

# **GUIDE TO GOVERNMENT IN HAWAII**

(Fourteenth Edition)

Revised by

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## FOREWORD

The fourteenth edition of *Guide to Government in Hawaii*, a periodic companion volume to the *Directory of State, County and Federal Officials*, revises and updates the earlier edition. Following the thirteenth edition's basic format, this *Guide* describes state and county departments and their organization and the agencies of the federal government having offices in Hawaii. Organizational charts of the state government, state departments, and the counties are also included.

The Bureau extends its sincere appreciation to the many state, county, and federal government officials who provided essential information for their respective jurisdictions. The *Guide* would not be possible without their assistance.

Charlotte A. Carter-Yamauchi  
Acting Director

September 2013

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## **STATE GOVERNMENT**

<http://hawaii.gov>

The Hawaiian Islands were discovered by ancient Polynesians more than fourteen centuries ago, and by the first European, Captain James Cook, in 1778. The islands were divided and ruled by various chiefs until they were united at the end of the 18<sup>th</sup> century by Kamehameha the Great who established the kingdom of Hawaii. The kingdom was an absolute monarchy until 1840 when King Kamehameha III signed the first written constitution, changing the government of Hawaii to a constitutional monarchy. With successive constitutions, the last monarch, Queen Liliuokalani, had limited political powers. Hawaii became a republic on July 4, 1894, a territory of the United States on June 14, 1900, and the 50<sup>th</sup> state on August 21, 1959.

The annexation, or transfer of sovereignty, of Hawaii to the United States took place on August 12, 1898, when Harold M. Sewell, Minister of the United States to the Republic of Hawaii, presented Sanford B. Dole, President of the Republic of Hawaii, a certified copy of a Joint Resolution of the United States Congress (Public Resolution No. 51, 55th Congress, 2nd Session), entitled “Joint Resolution to Provide for Annexing the Hawaiian Islands to the United States.” The Joint Resolution had been approved by President William McKinley on July 7, 1898. Hawaii became a territory under the Organic Act, “An Act to Provide a Government for the Territory of Hawaii” (chapter 339, 31 Stat. 141), which was approved on April 30, 1900, and took effect June 14, 1900. Statehood was attained in 1959 when Congress passed Senate Bill 50 on March 12, 1959. President Eisenhower signed the Admission Act, Public Law 86-3, on March 18, 1959. The official proclamation of admission was issued by the President on August 21, 1959.

The Constitution of the State of Hawaii was formulated by the 1950 Constitutional Convention, ratified by voters of the Territory on November 7, 1950, and amended on June 27, 1959, at the time of the plebiscite on the admission of Hawaii to the Union. Since 1950, there have been two Constitutional Conventions, in 1968 and 1978. In addition to constitutional revision and amendments proposed by a constitutional convention and approved by voters, pursuant to the State Constitution, Article XVII, section 2, the Constitution also provides, under Article XVII, section 3, for the Legislature to propose constitutional amendments to be approved or rejected by the electorate at the next general election. Thus the State Constitution has been amended numerous times.

## **THE LEGISLATURE**

<http://capitol.hawaii.gov>

The legislative power of the State, under the State Constitution, Article III, section 1, is vested in a Legislature that consists of two houses, a Senate and a House of Representatives. The Legislature's power extends to all rightful subjects of legislation not inconsistent with the State Constitution or the Constitution of the United States.

Annually, on the third Wednesday in January, the Hawaii State Legislature convenes in Regular Session to consider all proper subjects for legislation. In addition to its lawmaking functions, the Legislature performs functions that include fact-finding and similar investigations, receiving and considering requests or petitions from groups and individuals, confirming certain officers appointed by the Governor (a function that is the prerogative of the Senate under Article V, section 6, of the State Constitution), participating in amending the Constitution, and exercising quasi-judicial authority to punish in cases of certain offenses against the Legislature or its members.

The Senate consists of twenty-five members elected from twenty-five senatorial districts for staggered four-year terms. The House of Representatives consists of fifty-one members elected from fifty-one representative districts for two-year terms.

Each house adopts its own rules, establishes standing committees, maintains its own records, and elects its own officers. The presiding officer of the Senate is the President of the Senate. The presiding officer of the House is the Speaker of the House of Representatives.

### **Qualifications of Legislators**

Pursuant to the State Constitution, Article III, section 6, to be eligible to serve as a member of the Legislature, a person must have attained the age of majority, be a resident of the State for not less than three years, and be a qualified voter of the district from which election is sought.

### **Officers**

**President of the Senate and Speaker of the House of Representatives.** The presiding officers of the respective houses have virtually identical duties as prescribed in the rules of their respective bodies. Their functions include:

- (1) Chairing the meetings of their respective houses;
- (2) Maintaining order in the chamber;
- (3) Controlling and routing the flow of business and communications in their respective houses;
- (4) Clarifying rules and deciding on questions of order; and
- (5) Other duties required by law or by the rules of their respective houses.

**Vice President and Vice Speaker.** The Vice President and the Vice Speaker, in the absence of their respective presiding officers, assume the powers and duties of the presiding officer.



**Clerk and Assistant Clerks.** The clerks of both houses are the custodians of the records of the respective houses. In addition, the clerks and their assistants perform various supportive and fiscal responsibilities, such as routing communications and resolutions and paying approved bills and accounts.

**Sergeant-at-Arms.** The Sergeant-at-Arms of each house and their staffs maintain order at the daily sessions, supervise the distribution of incidental supplies, supervise messengers, and perform other duties as requested by the presiding officers.

## **Committees**

Legislative standing committees are named for the program area or areas over which they have responsibility. Standing committees vary in size and number from session to session. Their names may also change periodically to note their change in subject matter jurisdiction. Committees review programs, proposed legislation, financial plans, and other matters within the scope of their responsibility. Generally speaking, legislation and other matters that a standing committee recommends for consideration by the entire house are memorialized in its findings and recommendations and reported to the whole house via a standing committee report.

Other types of legislative committees include: special committees, which are temporarily appointed to consider and report on special matters referred to them; conference committees, which are appointed to reconcile the differences of each house on legislative measures requiring the approval of both houses; interim committees, which function between regular sessions; investigating committees; and the committee of the whole.

## **Reapportionment Commission**

Under the State Constitution, Article IV, section 1, the years 1973 and 1981, and every tenth year thereafter, are reapportionment years.

Under the State Constitution, Article IV, section 2, and section 25-1, Hawaii Revised Statutes (hereafter "HRS"), a nine-member Reapportionment Commission is constituted on or before May 1 of each reapportionment year and whenever reapportionment is required by court order. The Senate President and House Speaker each select two members. Members of each house belonging to the party or parties different from that of the President or Speaker designate one of their number for each house and the two so designated each select two members. The eight members so selected then select, by a vote of six members, the ninth member who serves as Chairperson of the Commission.

The Commission acts by majority vote of its membership and establishes its own operating procedures, except where provided for by law.

The Constitution prescribes guidelines for the formulation of a reapportionment plan:

- (1) No district shall extend beyond the boundaries of any basic island unit (county) [not followed due to a court-prescribed reapportionment plan in 1982 and the 1984 Reapportionment Commission plan];
- (2) No district shall be so drawn as to unduly favor a person or political faction;
- (3) Except in the case of districts encompassing more than one island, districts shall be contiguous;
- (4) Insofar as practicable, districts shall be compact;
- (5) Where possible, district lines shall follow permanent and easily recognized features, such as streets, streams, and clear geographical features, and when practicable, shall coincide with census tract boundaries;
- (6) Where practicable, representative districts shall be wholly included within senatorial districts;
- (7) Not more than four members shall be elected from any single district;
- (8) Where practicable, submergence of an area in a larger district wherein substantially different socioeconomic interests predominate shall be avoided.

Not more than one hundred days after its members are certified, the Commission publishes a proposed reapportionment plan for the State Legislature and a proposed reapportionment plan for the United States congressional districts and holds at least one public hearing on the proposed plans in each basic island unit. Not more than one hundred fifty days after its members are certified, the Commission makes any corrections or modifications to the plans and files with the Chief Election Officer the final legislative and congressional reapportionment plans.

**Apportionment Advisory Councils.** Under the State Constitution, Article IV, section 2, and section 25-7, HRS, each of the four officials designated as selecting authorities for the Reapportionment Commission also select one person from each basic island unit to serve on an Apportionment Advisory Council for that island unit. Each Council serves in an advisory capacity to the Commission on matters relating to its island unit. The Councils remain in existence during the life of the Commission.

## LEGISLATIVE SERVICE AGENCIES

### AUDITOR

<http://auditor.hawaii.gov>

The State Constitution, Article VII, section 10, provides for the appointment of the Auditor. The Auditor is appointed by a majority vote of each house of the Legislature in joint session for a term of eight years and may be removed from office for cause by a two-thirds vote of the members of the Legislature in joint session.

The powers and duties of the Auditor are provided for in chapter 23, HRS. The Auditor conducts post-audits of all transactions, books, accounts, programs, and performances of state and county departments, agencies, and offices. The post-audits are intended to discover any evidence of unauthorized, illegal, irregular, or unsafe handling or expenditure of state funds. In addition, post-audits are conducted to evaluate financial administration and programs and performance of state and county agencies. The Auditor also carries out procurement compliance audits and analyses of proposed mandatory health insurance, professional and occupational regulatory programs (“sunrise” law), and special, revolving, and trust funds. Finally, the Auditor conducts such studies and investigations as may be directed by the Legislature.

The Auditor is provided with the authority to examine and inspect all books, records, files, papers, documents, and financial affairs of every state and county agency. The Auditor may issue subpoenas compelling testimony or the production of other evidence.

### ATTACHED FOR ADMINISTRATIVE PURPOSES

**State Ethics Commission** <http://hawaii.gov/ethics>

The State Ethics Commission is created under the mandate of Article XIV of the State Constitution and established under section 84-21, HRS. The Commission administers and enforces two sets of state laws: Standards of Conduct, chapter 84, HRS, that includes the Code of Ethics under part II; and the law on lobbyists, chapter 97, HRS.

The Commission consists of five members who serve four-year terms. The Judicial Council, appointed under section 601-4, HRS, nominates two individuals for each vacancy on the Commission and sends its list of nominees to the Governor, who then appoints one of the two nominees to the Commission. Senate confirmation is not required. Members of the Commission must be United States citizens and residents of the State, and can hold no other public office. Under its constitutional mandate, commission members are prohibited from taking an active part in political management or in political campaigns.

The Code of Ethics establishes standards of conduct that apply to all state officials and state employees, including members of state boards and commissions. The Code, however, does not apply to state judges, who are subject to a separate code of conduct. The Code covers several

areas: conflicts of interest; gifts and the reporting of gifts; fair treatment; confidential information; the awarding of state contracts; and post-employment restrictions. The Code also requires that certain state officials and employees, as well as candidates for state elective office, file financial disclosure statements with the Commission.

The Commission conducts educational programs, including ethics workshops and a mandatory ethics course for state legislators and other state officials. The Commission also provides advice to state officials and employees about compliance with the Code of Ethics. In addition, the Commission initiates, receives, and considers charges of alleged violations of the Code. Investigations are conducted on a confidential basis. The Commission has subpoena powers; the authority to take testimony under oath; and the authority to hold public, contested case hearings. A decision rendered by the Commission after a hearing becomes a matter of public record.

There are a number of penalties that can be imposed for violations of the Code of Ethics. An employee who is found to have violated the Code may be reprimanded, put on probation, demoted, suspended, or discharged. Any favorable state action obtained in violation of the Code, and any contract entered into by the State in violation of the Code, is voidable. The Commission has the authority to impose a fine of up to \$500 for each violation of any provision of the Code.

