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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 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.



**Report Title:**

State Department of Defense; Homeland Security

**Description:**

Enacts a homeland security law to establish a State Office of Homeland Security within the State Department of Defense. Authorizes the establishment of county organizations for homeland security. (CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

