  
3 appurtenant materials.

4 "Homeland security" means a concerted effort to prevent  
5 terrorist attacks within the United States; reduce Hawaii's  
6 vulnerability to terrorism and attacks; and minimize the damage  
7 and recover from attacks that occur.

8 "Mayor" means the senior elected official of the executive  
9 branch of each political subdivision in the State of Hawaii, but  
10 does not include the county of Kalawao.

11 "Necessary" means and refers to such means, measures, or  
12 other actions or determinations as are necessary in the opinion  
13 of the governor, or the governor's authorized representative or  
14 mayor or mayor's authorized representative.

15 "States" includes the several states of the United States,  
16 the District of Columbia, and the possessions and territories of  
17 the United States.

18 **§ -3 State homeland security office.** (a) There shall  
19 be established within the department of defense an office of  
20 homeland security. The director of homeland security will  
21 employ appropriate personnel and make expenditures as may be  
22 necessary to carry out this chapter. The director shall appoint  
23 an administrator of homeland security, who shall be appointed

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1 and removed by the director, and who shall receive such  
2 compensation as the salary commission may determine.

3 (b) The administrator shall be responsible for formulating  
4 and carrying out programs for homeland security. The  
5 administrator shall ensure coordination and cooperation between  
6 all organizations for homeland security, public, including  
7 county, state, and federal, or private, and shall cooperate with  
8 state, county, and federal homeland security and law enforcement  
9 agencies.

10 § -4 **Homeland security responsibilities.** In performing  
11 the director's duties under this chapter, the director of  
12 homeland security, or the director's authorized representative,  
13 may:

14 (1) Prepare comprehensive plans and programs for homeland  
15 security and homeland defense, these plans and  
16 programs to be integrated and coordinated with the  
17 plans of the counties and the federal government to  
18 the fullest possible extent;

19 (2) Make such studies and surveys of the vulnerabilities  
20 of critical infrastructure and key resources in this  
21 State as may be necessary, and participate in planning  
22 for their protection;

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- 1           (3) Develop and maintain a critical infrastructure list,  
2                    coordinating said list with the counties of the State,  
3                    other state agencies, federal agencies (including  
4                    defense and homeland security), the private sector,  
5                    and other agencies and organizations as necessary;
- 6           (4) Develop and maintain a capability to process security  
7                    clearance applications for civilian workers of the  
8                    State and county governments;
- 9           (5) Foster coordination on security matters with all  
10                   nations of the pacific region, including but not  
11                   limited to coordinating planning efforts, as  
12                   appropriate, sponsoring discussions and seminars, and  
13                   hosting periodic international conferences; and
- 14          (6) Solicit and manage funding, including but not limited  
15                   to grants, from the federal government, including  
16                   managing funds from: other divisions in the department  
17                   of defense; and other state agencies, if the director  
18                   and the other department directors agree, which  
19                   agreement may include providing personnel support to  
20                   the homeland security office.

21           **§ -5 Local organizations for homeland security.**

22 Counties may establish local organizations for homeland  
23 security. Counties that do not establish a separate

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1 organization for homeland security shall incorporate the  
2 functions of section -4 into the responsibilities of the  
3 county civil defense agency."

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


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

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

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

15 The devolution of command of the military forces in the  
16 absence of the adjutant general shall be within the military  
17 establishment. The devolution of command of the civil defense  
18 agency in the absence of the director of civil defense shall be  
19 within the civil defense agency."

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

21  
22 INTRODUCED BY: 

23 BY REQUEST

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**Report Title:**

Department of Defense; Homeland Security

**Description:**

Establishes a Homeland Security Office and supporting laws to provide a comprehensive program to protect Hawaii's citizens, infrastructure, and government from terrorism and threat of attack.

*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 establish a homeland security office and supporting laws to provide a comprehensive program to protect our citizens, infrastructure and government from terrorism and threat of attack.

MEANS: Add one chapter to the Hawaii Revised Statutes.

JUSTIFICATION: Since the attacks of 9-11, the Department of Defense has taken on an ever-increasing role in homeland security, but there are no legal authorities or requirements for a homeland security office.

This bill will establish the Office of Homeland Security within the Department of Defense and outline the responsibilities of that office.

Impact on the public: The addition of the Homeland Security Office within the Department of Defense will provide greater security for the citizens of Hawaii. The office will be responsible for tracking and helping to protect critical infrastructure, and for coordinating homeland defense and homeland security plans with all entities in the state.

Impact on the department and other agencies: Passage of this measure will establish the Office of Homeland Security within the Department of Defense.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: DEF-110

OTHER AFFECTED  
AGENCIES:

None.

EFFECTIVE  
DATE:

This Act shall take effect upon its approval.