The law on lobbyists, chapter 97, HRS, requires that individuals who meet certain criteria register as lobbyists with the Commission. Lobbyists, their clients, and those who spend \$750 or more for the purpose of lobbying in any six-month period must report their expenditures, as well as contributions received for the purpose of lobbying, to the Commission.

The Commission has the authority to investigate, on a confidential basis, the activities of any person to determine whether the person is in compliance with the law on lobbyists. The Commission may hold a public, contested case hearing to determine whether there has been a violation of the lobbyists law. Upon the finding of a violation, the Commission may assess an administrative fine of up to \$500 for each violation of the law on lobbyists.

## **LEGISLATIVE REFERENCE BUREAU**

<http://lrbhawaii.org>

The Legislative Reference Bureau, established pursuant to chapter 23G, HRS, is a nonpartisan legislative service agency that provides a wide variety of comprehensive impartial research and reference services to the Legislature as a whole and to individual legislators and legislative committees. In some cases, the Bureau also provides nonpartisan services for other government agencies, other entities, and the general public. The Bureau consists of five separate and distinct divisions: Research, Statute Revision, Systems Office, Library, and the Public Access Room. The Director of the Legislative Reference Bureau is appointed for a six-year term by a majority vote of each house of the Legislature in joint session and may be removed by a two-thirds vote of the members of the Legislature in joint session for reasons of neglect of duty, misconduct, or disability. Employees of the Bureau are hired by the Director and serve at the

Director's pleasure. By law, the services provided by the Bureau to legislators are confidential, unless the confidentiality is waived by the requestor.<sup>1</sup>

## **Research Division**

The Bureau's Research Division assists the Legislature through comprehensive, nonpartisan research memoranda and reports and drafting of various legislative documents, including drafting bills, resolutions, bill reviews, committee reports, and floor amendments, letters and memoranda, and published reports and studies. In addition, Research Division staff members are sometimes tasked with supporting legislative task forces and working groups and assisting the Senate and House Clerks in preparing operational documents for the Legislature, such as Requests for Proposals and procurement contracts.

## **Statute Revision Division**

Chapter 23G, part II, HRS, addresses the Bureau's statute revision and publication functions.<sup>2</sup> Under section 23G-11, HRS, the Director, or a member of the staff of the Bureau designated by the Director, serves as the Revisor of Statutes of the State. The Statute Revision Division reviews the laws enacted each session and is responsible for several publications that are published during the interim, including most notably:

- The Session Laws of Hawaii, containing all the laws enacted and any constitutional amendments proposed during a legislative session, along with a suitable index and tables showing what statutes have been affected;
- The annual cumulative supplements to the HRS,<sup>3</sup> containing all subsequent amendments or repeals that have been made to those statutory sections appearing in the most recent hardbound volumes and any new statutory sections that have been enacted into law;
- Hardbound replacement volumes to the HRS.<sup>4</sup>

The Statute Revision Division also engages in the continuous review of existing law to identify errors or inconsistencies in the HRS and session laws. As necessary, the Division staff prepares a statutory revision bill that is "housekeeping" in nature to correct the technical nonsubstantive errors found in the HRS or session laws. The Division also is statutorily charged

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<sup>1</sup> See section 23G-4, HRS.

<sup>2</sup> While the Bureau is responsible for publication functions, the Lieutenant Governor is responsible for all facets of the sale and distribution of the Session Laws of Hawaii, Hawaii Revised Statutes replacement volumes, and HRS supplements, including pricing. See section 23G-18, HRS.

<sup>3</sup> The Hawaii Revised Statutes is a compilation of all of Hawaii's laws that are of a general and permanent nature.

<sup>4</sup> The entire HRS, comprised of volumes 1 through 14, was replaced in 1993; the index in 1996. Since 2001, individual HRS volumes have been periodically replaced.

with: prescribing and distributing a uniform format for all state agencies for the compiling and publication of their rules;<sup>5</sup> and compiling and publishing an index to all rules, with annual supplements, that includes an annual table indicating administrative agency rules that implement or interpret state laws.<sup>6</sup> To facilitate the perceived intent of the Legislature and to assist the agencies in meeting the mandated rules format, Statute Revision staff, upon request, review governmental agencies' administrative rules for conformance with a mandated format.

## **Systems Office**

The Bureau's Systems Office coordinates the integration of the Bureau's computer systems with the House and Senate information systems. Pursuant to statute,<sup>7</sup> the Systems Office is also responsible for maintaining the Bureau's data management system, which is used by the Bureau staff to electronically access information relating to legislative documents, legislators, and the Legislature and for critical internal operations such as managing internal documents and workload tracking. A significant portion of the Systems Office's workload, in creating and maintaining searchable databases, tracking legislation, and customizing bill status reports, supports the work of other divisions of the Bureau, particularly the Research Division. The Systems Office also provides substantial assistance directly to Legislators, their staff, and other legislative offices. In addition, the Systems Office produces and disseminates bill status information via various session publications (Crossover Bills, Bills Passed, Resolutions Adopted, etc.), which are also made available on the Bureau's website.

## **Library**

The Bureau is statutorily charged with maintaining a reference library as an information resource to serve and support the Legislature and legislative staff, including the other divisions within the Bureau.<sup>8</sup> The Library also is available for use by other government agencies and the general public.<sup>9</sup> The Library's collection consists of over 123,000 volumes, including Hawaii statutes and case law, agency reports, and other state documents, a ten-year archive of bills and resolutions, House and Senate journals dating back to 1901, Session Laws of Hawaii back to 1848, statute collections from the federal government and other states, and numerous other reference volumes and reports. In addition, the collection contains thousands of volumes of law reviews, scholarly journals, magazines, and other periodicals. The Library also distributes Bureau publications and maintains the Bureau's website.

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<sup>5</sup> See sections 23G-12(7) and 91-4.2(1), HRS.

<sup>6</sup> See sections 23G-12(6), 91-4.2(2), and 91-4.4, HRS.

<sup>7</sup> See section 23G-3(8), HRS.

<sup>8</sup> See section 23G-3(6), HRS.

<sup>9</sup> *Id.*

## Public Access Room

The Public Access Room (PAR), established in the State Capitol and maintained by the Bureau,<sup>10</sup> serves as a resource to the public at the Capitol. PAR is a year-round, non-partisan facility that provides workspace, computers, printers, fax machines, TTY telephone services, and various other resources, to assist members of the public in becoming actively involved in the legislative process.

PAR staff members provide research assistance, training, and outreach to members of the public who wish to understand the legislative process and to participate more effectively in their own governance. This outreach includes conducting workshops and tutorials throughout the year, both in-house and in Hawaii's various communities throughout the State.

## OMBUDSMAN

<http://ombudsman.hawaii.gov>

The Office of the Ombudsman is governed by chapter 96, HRS. The Ombudsman accepts and investigates complaints by the public about any action or inaction by any officer or employee of an executive agency of the state or county government. The Ombudsman is appointed to a six-year term by a majority vote of each house of the Legislature in joint session and may be removed by two-thirds vote of the members in joint session for reasons of neglect of duty, misconduct, or disability. The Ombudsman is an independent, nonpartisan office of the Legislature. The Office does not function directly as an agency that serves the Legislature; it is instead a service to the public provided by the Legislature. Being a part of the legislative branch of government, the Ombudsman's power to investigate may be considered an extension of the power of legislative oversight.

Under section 96-8, HRS, the Ombudsman investigates administrative acts that might be: (1) contrary to law; (2) unreasonable, unfair, oppressive, or unnecessarily discriminatory, even though in accordance with law; (3) based on a mistake of fact; (4) based on improper or irrelevant grounds; (5) unaccompanied by an adequate statement of reasons; (6) performed in an inefficient manner; or (7) otherwise erroneous.

The investigations of the Office may also lead to recommendations for appropriate remedies to correct underlying problems giving rise to the complaints.

The Ombudsman, by subpoena, may compel the appearance of persons to testify on and compel the production of documents, papers, or objects relating to the matter under investigation. The Ombudsman is required by law to maintain secrecy in respect to all matters and the identities of complainants or witnesses appearing before the Ombudsman.

Before issuing a statement or recommendation that is critical of any agency or person, the Ombudsman must consult with the agency or person. Under section 96-12, HRS, after an

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<sup>10</sup> See section 21G-2, HRS.

investigation, an opinion and recommendations to the agency are reported if the Ombudsman finds that: (1) the matter should be further considered by the agency; (2) an administrative act should be modified or canceled; (3) a statute or rule on which an administrative act is based should be altered; (4) reasons should be given for an administrative act; or (5) any other action should be taken by the agency.

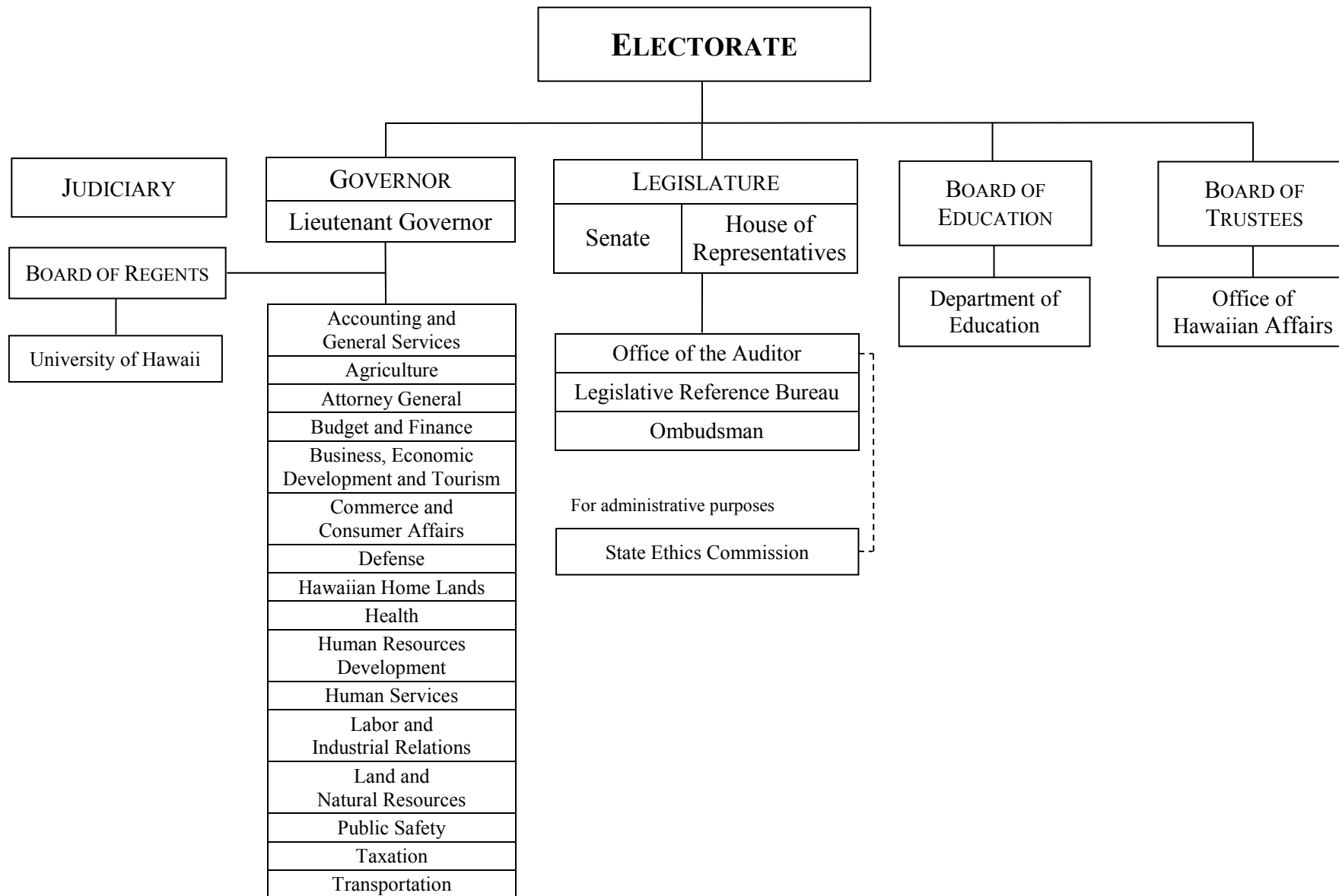
The agency may be requested to notify the Ombudsman, within a specified time, of any action taken on recommendations.

