

JAN 18 2013

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, transnational criminal
7 organizations, and others who would threaten the peace and
8 security of Hawaii greatly complicates the State's ability to
9 protect its citizens 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 a homeland security
15 office to provide a comprehensive program to protect our
16 citizens, infrastructure, and government from terrorism and
17 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) The legislature finds
7 that 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 preparations of this
10 State will be adequate to deal with such attacks; to protect the
11 public peace, health, and safety; and to preserve the lives and
12 property of the people of the State, 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;
- 16 (2) Confer upon the governor the emergency powers provided
17 herein; and
- 18 (3) Provide programs, in coordination with county
19 agencies, other state and federal agencies, and the
20 private sector, to educate and train publicly and
21 privately employed workers and the general public to
22 be prepared for 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 including
12 the counties of Hawaii, Maui, and Kauai and the city and county
13 of Honolulu, but does not include the county of Kalawao.

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

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

19 "Homeland security" means a concerted effort to:

- 20 (1) Prevent terrorist attacks within the United States;
21 (2) Reduce the State's vulnerability to terrorism and
22 attacks; and



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

3 "Necessary" means and refers to such means, measures, or
4 other actions or determinations as are necessary in the opinion
5 of the governor or the governor's authorized representative or
6 mayor or mayor's authorized representative.

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

10 § -3 **State homeland security office.** (a) There shall
11 be established within the department of defense a homeland
12 security office. The director of homeland security shall employ
13 appropriate personnel and make expenditures as may be necessary
14 to carry out this chapter. The director shall appoint an
15 administrator of homeland security, who shall be appointed by
16 and subject to removal by the director, and who shall receive
17 such compensation as the director may determine.

18 (b) The director shall be responsible for formulating and
19 carrying out programs for homeland security. The director shall
20 ensure coordination and cooperation among all organizations for
21 homeland security; public agencies, including county, state, and
22 federal agencies; and private organizations and shall cooperate



1 with state, county, and federal homeland security and law
2 enforcement agencies.

3 § -4 **Homeland security responsibilities.** The director
4 may:

- 5 (1) Prepare comprehensive plans and programs for homeland
6 security and homeland defense; provided that these
7 plans and programs shall be integrated and coordinated
8 with the plans of the counties and the federal
9 government to the fullest possible extent;
- 10 (2) Make studies and surveys of the vulnerabilities of
11 critical infrastructure and key resources in this
12 State as may be necessary, and participate in planning
13 for their protection;
- 14 (3) Develop and maintain a critical infrastructure list,
15 coordinating said list with the counties of the State,
16 other state agencies, federal agencies (including
17 defense and homeland security), the private sector,
18 and other agencies and organizations as necessary;
- 19 (4) Develop and maintain a capability to process security
20 clearance applications for civilian workers of the
21 State and county governments;



- 1 (5) Foster coordination on security matters with all
2 nations of the Pacific region, including but not
3 limited to coordinating planning efforts, as
4 appropriate, sponsoring discussions and seminars, and
5 hosting periodic international conferences; and
- 6 (6) Solicit and manage funding, including but not limited
7 to grants from the federal government, funds from
8 other divisions in the department of defense and other
9 state agencies, and funds to provide personnel support
10 to the homeland security office.

11 § -5 **County organizations for homeland security.**

12 Counties are authorized, but not required, to establish
13 organizations for homeland security. If a county does not
14 establish a separate organization for homeland security, the
15 functions listed in section -4 shall be incorporated into the
16 responsibilities of the county civil defense agency."

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

19 "(a) The department of defense shall be headed by a single
20 executive to be known as the adjutant general. The adjutant
21 general shall also be the director of civil defense[-] and the
22 director of homeland security."



S.B. NO. 680

1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

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S.B. NO. 680

Report Title:

State Department of Defense; Homeland Security

Description:

Enacts a homeland security law to establish a state homeland security office within the department of defense and authorize the establishment of county organizations for homeland security.

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