
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 to
3 infrastructure critical to national security; local, state, and
4 federal governmental entities; and the stability and security of
5 the citizens of Hawaii. The increasing sophistication of
6 terrorist groups, trans-national criminal organizations, and
7 others who would threaten the peace and security of the State,
8 greatly complicates the State's ability to protect its citizens
9 and prevent attacks.

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

14 The purpose of this Act is to establish an office of
15 homeland security and support laws to provide a comprehensive
16 program to protect our citizens, infrastructure, and government
17 from 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, in order to
9 ensure that the state's preparations will be adequate to deal
10 with such attacks, and generally to protect the public peace,
11 health, and safety, and to preserve the lives and property of
12 the people of the State, it is hereby found and declared to be
13 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 by this chapter; and
- 19 (3) To provide programs, in coordination with county
20 agencies, other state and federal agencies, and the
21 private sector, and to educate and train publicly and



1 privately employed workers and the general public to
2 be prepared for attacks.

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

12 **§ -2 Definitions.** As used in this chapter:

13 "Administrator" means the administrator of homeland
14 security.

15 "Attack" means any attack or series of attacks by anyone
16 causing, or which may cause, damage or injury to persons or
17 property in the United States in any manner by the use of
18 chemical, biological, radiological, nuclear, explosive, firearm,
19 cyber, or other weapons or processes; and any form of hostile
20 action.



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

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

6 "Facilities", except as otherwise provided in this chapter,
7 includes buildings and other structures, shelters, land, and
8 appurtenant materials.

9 "Homeland security" means a concerted effort to prevent
10 terrorist attacks within the United States, reduce Hawaii's
11 vulnerability to terrorism and attacks, and minimize the damage
12 and recover from attacks that occur.

13 "Mayor" means the senior elected official of the executive
14 branch of each county.

15 "Necessary" means and refers to such means, measures, or
16 other actions or determinations as are necessary in the opinion
17 of the governor or the governor's authorized representative or
18 mayor or mayor's authorized representative.

19 "States" includes the several states of the United States,
20 the District of Columbia, and the possessions and territories of
21 the United States.



1 **§ -3 State office of homeland security.** (a) There
2 shall be established within the department of defense an office
3 of homeland security. The director of homeland security shall
4 employ appropriate personnel and make expenditures as may be
5 necessary to carry out this chapter. The director of homeland
6 security shall appoint an administrator of homeland security,
7 who shall be exempt from chapter 76, who shall be subject to
8 removal by the director, and who shall receive compensation as
9 the director may determine.

10 (b) The administrator shall be responsible for formulating
11 and carrying out programs for homeland security. The
12 administrator shall ensure coordination and cooperation between
13 all organizations for homeland security, including county,
14 state, and federal, or private, and shall cooperate with state,
15 county, and federal homeland security and law enforcement
16 agencies.

17 **§ -4 Homeland security responsibilities.** In performing
18 the director's duties under this chapter, the director of
19 homeland security, or the director's authorized representative,
20 may:

21 (1) Prepare comprehensive plans and programs for homeland
22 security and homeland defense; provided that these



- 1 plans and programs shall be integrated and coordinated
2 with the plans of the counties and the federal
3 government to the fullest possible extent;
- 4 (2) Conduct studies and surveys of the vulnerabilities of
5 critical infrastructure and key resources in this
6 State as may be necessary, and participate in planning
7 for their protection;
- 8 (3) Develop and maintain a critical infrastructure list,
9 coordinating the list with the counties, other state
10 agencies, federal agencies, including departments of
11 defense and homeland security, the private sector, and
12 other agencies and organizations as necessary;
- 13 (4) Develop and maintain the capability to process
14 security clearance applications for civilian workers
15 of the State and county governments;
- 16 (5) Foster coordination on security matters with all
17 nations of the Pacific region, including but not
18 limited to coordinating planning efforts, as
19 appropriate, sponsoring discussions and seminars, and
20 hosting periodic international conferences; and
- 21 (6) Solicit and manage funds, including but not limited to
22 grants from the federal government, including managing



1 funds from other divisions in the department of
 2 defense and other state agencies, if the director and
 3 the other department directors agree, which agreement
 4 may include providing personnel support to the office
 5 of homeland security.

6 **§ -5 Local organizations for homeland security.**

7 Counties may establish local organizations for homeland
 8 security. Counties that do not establish a separate
 9 organization for homeland security shall incorporate the
 10 responsibilities included in section -4 into the
 11 responsibilities of the county civil defense agency."

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

14 "(a) The department of defense shall be headed by a single
 15 executive to be known as the adjutant general. The adjutant
 16 general shall also be the director of civil defense[-] and the
 17 director of homeland security.

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

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



1 The devolution of command of the military forces in the
2 absence of the adjutant general shall be within the military
3 establishment. The devolution of command of the civil defense
4 agency in the absence of the director of civil defense shall be
5 within the civil defense agency."

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Department of Defense; Homeland Security

Description:

Establishes an Office of Homeland Security and supporting laws to provide a comprehensive program to protect Hawaii's citizens, infrastructure, and government from terrorism and threat of attack. Effective July 1, 2050. (HB850 HD1)

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