After a reasonable time has elapsed after a report of recommendations to the agency, the Ombudsman may submit a report to the Governor, the Legislature, or the public, including any reply made by the agency. The complainant is also notified of the actions taken by the Ombudsman and by the agency.

Central to the classical principle of the Ombudsman institution is that the Office has no actual power to change administrative decisions or actions; instead it must rely on reasoned persuasion to convince agencies to resolve justified complaints.



# STATE GOVERNMENT



## **THE EXECUTIVE**

The State Constitution, Article V, section 1, vests executive power of the State in the Governor. In the absence or disability of the Governor, the power and duties of the Governor devolve upon the Lieutenant Governor.

The Governor and the Lieutenant Governor are elected at large by voters for concurrent four-year terms and must be of the same political party.

### **OFFICE OF THE GOVERNOR**

<http://governor.hawaii.gov>

The Governor is the Chief Executive of the State of Hawaii and is responsible for the faithful execution of the laws of the State and the effective performance of the executive branch of the state government. The Governor establishes the broad goals of the State and determines the priorities for achieving those goals. The Governor provides community, executive, and political leadership for the people of the State, plans for the development of the State and its resources, and provides for the general well-being of the people. The Governor directs the development of the executive budget and the generation of recommendations for revenue-producing measures and programs, which are submitted to the Legislature for each fiscal biennium, and administers the execution of the legislatively approved budget.

The Governor's authority includes the power to call the Legislature into special session, to veto legislation passed by the Legislature, to grant reprieves and pardons, and to arrange interstate compacts. The Governor is also the Commander in Chief of the armed forces of the State. Unless otherwise provided by law or the State Constitution, the Governor nominates and, with the advice and consent of the Senate, appoints members of boards and commissions and members of the Cabinet and fills vacancies in the House of Representatives and the Senate. From a list of nominees submitted by the Governor by the Judicial Selection Commission, the Governor fills vacancies in the Supreme, Intermediate Appellate, and Circuit Courts. In addition, the Governor, as required by the State Constitution, Article V, section 5, appoints an Administrative Director, who functions as the Governor's chief of staff and assists in the supervision of the executive departments and major state initiatives.

The Office of the Governor is comprised of seven functional areas: (1) Executive, (2) Administration and Operations, (3) Boards and Commissions, (4) Communications, (5) Constituent Services, (6) Policy, and (7) Collective Bargaining and Managed Competition.

## **Executive**

This area provides overall direction and the highest level of authority and decision-making.

## **Administration and Operations**

Administration and Operations is responsible for the general administration and support of the office staff, first family, and constituents.

## **Boards and Commissions**

The Office of the Governor oversees more than 160 boards and commissions established by the State Constitution, statutes, or executive orders, providing an opportunity for a cross-section of Hawaii residents to offer vital input. Boards and Commissions facilitates applications and provides the Governor with lists of qualified candidates.

## **Communications**

Communications is responsible for overseeing and coordinating external communications.

## **Constituent Services**

Through Constituent Services, the public may contact the Governor and the Governor's staff, and invite the Governor to an event or request a meeting. This area also fields constituent requests, such as for proclamations, commendations, or special messages; flags to be flown over the State Capitol; and tours of the Capitol.

## **Policy**

Policy is responsible for coordinating support and monitoring the status of legislative issues, and processing and maintaining acts and administrative rules, as well as coordinating, assisting in the development of, and implementing the policies that are set by the Governor.

## **Office of Collective Bargaining and Managed Competition**

The Office of Collective Bargaining and Managed Competition, established in the Office of the Governor under section 89A-1, HRS, assists the Governor in negotiating with and entering into written contracts between public employers and public employee union representatives on matters of wages, hours, and other negotiable terms and conditions of employment. The Office of Collective Bargaining and Managed Competition also assists the Governor in formulating plans and criteria to measure management's accomplishment of objectives and in formulating management's philosophy and strategy in collective bargaining. It reviews collective bargaining agreements and coordinates the compilation of data required for negotiation.

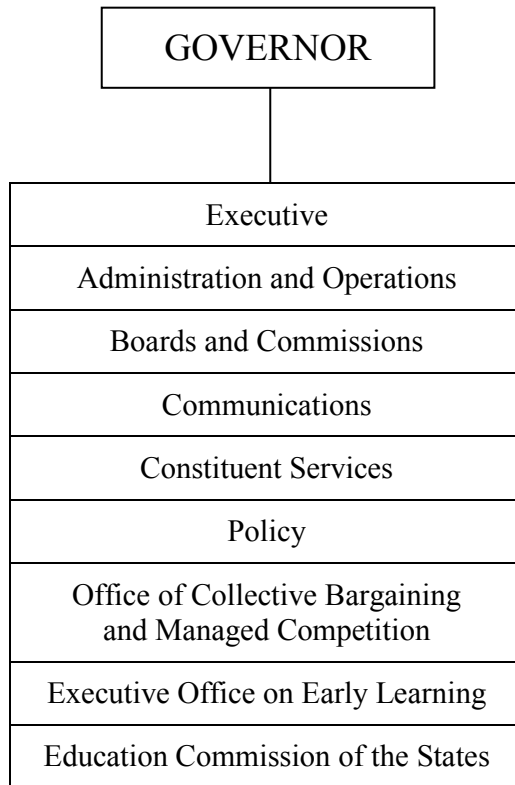
## **Executive Office on Early Learning**

The Executive Office on Early Learning (Office), established and temporarily placed within the Office of the Governor pursuant to section 302L-1.5, HRS, will be permanently established within the Department of Education for administrative purposes only on July 1, 2015. Among its responsibilities, the Office must develop a plan for the early learning system, including the development, execution, and monitoring of a phased implementation plan, and coordinate, improve, and expand upon existing early learning programs and services for children from prenatal care until kindergarten.

## **Education Commission of the States**

The Education Commission of the States (ECS) is established pursuant to Article III, paragraph A, of the Compact for Education under section 311-1, HRS. Pursuant to section 311-2, HRS, Hawaii's representatives to the Commission consist of seven members. The Governor; two members of the Legislature selected by its respective houses and serving in such manner as the Legislature may determine; and the head of a state agency or institution, designated by the Governor, having one or more programs of public education, are ex officio members of the Commission. The other three members are appointed by and serve at the pleasure of the Governor. The mission of ECS is to help states develop effective policy and practice for public education by providing data, research, analysis, and leadership, and by facilitating collaboration, the exchange of ideas among the states, and long-range strategic thinking.

# OFFICE OF THE GOVERNOR



## **OFFICE OF THE LIEUTENANT GOVERNOR**

<http://ltgov.hawaii.gov>

The Office of the Lieutenant Governor is established under the State Constitution, Article V, section 2, and section 26-1, HRS.

The Lieutenant Governor acts as Governor when the Governor is absent from the State or is unable to exercise and discharge the powers and duties of office. Article V, section 4, of the State Constitution, and section 26-2, HRS, provide for the succession to the Office of Governor. When both the offices of the Governor and Lieutenant Governor are vacant or when the Office of the Lieutenant Governor is vacant, the order of succession is as follows: the President of the Senate, Speaker of the House of Representatives, Attorney General, Director of Finance, Comptroller, Director of Taxation, and Director of Human Resources Development. If the Lieutenant Governor's Office is only temporarily vacant, the President of the Senate and Speaker of the House of Representatives are excluded from the line of succession.

Pursuant to section 26-1, HRS, the Lieutenant Governor is designated the Secretary of State for intergovernmental relations and performs the duties and functions previously exercised by the Secretary of Hawaii. The duties and functions of the Lieutenant Governor include, but are not limited to, recordation of all legislative and gubernatorial acts, certification of state documents, and maintenance of an official file of rules adopted by state departments as provided in chapter 91, HRS. Under section 23G-18, HRS, session laws and supplements to and replacement volumes of the Hawaii Revised Statutes are sold and distributed by the Lieutenant Governor at a price fixed by the Lieutenant Governor. In addition, under sections 574-5 and 574-6, HRS, the Lieutenant Governor issues orders for change of names.

The Lieutenant Governor heads special task forces or projects, as delegated by the Governor, and serves as community liaison. Assistance is provided to the departments, the Legislature, and the public when requested. The Office maintains copies of the notices and agenda of public agency meetings for departments and agencies.

### **ATTACHED FOR ADMINISTRATIVE PURPOSES**

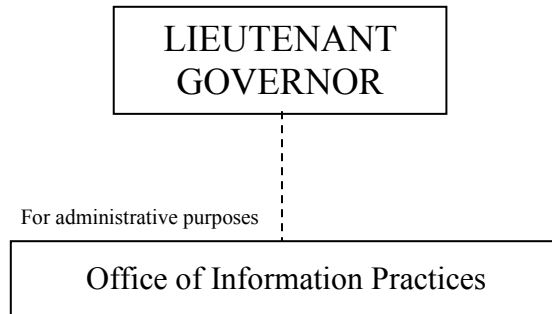
#### **Office of Information Practices**

The Office of Information Practices (OIP), established under section 92F-41, HRS, is headed by a Director who is appointed by the Governor. OIP was created to implement and administer the Uniform Information Practices Act (Modified), chapter 92F, HRS (UIPA). UIPA is Hawaii's public records law that serves to promote open government while protecting the individual's constitutional right to privacy. All government agencies at the state and county levels are subject to UIPA. In addition, OIP has jurisdiction over public agency meetings.

Certain boards and commissions are required by part I of chapter 92, HRS (commonly referred to as the "Sunshine Law"), to hold meetings open to the public.

OIP educates and provides advice and guidance to the public and government agencies concerning individuals' rights and agencies' functions and responsibilities under UIPA; acts as an appeals agency on denials of access to government records; adopts rules to implement UIPA; develops a uniform public records report describing each set of records every government agency routinely uses or maintains; and investigates allegations of violations of the law. In addition, OIP mediates any disputes based on inquiries and complaints it receives from the public on compliance with the Sunshine Law. OIP also assists boards and commissions in complying with the Sunshine Law.

# OFFICE OF THE LIEUTENANT GOVERNOR





## **EXECUTIVE DEPARTMENTS**

Each executive department is under the supervision of the Governor and headed by a single executive, board, or commission. Generally, the Governor nominates and appoints department heads with the advice and consent of the Senate. Such department heads serve for terms that expire at the end of the term of the Governor who appointed them. Terms of service for boards or commissions that head principal departments are as provided by section 26-34, HRS. The specific details of each executive department, its chief executive, functions, and structure are described in this section.

### **DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES**

<http://ags.hawaii.gov>

The Department of Accounting and General Services (DAGS), established under section 26-6, HRS, is responsible for the State's centralized accounting and auditing system. The Department also provides statewide risk management services to state agencies.

DAGS is responsible for records management and the maintenance of central records storage and assists departments and agencies with the preservation and disposal of all records of the State, except the records of the Judiciary. The Department maintains and operates state buildings and public school facilities (neighbor islands only), maintains the state government's central mail and messenger service, maintains the State's data center and intranet and microwave radio systems, controls parking at state buildings, maintains the state motor pool, and has the function of the state surveyor. The Department also directs the planning, design, engineering, and construction of public works projects, has jurisdiction over the World War II Memorial, and administers centralized office leasing services.

The Department is headed by the Comptroller, who is responsible for the planning, direction, and coordination of the activities of the Department and administers the internal affairs of the Department.

