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# A BILL FOR AN ACT

RELATING TO A DEPARTMENT OF CIVIL DEFENSE.

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

1           SECTION 1. The legislature finds that the State is  
2 vulnerable to a wide range of hazards, both natural and man-  
3 made, that may cause emergencies and disasters. Such  
4 emergencies and disasters could threaten the life, health, and  
5 safety of the people of Hawaii, cause damage to public and  
6 private property, disrupt services, and impede economic growth.  
7 The legislature also finds that a more efficient and effective  
8 system is needed to prepare for emergencies and disasters.

9           It is the intent of the legislature to establish a  
10 department of civil defense to:

- 11           (1) Ensure that state preparations to respond to and  
12           recover from emergencies and disasters are adequate;
- 13           (2) Reduce the State's vulnerability to natural and man-  
14           made hazards; and
- 15           (3) Provide for the common defense and protect public  
16           health and safety.

17           The purpose of this Act is to direct the transition to the  
18 establishment of a department of civil defense to which all



1 powers, responsibilities, and functions currently assumed by the  
2 state department of defense in the areas of civil defense,  
3 disaster relief, and emergency planning, preparedness, and  
4 response shall be transferred.

5 SECTION 2. Section 26-4, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "§26-4 Structure of government. Under the supervision of  
8 the governor, all executive and administrative offices,  
9 departments, and instrumentalities of the state government and  
10 their respective functions, powers, and duties shall be  
11 allocated among and within the following principal departments  
12 that are hereby established:

- 13 (1) Department of human resources development (Section 26-  
14 5)
- 15 (2) Department of accounting and general services (Section  
16 26-6)
- 17 (3) Department of the attorney general (Section 26-7)
- 18 (4) Department of budget and finance (Section 26-8)
- 19 (5) Department of commerce and consumer affairs (Section  
20 26-9)
- 21 (6) Department of taxation (Section 26-10)
- 22 (7) University of Hawaii (Section 26-11)



- 1 (8) Department of education (Section 26-12)
- 2 (9) Department of health (Section 26-13)
- 3 (10) Department of human services (Section 26-14)
- 4 (11) Department of land and natural resources (Section 26-
- 5 15)
- 6 (12) Department of agriculture (Section 26-16)
- 7 (13) Department of Hawaiian home lands (Section 26-17)
- 8 (14) Department of business, economic development, and
- 9 tourism (Section 26-18)
- 10 (15) Department of transportation (Section 26-19)
- 11 (16) Department of labor and industrial relations (Section
- 12 26-20)
- 13 (17) Department of defense (Section 26-21)
- 14 (18) Department of public safety (Section 26-14.6) [-]
- 15 (19) Department of civil defense (Section 26- ) ."

16 SECTION 3. Section 26-21, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§26-21 Department of defense.** (a) The department of  
19 defense shall be headed by a single executive to be known as the  
20 adjutant general. [~~The adjutant general shall also be the~~  
21 ~~director of civil defense.~~]



1 ~~There shall be a full-time vice director of civil defense~~  
2 ~~who shall be appointed and may be removed by the director.]~~

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

6 The devolution of command of the military forces in the  
7 absence of the adjutant general shall be within the military  
8 establishment. ~~[The devolution of command of the civil defense~~  
9 ~~agency in the absence of the director of civil defense shall be~~  
10 ~~within the civil defense agency.]~~

11 ~~(b) There shall be within the department of defense a~~  
12 ~~commission to be known as the civil defense advisory council~~  
13 ~~which shall sit in an advisory capacity to the director of civil~~  
14 ~~defense on matters pertaining to civil defense. The composition~~  
15 ~~of the commission shall be as heretofore provided by law for the~~  
16 ~~civil defense advisory council existing immediately prior to~~  
17 ~~November 25, 1959.~~

18 ~~(e)]~~ (b) The functions and authority heretofore exercised  
19 by the military department ~~[and the civil defense agency]~~ as  
20 heretofore constituted are transferred to the department of  
21 defense established by this chapter.



1           The office of veterans' services and the advisory board on  
2 veterans' services as constituted by chapter 363 are placed  
3 within the department of defense for administrative purposes."

4           SECTION 4. During the interim period prior to the  
5 convening of the 2013 legislative session the governor shall  
6 prepare an organizational and functional plan for the new  
7 department of civil defense and a plan for the orderly  
8 transition of the functions transferred by this Act. The  
9 governor may be assisted by a task force appointed by the  
10 governor, consisting of representatives of the state department  
11 of defense, the civil defense advisory council, the civil  
12 defense agency of each county, the department of the attorney  
13 general, the department of budget of finance, the department of  
14 accounting and general services, and the department of human  
15 resources development. The organizational and functional plan  
16 for the department of civil defense, including any necessary  
17 proposed legislation, shall be submitted to the legislature no  
18 later than thirty days prior to the convening of the 2013  
19 regular session. The proposed budget for the department of  
20 civil defense shall be included in the executive budget request  
21 for the 2013-2015 fiscal biennium.





# H.B. NO. 2796

**Report Title:**

Civil Defense; Disaster Relief; Emergency Preparedness

**Description:**

Establishes a department of civil defense to which all civil service, disaster relief, and emergency preparedness powers and functions currently assumed by the state department of defense shall be transferred.

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