#### **Accounting Division**

The Accounting Division maintains the official financial records of the State. It is responsible for the State's accounting and payroll systems, verifies the legality of all expenditures, and controls the payments of approved expenditures. The Division prepares financial reports on the State's financial transactions and maintains control accounts of all Departments' funds.

The records of the Division are maintained on a permanent basis and are used for audit, research, and reference purposes. The reports of the Division are issued as required by law to help departments and agencies in controlling and reconciling their legislative appropriations.

## **Archives Division**

The Hawaii State Archives was established in 1905 and is responsible for collecting, appraising, preserving, and making available to the public Hawaiian government records of enduring value. The primary collections consist of government records from the monarchy to the current legislative session, private collections of individuals and organizations, historical photographs, maps, and a library collection specializing in Hawaiian history, culture, and Pacific voyages.

The Archives' Records Management Branch provides records advisory services to agencies of the executive and legislative branches, which are subject to section 94-3, HRS, relating to disposal of government records. The Branch develops and revises records retention and disposition schedules for the Comptroller's approval. These records schedules identify the minimum amount of time specific records shall be maintained and their final disposition. The Archives' State Records Center stores inactive, non-permanent records in bulk for state agencies for cost efficiency and security. It is not authorized to release any records directly to the public.

## **Audit Division**

To ensure adherence to prescribed policies and procedures of the State's accounting and internal control systems by executive departments and agencies, the Audit Division investigates and conducts internal and financial audits. The Audit Division is also a resource to departments and agencies to resolve accounting and audit issues.

## **Automotive Management Division**

The Automotive Management Division has two major functions: parking control and the maintenance of a central motor pool. At state facilities, the Division controls vehicular traffic, makes parking lot assignments, and collects parking fees.

The Division also maintains state-owned motor vehicles in a central motor pool. The Division is responsible for controlling vehicle assignments, ensuring vehicle safety, and establishing policies and rules to ensure driver safety.

## **Central Services Division**

The Central Services Division is responsible for providing a variety of centralized services to state departments and agencies on a statewide basis. These services include: maintenance and repair of state buildings and facilities; mail and messenger services; custodial services; maintenance of state grounds; and a statewide Energy Management and Conservation Program.

## **Information and Communication Services Division**

The Information and Communication Services Division (ICSD) plans, coordinates, and administers statewide information processing and telecommunications services and programs, and operates an overall program for improving government efficiency and effectiveness through telecommunications and information processing technologies. It provides statewide voice, data, radio, and video communications, and networking.

ICSD operates a central information processing center, electronic mail, web page hosting for state departments, internet support services, and a video conferencing system. It also develops, operates, and maintains information, fiber optic, and radio systems for the State.

## **Land Survey Division**

The Land Survey Division performs field and office survey work for state agencies and the Land Court. In addition, the Division is responsible for a variety of services including the preparation and maintenance of maps and descriptions of public lands, the verification of boundaries, maintenance of the depository of survey and boundary information, and checking and processing all land court and file plan maps. The Division reviews all shoreline maps, which are checked on the ground as needed and recommendations are made to the Department of Land and Natural Resources. Considerable research is performed for the State Attorney General on quiet title actions filed in the circuit courts. Licensed professional land surveyors appear as expert witnesses on behalf of the State in land litigation cases.

## **Public Works Division**

The Public Works Division is responsible for a variety of functions aimed at helping departments and agencies acquire the facilities and workspace they require. For capital improvement projects for which the Department is the expending agency, the Division plans, organizes, directs, and controls the expenditure of funds. It awards design and construction contracts and provides architectural and engineering consulting services to agencies, performs technical planning and design work, inspects construction for adherence to contract documents, and follows up on warranty work. It develops guidelines to be incorporated into DAGS projects, evaluates and recommends new materials and/or products to be used in state facilities, and handles all hazardous material issues during construction.

The Division also provides centralized office leasing services to user agencies that include locating suitable office space, negotiating terms, drafting and execution of agreements, recordation of leases, and payments to lessors.

## **ATTACHED FOR ADMINISTRATIVE PURPOSES**

### **Campaign Spending Commission**

The Campaign Spending Commission, established under section 11-311, HRS, consists of five members representing the general public who are appointed by the Governor from a list of ten nominees submitted by the Judicial Council. Appointments are for four-year terms and are not subject to the advice and consent of the Senate. The responsibility of the Commission is to enforce campaign spending laws and rules that regulate campaign contributions and expenditures in the State of Hawaii as well as administer public funding programs.

### **Chief Information Officer**

Pursuant to section 27-43(a), HRS, a Chief Information Officer (CIO) is appointed to a four-year term by the Governor with the advice and consent of the Senate. The CIO organizes, manages, and oversees statewide information technology (IT) governance, IT strategic plans, and technology standards. The objective of the CIO is to assist agencies in the effective, efficient, and convenient delivery of programs and services to the public through business process reengineering and IT services.

### **Information Technology Steering Committee**

The Information Technology Steering Committee, established under section 27-43(b), HRS, consists of eleven members, with four members appointed by the President of the Senate, four members appointed by the Speaker of the House of Representatives, one member appointed by the Chief Justice, and one member appointed by the Governor, and includes representatives from executive branch departments, including large user agencies such as the Department of Education, University of Hawaii, Judiciary, Legislature, and private individuals. The Chief Information Officer (CIO) serves as the Chair of the Committee. The Committee assists the CIO in developing the State's information technology standards and policies.

### **Information Privacy and Security Council**

The Information Privacy and Security Council is established under section 487N-5, HRS. Members are appointed by the Governor without regard to section 26-34, HRS, and are composed of representatives of the following: executive agencies that maintain extensive personal information in the conduct of their duties, including the departments of Education, Health, Human Resources Development, and Human Services, and the University of Hawaii, selected by the Governor; the Legislature, selected by the President of the Senate and Speaker of the House of Representatives; the Judiciary, selected by the Administrator of the Courts; and the four counties, selected by the mayor of each county, provided that the mayor of each county determines the extent to which the county may or may not participate. The Chief Information Officer or designee serves as Chair of the Council.

The Council develops guidelines to be considered by government agencies in deciding whether, how, and when a government agency informs affected individuals of the loss, disclosure, or security breach of personal information that can contribute to identity theft; reviews individual annual reports submitted by government agencies, pursuant to section 487N-7, HRS; and submits a summary report to the Legislature each year.

### **Community Council on Purchase of Health and Human Services**

The Community Council on Purchases of Health and Human Services, established under section 103F-202, HRS, consists of no more than nine voting members who are appointed to four-year terms by the Governor, and one *ex officio*, nonvoting member of the Interagency Committee on Purchases of Health and Human Services,<sup>1</sup> designated by a majority of the committee members. There is a member from each county, except the county of Kalawao, and up to five members interested in health, human services, employment, or the provision or services to children and youth. The Council advises the Administrator of the State Procurement Office in such areas as: (1) market or business conditions facing providers; (2) securing input from providers to facilitate agency decision-making to assess needs and to plan, budget, and purchase health and human services; and (3) developing criteria to evaluate proposals to provide health and human services.

### **Elections Commission**

The Elections Commission, established under section 11-7, HRS, consists of nine members as follows: two members appointed by the President of the Senate; two members appointed by the Speaker of the House of Representatives; two members appointed by a senator designated by senators belonging to a party or parties different from the President of the Senate; two members appointed by a representative designated by representatives belonging to a party or parties different from the Speaker of the House of Representatives; and the ninth member, selected by a two-thirds vote of the members of the Commission, serves as the Chairperson. Each group of four Commission members selected by each Chamber must include one member from each of the four counties. Commissioners serve four-year terms, and the appointments are not subject to senatorial confirmation.

The duties of the Commission, under section 11-7.5, HRS, are to: hold public hearings; investigate and hold hearings for receiving evidence of any violations and complaints; adopt rules pursuant to chapter 91, HRS; employ, without regard to chapter 76, HRS, a full-time Chief Election Officer, pursuant to section 11-1.6, HRS; and advise the Chief Election Officer on matters relating to elections.

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<sup>1</sup> The Interagency Committee on Purchase of Health and Human Services is established under section 103F-201, HRS.

## **Office of Elections**

The Office of Elections, established under section 11-1.5, HRS, provides support to the Chief Election Officer. Pursuant to section 11-2, HRS, the Chief Election Officer supervises all state elections; is responsible for the maximization of registration of eligible electors throughout the State; maintains data relating to registered voters, elections, apportionment, and districting, and uses this data to assist the Reapportionment Commission provided for under the State Constitution, Article IV, section 2; and is responsible for public education relating to voter registration and information.

## **Boards of Registration**

Four Boards of Registration are established under section 11-41, HRS: one for the island of Hawaii; one for the islands of Maui, Molokai, Lanai, and Kahoolawe; one for the island of Oahu; and one for the islands of Kauai and Niihau. The Boards consist of three members each who are appointed to four-year terms by the Governor with the advice and consent of the Senate. The purpose of the Boards is to hear and decide appeals that arise from a voter challenge or a clerk's decision regarding voter registration.

## **Enhanced 911 Board**

The Enhanced 911 Board, established under section 138-2, HRS, consists of thirteen members as follows: (1) the Chief Information Officer or designee; (2) three representatives from wireless providers; (3) one representative each from the public safety answering points (PSAPs) for Oahu, Hawaii, Kauai, Maui, and Molokai, and one representative chosen by the Mayor of the City and County of Honolulu, all of whom are appointed to four-year terms by the Governor with the advice and consent of the Senate; (4) the Consumer Advocate, or designee; (5) one representative from a communications service company that offers Interconnected Voice over Internet Protocol services; and (6) one representative of the public utility providing telecommunications services and land line enhanced 911 services through section 269-16.95, HRS. The members representing wireless providers, Interconnected Voice over Internet Protocol services, and the public utility providing telecommunications services and land line enhanced 911 services through section 269-16.95, HRS, are appointed to two-year terms by the Governor with the advice and consent of the Senate.

The Board administers the Enhanced 911 Fund, established under section 138-3, HRS, which consists of monthly enhanced 911 surcharges imposed under section 138-4, HRS. Moneys in the Fund are expended exclusively by the Board to ensure adequate funding to deploy and sustain enhanced 911 service, develop and fund future enhanced 911 technologies, and fund expenses of administering the Fund.

## **King Kamehameha Celebration Commission**

The King Kamehameha Celebration Commission, established under section 8-5, HRS, consists of thirteen members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. The appointments to the Commission are made from the following organizations, with at least one member from each organization: (1) Royal Order of Kamehameha I, (2) Ahahui Kaahumanu, (3) Hale O Na Alii O Hawaii Ahahui Poo, (4) Daughters and Sons of Hawaiian Warriors, (5) Kamehameha Schools Alumni Association, (6) Association of Hawaiian Civic Clubs, (7) Waimanalo Homesteaders Association, (8) Kapahulu Music Club, and (9) Papakolea Community Association. In addition, the Governor appoints one member each from the islands of Kauai, Maui, Molokai, and Hawaii.

The Commission is responsible for all arrangements for the celebration generally observed on June 11 each year to commemorate the memory of King Kamehameha I who united the Hawaiian Islands into the Kingdom of Hawaii.

## **Procurement Policy Board**

The Procurement Policy Board, established under section 103D-201, HRS, consists of seven members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. Members of the Board include the Comptroller, a county employee with significant procurement experience, and five persons who are not state or county employees, of whom at least one is a certified procurement professional, one who has federal procurement experience, and two members who have significant experience in the field of health and human services. The Board reviews and decides on matters of policy within the scope of chapter 103D, HRS, the Hawaii Public Procurement Code, and chapter 103F, HRS, Purchases of Health and Human Services. Section 103F-106, HRS, specifically provides for the authority of the Board.

## **State Procurement Office**

The State Procurement Office, established under section 103D-204, HRS, is headed by an Administrator who is appointed to a four-year term by the Governor with the advice and consent of the Senate. The Administrator is the Chief Procurement Officer for the governmental bodies of the executive branch other than the University of Hawaii and the Department of Education, excluding the Hawaii Public Library System. The Administrator is responsible for assisting, advising, and guiding governmental agencies statewide, including the counties, in matters relating to procurement and for ensuring that these agencies are in compliance with the procurement rules as issued by the Procurement Policy Board.

The State Procurement Office contracts for common-use commodities for state departments and agencies and provides purchasing services to all state agencies for the procurement of specific goods, equipment, and services. The Office is responsible for the oversight of the purchase of health and human services by state agencies and provides guidance,

training, and assistance in matters related to planning, procuring, and contracting for health and human services.

The Office is also responsible for inventory control and surplus property management of all state property. Inventory management attempts to promote optimum utilization of the State's excess property by encouraging the reuse of property, ensuring the accountability for property during the life of the property, and approving the disposal of property determined to be unserviceable. The Federal Surplus Property Management Program is administered by the Office as a federal grant-in-aid program. Under federal rules and guidelines, surplus federal personal property, ranging from office items to equipment such as aircraft vehicles, are inspected, stored, and distributed to eligible agencies.

### **Stadium Authority**

The Stadium Authority, established under section 109-1, HRS, consists of nine members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. Serving as ex officio, nonvoting members are the President of the University of Hawaii and the Superintendent of Education. The Chairperson of the Authority is elected by the majority of the Authority. The Authority maintains, operates, and manages Aloha Stadium and its related facilities. The Authority prescribes and collects rents, fees, and charges for the use of stadium facilities and makes and executes contracts and other instruments necessary for the execution of its powers. To administer the affairs of the stadium facilities, the Authority appoints a manager and deputy manager.

### **State Building Code Council**

The State Building Code Council, established under section 107-22, HRS, consists of nine voting members, who serve four-year terms, and one nonvoting member, the Comptroller. Four voting members represent county building officials from Oahu, Hawaii, Kauai, and Maui and are appointed by the mayor of each county. The other five voting members represent the State Fire Council, Department of Health, Department of Labor and Industrial Relations, Structural Engineers Association of Hawaii, and American Institute of Architects, Hawaii State Council.

Among the Council's duties, under section 107-24, HRS, are to: establish a comprehensive state building code; appoint a subcommittee, comprised of the four council members representing county building officials, to recommend any necessary or desirable state amendments to the model codes; consult with general building contractor associations and building trade associations to gather information and recommendations on relevant construction practices and training; review and adopt, as appropriate, new model building codes within eighteen months of the official publication date; provide education and technical training and administrative assistance at the state and county levels relating to the implementation and enforcement of the state building code.



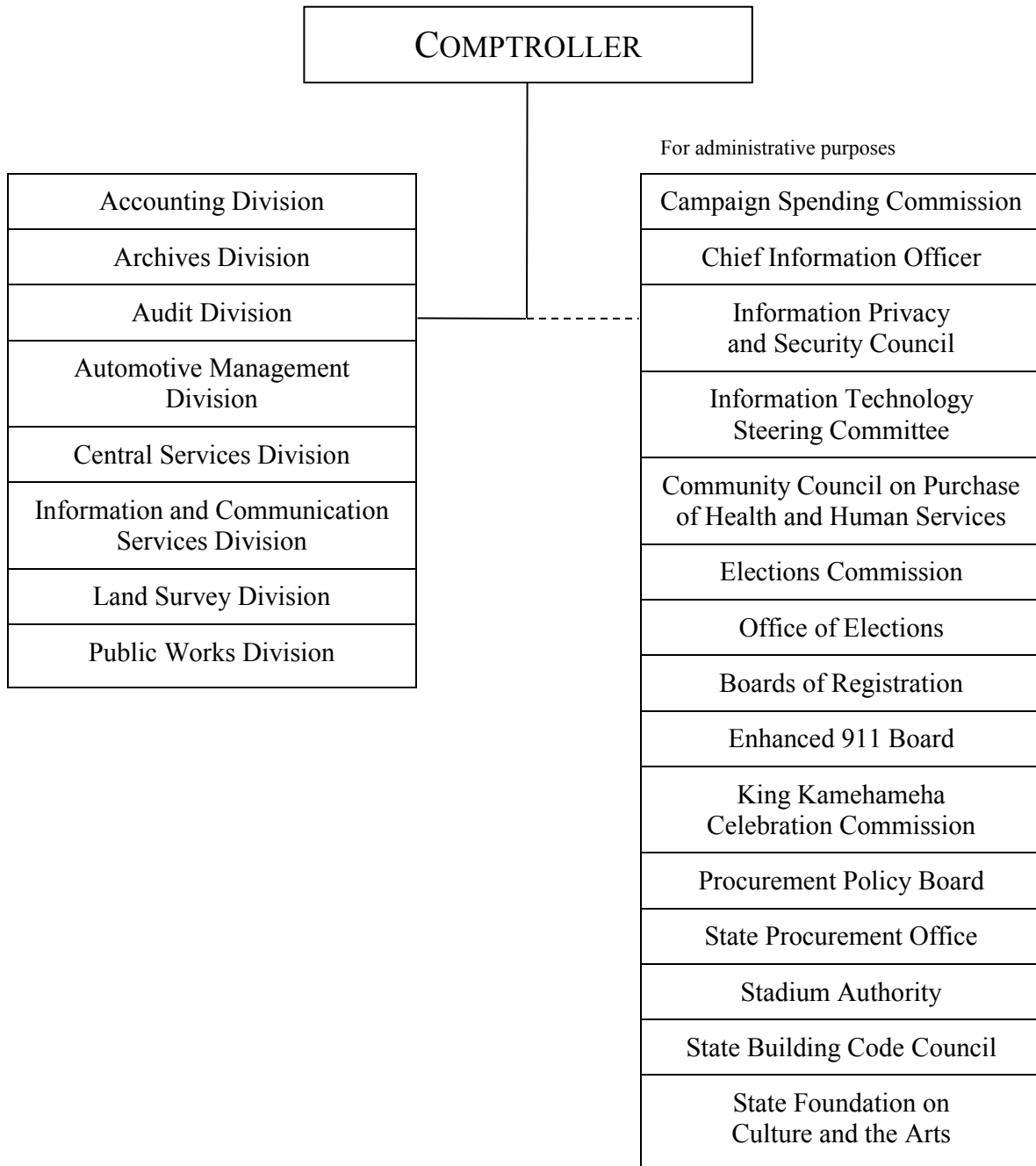
## **State Foundation on Culture and the Arts**

The State Foundation on Culture and the Arts is established under section 9-2(a), HRS. Among its duties, pursuant to section 9-3, HRS, are to: (1) assist in coordinating the plans, programs, and activities of individuals, associations, corporations, and agencies concerned with the preservation and furtherance of culture and the arts and history and the humanities; (2) establish written standards and criteria by which grant contracts are evaluated; and (3) appraise the availability, adequacy, and accessibility of culture and the arts and history and the humanities to all persons throughout the State and devise programs whereby culture and the arts and history and the humanities can be brought to those who would otherwise not have the opportunity to participate.

Under section 9-21, HRS, the Foundation administers the Art in Public Places and Relocatable Works of Art Programs, and the State Art Museum, established under section 9-22, HRS. There is a Works of Art Special Fund, established under section 103-8.5, HRS, into which is transferred one per cent of the construction cost element of all state fund appropriations for capital improvements. Among its purposes, the Fund is used for costs related to the acquisition of works of art to carry out the Art in Public Places and Relocatable Works of Art programs. The Comptroller and the Foundation decide on the specific art objects to acquire.

**Commission.** The Foundation is governed by the State Foundation on Culture and the Arts Commission, established under section 9-2(b), HRS. It is a policymaking and oversight commission consisting of nine members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. At least one member is appointed from each of the counties of Hawaii, Kauai, and Maui. The Chairperson is appointed from the membership by the Governor.

# DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES



## **DEPARTMENT OF AGRICULTURE**

<http://hdoa.hawaii.gov>

### **BOARD OF AGRICULTURE**

The Department of Agriculture, established under section 26-16 and specifically provided for in chapter 141, HRS, is headed by an executive board known as the Board of Agriculture. The Board consists of ten members as follows: one from each of the counties of Hawaii, Maui, and Kauai; four at large; Chairperson of the Board of Land and Natural Resources; Director of Business, Economic Development and Tourism; and Dean of the University of Hawaii College of Tropical Agriculture and Human Resources, or designees, who serve as ex officio, voting members. The majority of the members must be from the agricultural community or agricultural support sector. The Chairperson and members are appointed to four-year terms by the Governor with the advice and consent of the Senate. The Chairperson serves in a full-time capacity with authority and powers delegated by the Board.

#### **Office of the Chairperson**

Under the general direction of the Governor and through the Board of Agriculture, the Chairperson plans, directs, and coordinates the various activities of the Department within the scope of laws and established policies and regulations.

The Department promotes the conservation, development, and utilization of agricultural resources in the State. It also: (1) assists the producers of the State and any others engaged in agriculture by dissemination of information, a crop and livestock reporting service, market news service, and any other means of improving the well-being of those engaged in agriculture and increasing the productivity of lands; (2) administers the programs of the State relating to animal and plant pests and diseases, agricultural loans, agricultural resources development, promotion of agricultural products and markets, promotion of aquaculture, and the establishment and enforcement of rules on the grading and labeling of agricultural products; and (3) manages the state irrigation systems to ensure an adequate supply of water for agriculture.

#### **Administrative Services Office**

The Administrative Services Office provides various staff functions necessary for the direction and operation of the Department. The Department's personnel program is managed through the development and implementation of personnel policies and procedures. Fiscal management is provided through the development and implementation of sound fiscal policies and procedures and the preparation of accounting and financial reports and allotment requests, internal auditing, purchasing, and review of accounts in accordance with the prescribed state accounting system. The property management function includes the administration of the inventory management program. Budget program planning, evaluation, and management services, cost benefit studies, and organizational analyses to determine the effectiveness and

efficiency of ongoing as well as proposed programs are performed by the budget and management staff. The computer services staff manages the Department's computer resources through training, problem resolution, and the planning, development, and integration of information technology systems and procedures.

### **Agricultural Development Division**

The Agricultural Development Division serves both agricultural producers and consumers in the State through marketing activities, market analysis, and the collection of agricultural statistics.

The Division promotes economic development through marketing programs that support agricultural associations and commodity groups with resources from county, state, and federal programs. It collects and publishes agricultural statistical data on estimated and actual acreage planted, acreage for harvest, the value of crops, the movement of stock, and the marketing, processing, and utilization of crops, livestock, and other agricultural products. The Division conducts economic analyses to address marketing and supply chain issues in agriculture.

The Division assists producers, processors, and manufacturers in promoting their agricultural products in the local, national, and international markets, applying the latest technology and social media resources available for the activity.

### **Agricultural Loan Division**

The Agricultural Loan Division promotes agricultural and aquacultural development of the State by stimulating, facilitating, and granting loans and providing related financial services to farmers, ranchers, food manufacturers, and aquaculturalists that meet program qualification requirements.

The Division encourages the development of new farmers and new crops, assists farmers with loans, encourages private lenders to make loans directly or in cooperation with the State, provides relief to farmers in times of emergencies, and assists food manufacturers with loans to stimulate usage of Hawaii-grown agricultural products. In this role, the Division directly supports the Department's mission to develop agriculture in the State.

### **Agricultural Resource Management Division**

The Agricultural Resource Management Division administers and manages five programs within the Department. The first three programs relate to land and include the Agricultural Parks (Ag Parks), Non-Agricultural Parks (Non-Ag Parks), and Agricultural Facilities programs. The next major service the Division provides is the irrigation water delivery program. Finally, the Division provides engineering support for all of its programs as well as general support for the Department.

The Agricultural Parks Program serves as an "incubator" environment for qualified farmers. Land awards in this Program give priority to former plantation farmers and displaced workers. Agricultural parks consist of large, contiguous tracts of land that have been subdivided and leased out to individuals or cooperatives. Lease terms are favorable for startup operations and small farmers. The Division encourages farmers in agricultural parks to form cooperatives to share in expenses and experiences.

The Non-Agricultural Parks Program serves a broader base of farmers. Typically, the land parcels are significantly larger and more types of activity are allowed. Additionally, the lands in this Program are generally noncontiguous with each other. Lease terms are very attractive and encourage long-term utilization of the land.

Agricultural Facilities managed by the Division include vacuum cooling plants, slaughterhouses, marshaling yards, and processing facilities. The Division oversees these leases and can assist with improvements to their structures.

The irrigation program maintains systems on Oahu, Molokai, and Hawaii. Construction of a system on Maui is currently underway. The purpose of this program is to provide affordable irrigation water to area farmers.

The Division administers the development and management of infrastructure projects for all of these programs. Additional activities include budget preparation; rule creation and enforcement; operation and maintenance of infrastructure; disposition of lands by lease or permit; water management; and capital improvement projects implementation.

### **Animal Industry Division**

The Animal Industry Division assists Hawaii's livestock, poultry, and aquaculture industries by performing a number of services to encourage their development.

The Division detects, diagnoses, controls, eradicates, and prevents livestock and aquatic diseases, in order to promote the health and economic well-being of animal-rearing industries in Hawaii, and protects the public through control and eradication of animal diseases that are transmissible to humans.

The Division provides laboratory services and diagnostic support and conducts disease surveillance projects involving the beef cattle, swine, poultry, dairy cattle, and aquaculture industries.

The Division prevents the introduction of rabies through quarantine and conducts inspection of animals entering the State to ensure compliance with importation laws.

The Division provides planning, development, and problem-solving services for the aquaculture and livestock industries. Service goals include: assisting in business start-ups and

commodity production; planning and coordination; information dissemination; business counseling; marketing; and research and extension funding.

### **Plant Industry Division**

The programs of the Plant Industry Division are designed to protect agricultural industries and natural resources of the State.

The Plant Industry Division consists of three branches: Pesticides, Plant Pest Control, and Plant Quarantine. Together, the branches work to protect Hawaii's agricultural industries by preventing the entry and establishment of detrimental insects, weeds, and other pests and by ensuring the safe and efficient use of pesticides in Hawaii. The Division also works with growers, exporters, and other governmental agencies to resolve quarantine restrictions in order to allow the export of Hawaii's fresh fruits, vegetables, flowers, and foliage products to markets worldwide and to control the introduction of invasive species in Hawaii.

The Pesticides Branch regulates the distribution and use of pesticides through a program of licensing of pesticides for sale, distribution, and use in Hawaii; the certification of applicators to purchase and use restricted-use pesticides; the monitoring and inspection of dealers and applicators; and education outreach programs.

The Plant Pest Control Branch's function is to reduce infestations of plant pests that cause significant damage to agriculture and the environment. This is achieved through statewide programs to eradicate or control plant pests, which include destructive insects, mites, snails and slugs, noxious weeds, plant diseases, and any other organisms harmful to plants, by utilizing chemical, mechanical, biological, and integrated control measures. The Branch consists of the Biological Control and the Chemical/Mechanical Control sections.

The Plant Quarantine Branch administers Hawaii's plant and non-domestic animal quarantine programs by preventing the introduction of harmful pests and diseases into the State and by facilitating plant exports. This is done through permit review, air and sea ports-of-entry inspections, interisland inspections, investigation and enforcement activities, educational programs, and nursery certification and export programs.

### **Quality Assurance Division**

The Quality Assurance Division is responsible for programs to improve the market quality of agricultural, horticultural, and processed commodities and to ensure fair trade, honesty, and equity in the marketplace.

The Division administers programs that provide for the inspection and grading of fresh and processed foods, the enforcement of labeling requirements, the testing of feed for nutrient guarantee and adulteration, the certification of farms that follow good agricultural and good

handling practices, the promotion of fair trade and honesty in the marketing of agricultural products, and the prevention of agricultural theft.

The Division is responsible for maintaining stability in the dairy industry and for ensuring an adequate supply of milk for consumers by adjusting prices and production quotas for producers, and for licensing producers and distributors of milk.

The Division is also responsible for ensuring equitable transactions relating to weighing and measuring devices, package labeling, and petroleum products. It ensures that state standards conform to federal standards for weights and measures and determines length, volume, and mass standards through comparison with the National Institute of Standards and Technology. The Division periodically tests all commercial weighing and measuring devices in the State, which include gasoline pumps, taximeters, and scales. In addition, the Division administers programs for ensuring the accuracy of labeling and net fill of packaged consumer commodities, verifies claims of Hawaii geographic origin or manufacture, and verifies that posted prices are actually charged by computer-assisted checkout systems.

## **ATTACHED FOR ADMINISTRATIVE PURPOSES**

### **Agribusiness Development Corporation**

The Agribusiness Development Corporation (ADC), established under section 163D-3, HRS, coordinates and administers programs to: assist agricultural enterprises to facilitate the transition of agricultural infrastructure from plantation operations into other agricultural enterprises; conduct marketing analysis to direct agricultural industry evolution; and provide leadership for the development, financing, improvement, or enhancement of agricultural enterprises.

**Board.** ADC is headed by a Board of Directors consisting of eleven voting members, of whom eight are appointed by the Governor to four-year terms. The eight members are selected on the basis of their knowledge, experience, and proven expertise in small and large businesses within the agricultural industry, agricultural economics, banking, real estate, finance, promotion, marketing, and management. Of the eight, there is one member from each county and four are appointed at large. The Director of Business, Economic Development and Tourism, Chairperson of the Board of Agriculture, and Chairperson of the Board of Land and Natural Resources, or designees, are ex officio, voting members. The Board annually elects its Chairperson, who is not an ex officio member.

### **Advisory Committee on Pesticides**

The Advisory Committee on Pesticides, established under section 149A-51, HRS, is composed of but not limited to the Chairperson of the Board of Agriculture, or designee, who heads the Committee, and one representative each from the Department of Health, Department of Land and Natural Resources, University of Hawaii College of Tropical Agriculture and Human

Resources, sugar industry, pineapple industry, Hawaii Farm Bureau Federation, pesticide industry, structural pest control industry, an environmental organization, a citizen group, and a landscape professional. Members are appointed to four-year terms by the Governor with the advice and consent of the Senate from a list of persons recommended by the respective agencies and industries. The Committee advises and assists the Department in developing or revising laws and rules to carry out and effectuate the purposes of chapter 149A, HRS, and advising the Department on pesticide problems.

### **Advisory Committee on Plants and Animals**

The Advisory Committee on Plants and Animals, established under section 150A-10, HRS, is composed of the Chairperson of the Board of Agriculture, or designee, who is Chairperson of the Committee, Chairperson of the Board of Land and Natural Resources, Director of the Office of Environmental Quality Control, Director of Health, or designees, and five other members who have expertise in plants, animals, or microorganisms and by virtue of their vocation or avocation also are thoroughly conversant with modern ecological principles and the variety of problems involved in the adequate protection of natural resources. The latter five members are chosen by the Chairperson. The Committee advises and assists the Department in developing or revising laws and rules to carry out and effectuate the purposes of chapter 150A, HRS, and in advising the Department on problems relating to the introduction, confinement, or release of plants, animals, and microorganisms.

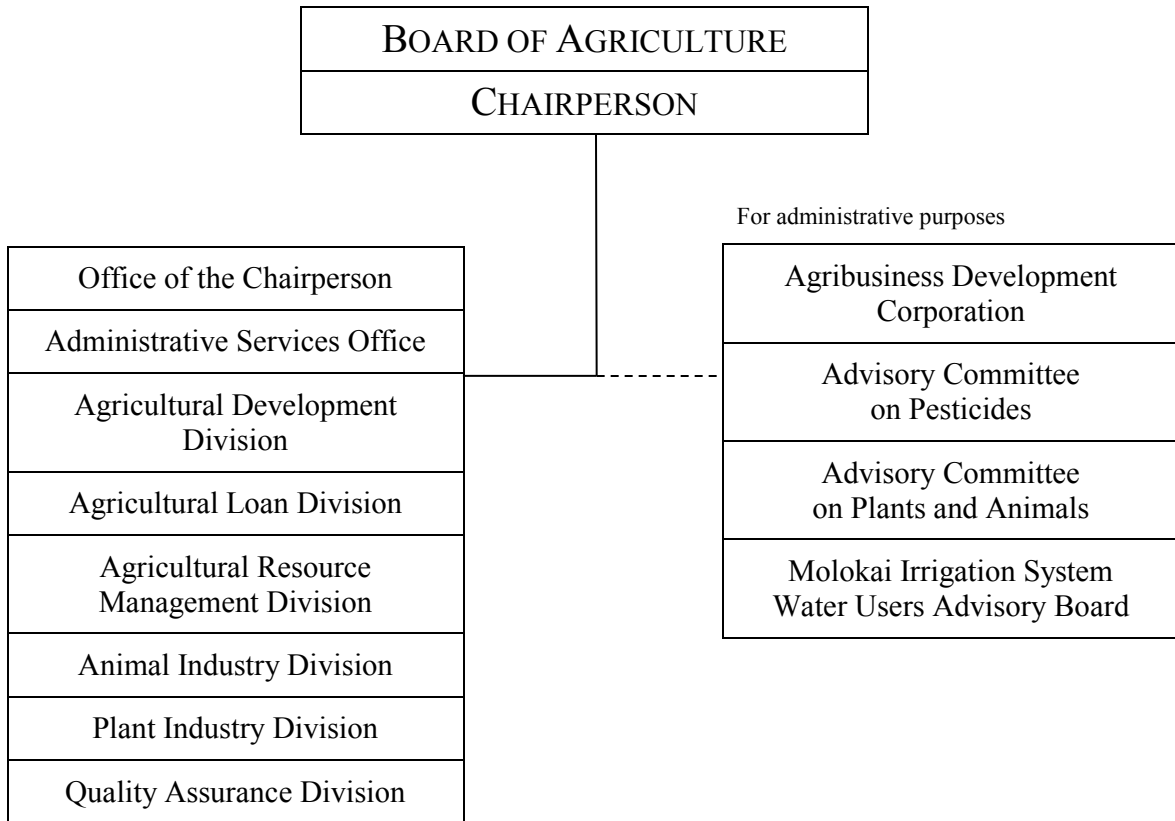
### **Molokai Irrigation System Water Users Advisory Board**

The members of the Molokai Irrigation System Water Users Advisory Board, established under section 167-23, HRS, are appointed to four-year terms by the Governor with the advice and consent of the Senate. The Board consists of seven members: (1) a homestead farmer user on Molokai; (2) a nonhomestead farmer user on Molokai; (3) the designee (by name rather than office) of the Molokai County Farm Bureau; (4) the designee (by name rather than office) of Hikiola Cooperative, Inc.; (5) the designee (by name rather than office) of the Molokai-Lanai soil and water conservation district; (6) a homestead farmer user whose nomination has been recommended by Moku Puni O Molokai, as determined pursuant to a process established by that organization and approved for submittal to the Governor by majority vote of all homesteaders then serving on the Board; and (7) the supervisor of the Molokai district office of the Department of Hawaiian Home Lands who serves as an ex officio, voting member. All members of the Board must be Molokai irrigation system users, residents of the island of Molokai, and active general excise tax licensees.

The Board's duties and responsibilities are to: advise the Department of Agriculture on matters of concern to the users of the system; provide support for improvements to the irrigation facilities; participate in the long-range planning of the system; and act as liaison between the users and the Department of Agriculture.



# DEPARTMENT OF AGRICULTURE



## **DEPARTMENT OF THE ATTORNEY GENERAL**

<http://ag.hawaii.gov>

The Department of the Attorney General, established under section 26-7, HRS, is headed by the Attorney General. The Department administers and renders state legal services, including furnishing written legal opinions to the Governor, Legislature, and such state departments and officers as the Governor may direct; represents the State in all civil actions in which the State is a party; approves as to legality and form all documents relating to the acquisition of any land or interest in lands by the State; and unless otherwise provided by law, prosecutes cases involving violations of state laws and cases involving agreements, uniform laws, or other matters that are enforceable in the courts of the State.

### **Crime Prevention and Justice Assistance Division**

The Crime Prevention and Justice Assistance Division coordinates crime prevention research projects and uniform crime statistic reports, administers federal and state grants relating to the improvement of criminal justice systems, coordinates crime prevention training activities, and develops and maintains the juvenile justice information system.

### **Hawaii Criminal Justice Data Center**

The Hawaii Criminal Justice Data Center, established under section 846-2, HRS, is responsible for the statewide criminal history record information system, statewide Automated Fingerprint Identification System, statewide Sex Offender and Other Covered Offender Registry,<sup>1</sup> and the Adult Criminal Information website (eCrim).

### **Investigation Division**

The Investigation Division is responsible for providing investigative services in three general categories: criminal, civil, and administrative.

### **Child Support Enforcement Agency**

The Child Support Enforcement Agency, created by section 576D-2, HRS, is responsible for administering the child support enforcement program, which involves establishing, collecting, and enforcing child support payments owed to children by their absent parents. In this connection, the Agency, through attorneys in the Department, files or appears in actions to establish paternity for children born out of wedlock; obtains, enforces, or modifies an order of support on behalf of any dependent or other person for whom the Agency has a duty to obtain or

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<sup>1</sup> See chapter 846E, HRS.

enforce an order of support; locates absent parents; and intercepts tax refunds of parents who are delinquent in making their child support payments.

### **Office of Child Support Hearings**

The Office of Child Support Hearings is responsible for establishing, modifying, suspending, terminating, and enforcing child support obligations and providing a fair administrative hearing for child support disputes pursuant to chapters 91 (Administrative Procedure) and 576E (Administrative Process for Child Support Enforcement), HRS.

### **Legal Services Divisions**

The various legal services divisions are responsible for providing legal services to the Governor, executive departments and agencies, the Legislature, and the Judiciary, and for enforcing laws. The divisions are organized according to the program areas they serve and include tort litigation, tax, labor, land/transportation, administration, civil recoveries, commerce and economic development/antitrust, special assignments, employment law, criminal justice, Medicaid fraud, health and human services, family law, education, public safety, Hawaiian home lands, and housing divisions.

Services provided by the divisions include furnishing written legal opinions, representing the State in all court and administrative agency actions, approving the legality and form of all contracts and documents relating to the acquisition of land or any interest in lands by the State, and prosecuting cases involving violations of state laws, agreements, and uniform laws.

## **ADVISORY BODY**

### **Commission to Promote Uniform Legislation**

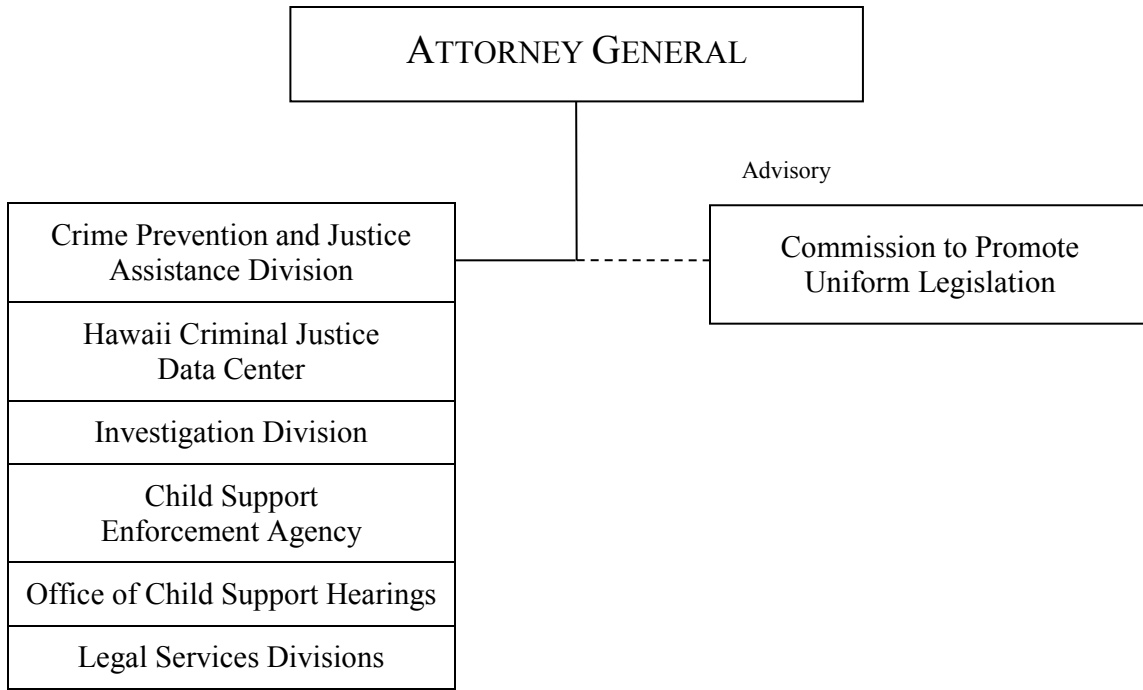
The five-member Commission to Promote Uniform Legislation, established under sections 3-1 and 26-7, HRS, acts in an advisory capacity to the Attorney General and the Legislature on matters relating to the promotion of uniform legislation. Commissioners are appointed to four-year terms by the Governor with the advice and consent of the Senate; however, under section 26-7, HRS, the two-term, eight-year limit does not apply to members of the Commission.

The Commission works with the Uniform Law Commission<sup>2</sup> to promote uniformity of state laws in areas in which uniformity is practicable and desirable. The adoption by the states of the uniform acts prepared by the Uniform Law Commission is voluntary, and acts that would be advantageous to the State are promoted by the Commission for passage by the Legislature.

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<sup>2</sup> Formerly known as the National Conference of Commissioners on Uniform State Laws.

# DEPARTMENT OF THE ATTORNEY GENERAL



## **DEPARTMENT OF BUDGET AND FINANCE**

<http://budget.hawaii.gov>

The Department of Budget and Finance, established under section 26-8, HRS, is headed by the Director of Finance. The Department administers the development of the State's financial plans, administers the state budget, and provides programs for the improvement of management and financial management of state agencies. It coordinates all budget services, supervises the implementation of the fiscal policies established by the Governor or mandated by the Legislature, prepares the Governor's budget for submission to the Legislature, and has custody of all state funds.

### **Administrative and Research Office**

The Administrative and Research Office (ARO) plans, directs, and coordinates comprehensive programs, services, and functions for the Department. The Office provides services in budget, organizational management, procurement, financial accounting management, and systems analyses, and formulates policies, procedures, and guidelines in support of departmental programs. ARO also administers a comprehensive personnel management program and provides assistance in all functional areas of personnel management to the Department's administration, programs, and employees.

### **Budget, Program Planning and Management Division**

The Budget, Program Planning and Management Division's primary function is to optimize the expenditure of all public funds. It does this by assisting state agencies to improve the operational effectiveness of their programs and the effectiveness of agency budgeting, and by issuing guidelines and instructions regarding appropriate statewide implementation of statutory and constitutional budget provisions.

The Division conducts studies and evaluations of the effectiveness of state programs. It also develops and implements a program evaluation system and coordinates the planning and program analysis projects of the State's agencies. The Division analyzes and assists the administration in improving management systems, policies, and procedures, and develops a format and procedures for a statewide program structure. Any changes to executive departments at the branch level or above may be implemented only after they are reviewed and acknowledged by the Director of Finance. The Division also develops staffing and performance standards and methods to improve the utilization of space, time, and personnel. In addition, the Division administers the State's capital improvements program, together with the Public Works Division of the Department of Accounting and General Services.

The Division also develops and implements resource allocation policies of state government and makes long-range budget and resource allocations. The Division reviews long- and short-range program plans and prepares the executive budget that is submitted to the

Legislature. The Division also supervises and controls all budget appropriations authorized by the Legislature and provides program revenue and expenditure data and analysis to appropriate divisions of the Department. In addition, the Division prepares and updates the State's general fund financial plan and provides staff support to the Council on Revenues, primarily regarding non-tax and special fund tax revenue projections. The Division also provides fiscal and budgetary staff support on matters involving collective bargaining negotiations and the analysis of collective bargaining proposals and contracts.

### **Financial Administration Division**

As custodian of public funds and securities, the Financial Administration Division (FAD) manages the State Treasury, where receipts, investments, disbursements, and transfers of funds are conducted. FAD monitors the State's investments and cash flow requirements and develops investment strategies accordingly.

Through the issuance and control of state bonds, FAD manages the public debt. FAD also assists other agencies with their bond sale requirements. All tasks related to the issuance of bonds are conducted by FAD, which include preparing and reviewing all bond documents and official statements, monitoring bond yields and market conditions, coordinating pricing and document preparation between all involved parties, ensuring conformance with laws and regulations, and monitoring repayments.

Included in FAD's responsibilities is the Unclaimed Property Program, under chapter 523A, HRS. The Program receives, holds in custody, and returns to its owners properties deemed to be abandoned.

### **ATTACHED FOR ADMINISTRATIVE PURPOSES**

### **Employees' Retirement System of the State of Hawaii**

The Employees' Retirement System of the State of Hawaii (ERS), established under section 88-22, HRS, provides retirement, disability, and survivor benefits for state general employees, teachers, professors, judges, county general employees, police officers, firefighters, and elected officials.

ERS is a qualified defined benefit pension plan under section 401(a) of the Internal Revenue Code. As such, ERS is exempt from federal income taxation on its investment earnings. Since January 1, 1988, member contributions have been tax deferred under section 414(h) of the Internal Revenue Code.

**Board.** Pursuant to section 88-23, HRS, the general administration and operation of ERS is vested in a Board of Trustees. Under section 88-24, HRS, the Board consists of eight members as follows: the Director of Finance is an ex officio member; four are ERS members, of whom two are general employees, one is a teacher, and one is a retirant, who are elected by the

ERS membership to six-year terms; and three are citizens of the State, but not public employees, two of whom have at least three years of experience providing financial services, including investments, to public, corporate, or private institutional clients. These three trustees are appointed to six-year terms by the Governor with the advice and consent of the Senate.

Under the direction of the Board, ERS administers three plans for the benefit of eligible state and county employees: Contributory, Hybrid, and Noncontributory. Contributory and Hybrid Plan members are required to make contributions to ERS; Noncontributory Plan members do not make contributions.

### **Hawaii Employer-Union Health Benefits Trust Fund**

The Hawaii Employer-Union Health Benefits Trust Fund (EUTF) is established under section 87A-30, HRS. The purpose of the Fund, under section 87A-31, HRS, is to provide employee-beneficiaries and dependent-beneficiaries with health and other benefit plans, and to pay administrative and other expenses of the Fund.

**Board.** Pursuant to section 87A-5, HRS, EUTF is administered by a Board of Trustees that consists of ten trustees who are appointed by the Governor, of whom five represent employee-beneficiaries, including a retiree representative, and five represent public employers. Section 26-34, HRS, does not apply to board member selection and terms. The Board is responsible for determining the nature and scope of benefit plans offered, negotiating and entering into contracts with insurance carriers, establishing eligibility criteria and management policies for EUTF, and overseeing all EUTF activities. The Board may appoint an Administrator and staff who are exempt from civil service.

### **Hawaii Health Authority**

The Hawaii Health Authority, established under section 322H-1, HRS, consists of nine members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. Three members are appointed from a list of nominees submitted by the President of the Senate and three members are appointed from a list of nominees submitted by the Speaker of the House of Representatives. One member is selected to be the Executive Director. Pursuant to section 322H-3, the Authority is responsible for overall health planning for the State and determining future capacity needs for health providers, facilities, equipment, and support services providers. The Authority is charged with developing a comprehensive health plan for all individuals in the State.

## **Public Utilities Commission**

The Public Utilities Commission (PUC), established under section 269-2, HRS, consists of three members who are appointed to six-year terms by the Governor with the advice and consent of the Senate. The Governor selects persons who have had experience in accounting, business, engineering, government, finance, law, or other similar fields and designates a member to be Chairperson. Commissioners devote full time to their duties and may not hold any other public office or other employment during the Commissioner's term of office. No person owning any interest in any public utility corporation or having any income from a public utility may be appointed to the Commission.

Among its powers and duties under section 269-6, HRS, the PUC has general supervision over all public utilities. In exercising its authority, the PUC considers the need to reduce the State's reliance on fossil fuels through energy efficiency and increased renewable energy generation. In making determinations of the reasonableness of the costs of utility system capital improvements and operations, the PUC considers, quantitatively or qualitatively, the effect of the State's reliance on fossil fuels on price volatility, export of funds for fuel imports, fuel supply reliability risk, and greenhouse gas emissions. The PUC also considers the costs and benefits of a diverse fossil fuel portfolio and of maximizing the efficiency of all electric utility assets to lower and stabilize the cost of electricity. However, nothing in section 269-6, HRS, subverts the obligation of electric utilities to meet the renewable portfolio standards set forth in section 269-92, HRS.

## **Office of the State Public Defender**

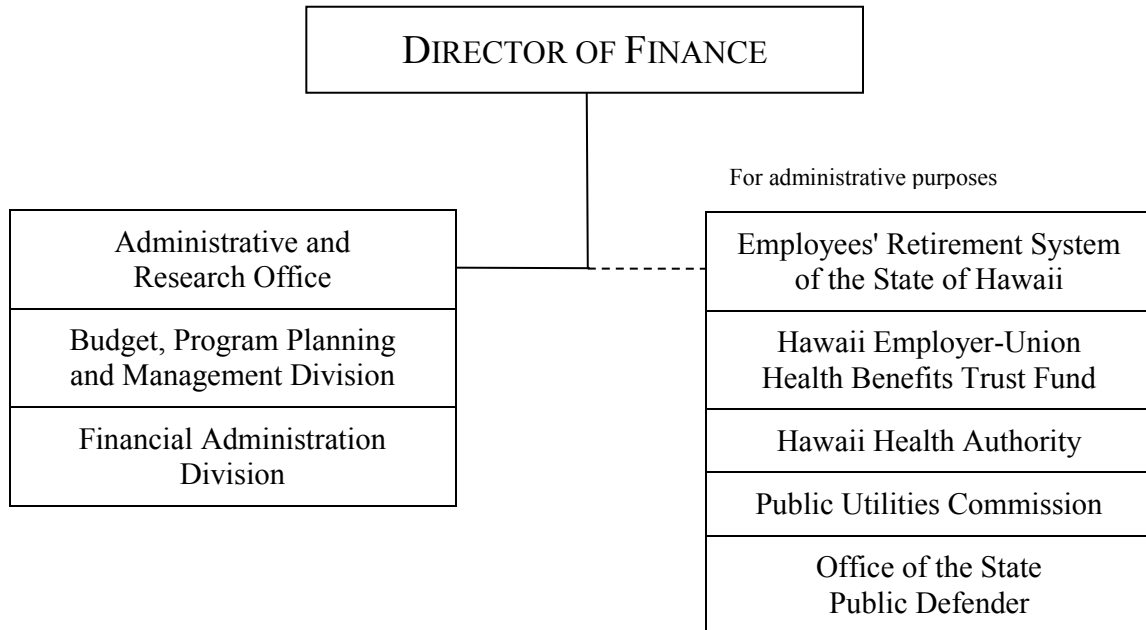
The Office of the State Public Defender is established under section 802-8, HRS. Pursuant to section 802-11, HRS, the State Public Defender is appointed to a four-year term by the Defender Council. The Public Defender must be qualified to practice law before the State Supreme Court, devotes full time to the duties of the Office, and is not permitted to engage in the general practice of law.

Under section 802-1, HRS, any indigent person who is: (1) arrested for, charged with, or convicted of an offense punishable by imprisonment, or subject to chapter 571, HRS (Family Courts); (2) threatened with involuntary confinement in a mental institution; (3) subject to involuntary medical treatment under chapter 334, HRS (Mental Health, Mental Illness, Drug Addiction, and Alcoholism); or (4) subject to involuntary medical treatment under chapter 353, HRS (Corrections) is entitled to be represented by a Public Defender.

**Defender Council.** The Defender Council, established under section 802-9, HRS, consists of five members who are appointed by the Governor and who serve at the Governor's pleasure, with at least one member from each of the counties. The Chairperson is selected by the members. The Council is the governing body of the Office of the State Public Defender.



# DEPARTMENT OF BUDGET AND FINANCE



## **DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM**

<http://hawaii.gov/dbedt>

The Department of Business, Economic Development and Tourism (DBEDT), established under section 26-18, HRS, and specifically provided for under chapter 201, HRS, is headed by the Director of Business, Economic Development and Tourism. DBEDT undertakes statewide business and economic development activities and energy development and management, provides economic research and analysis, plans for the use of Hawaii's ocean resources, and encourages the development and promotion of industry and international commerce through programs established by law.

### **Business Development and Support Division**

The Business Development and Support Division (BDSB) promotes industry development and diversification in Hawaii by supporting existing and emerging industries; attracting new investment and businesses that can create more skilled, quality jobs in the State; and working to increase exports of Hawaii products and services.

BDSB provides new and existing businesses with direct loans, licensing and permit information and referral, business advocacy, and planning and coordination of programs and projects aimed at specific business sectors or economically-distressed areas (including rural areas and areas affected by natural disasters).

### **Strategic Industries Division / Hawaii State Energy Office**

The Hawaii State Energy Office deploys clean energy infrastructure as a catalyst for economic growth, test bed investments, and energy security. The State Energy Office focuses on high impact solutions that:

- Remove barriers for greater renewable energy penetration and energy efficiency deployment;
- Align government laws, regulations, and procedures with clean energy objectives; and
- Attract Hawaii-based clean energy research, development, and deployment of innovative energy investments.

### **Foreign-Trade Zone Division**

The Foreign-Trade Zone Division (FTZ), under chapter 212, HRS, administers the federal grant, issued in 1965 to the State of Hawaii, for the Foreign-Trade Zone program. Hawaii's Foreign-Trade Zone lies outside U.S. Customs territory for tax, duty, and quota

purposes, helping companies engaged in international trade to significantly reduce their operating costs. The FTZ program has been instrumental in retaining manufacturing activity in Hawaii, helping companies compete in export markets, and in incubating new companies that import and export merchandise. FTZ provides advice and direction to potential users of the program and operates a general-purpose zone facility at Pier 2, Honolulu Harbor. Any company that imports and exports merchandise can take advantage of the benefits of the FTZ program at the Pier 2 shared-use facility. There are currently 14 sites on the islands of Oahu, Maui, and Hawaii that have received FTZ designation. Of the 14 sites, three general-purpose zone sites and three special-purpose subzone sites are active. FTZ is responsible for ensuring that U.S. Customs and Foreign-Trade Zones Board regulations are followed at all of these sites. FTZ also provides important port services to Customs and Border Protection, U.S. Department of Homeland Security.

### **Creative Industries Division**

The Creative Industries Division promotes the development and growth of Hawaii's creative economy, of which the primary and core sector consists of copyright-based industries, with a focus on businesses that create and design exportable products and services and depend on the protection of their intellectual property in order to market to a global community. These core businesses contribute to the State's economy with job creation and tax revenue.

This cluster is comprised of producers and service providers in film, video and digital media production, commercial and applied design firms, and a diverse range of creative (visual and performing) and cultural businesses in Hawaii. Surrounding this core sector are a great variety of arts and cultural organizations, service organizations, educational institutions, foundations, community groups, and a range of individual artisans.

### **Research and Economic Analysis Division**

The Research and Economic Analysis Division (READ) works to enhance and contribute to the economic development of the State by providing analyses and policy recommendations on economic issues. READ provides economic forecasts that contribute to long-term statewide planning and infrastructure needs assessment and conducts and reports on basic research into the economy of the State. These functions are conducted by collecting, compiling, interpreting, and publishing data and statistics on all aspects of business activity, the economy, and demographic characteristics of the State. READ also developed and maintains a statewide statistical reporting system.

READ hosts the Hawaii State Data Center that partners with the U.S. Census Bureau and publishes Hawaii data, including the decennial census, the annual American Community Survey, Economic Census, and annual population estimates.

## ATTACHED FOR ADMINISTRATIVE PURPOSES

### Hawaii Community Development Authority

The Hawaii Community Development Authority (HCDA), established under section 206E-3(a), HRS, plans and implements the redevelopment of community development districts. HCDA supplements traditional community renewal methods by promoting and coordinating public and private sector community development. There are presently three community development districts: Kakaako Community Development District,<sup>1</sup> Kalaeloa Community Development District,<sup>2</sup> and Heeia Community Development District.<sup>3</sup>

Pursuant to section 206E-3(b), HRS, HCDA consists of nine voting members for each community development district established in chapter 206E, HRS. The Director of Finance, Director of DBEDT, Comptroller, and Director of Transportation, or designees, serve as ex officio, voting members. In addition: (1) a cultural expert is appointed to a four-year term by the Governor with the advice and consent of the Senate as a voting member; (2) one member is appointed to a four-year term by the Governor with the advice and consent of the Senate as a voting member, provided that this paragraph does not apply to the Kalaeloa Community Development District; and (3) the Chairperson of the Hawaiian Homes Commission, or designee, serves as an ex officio, voting member for the Kalaeloa Community Development District only. HCDA annually elects the Chairperson and Vice Chairperson from among its members.

Three additional members, referred to as county members, are selected by the Governor from a list of ten prospective appointees recommended by the local governing body of the county in which each designated district is situated. Of the three members appointed as county members, two members represent small businesses and are designated as the small business representatives on the Board, whose purpose, among other things, is to vote on matters before the board that affect small businesses. The small business representatives may vote on any matter concerning any district under the Board's jurisdiction other than matters concerning the Heeia Community Development District. One of the county members is a resident of the designated district; provided that the county member who is a resident of the Kalaeloa Community Development District is a resident of the Ewa zone or the Waianae zone. The county members may only vote on issues not related to the Heeia Community Development District.

Three additional voting members are appointed to four-year terms by the Governor with the advice and consent of the Senate to represent the Heeia Community Development District. They may vote only on issues related to the Heeia Community Development District, and they are residents of the Heeia Community Development District or the Koolaupoko District.

If an additional district is designated by the Legislature, the Governor appoints three county members for each additional designated district.

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<sup>1</sup> See chapter 206E, part II, HRS.

<sup>2</sup> See chapter 206E, part VII, HRS.

<sup>3</sup> See chapter 206E, part VIII, HRS.

## **Hawaii Housing Finance and Development Corporation**

The Hawaii Housing Finance and Development Corporation (HHFDC), established under section 201H-2, HRS, is the primary agency charged with overseeing affordable housing finance and development in Hawaii. HHFDC coordinates the finance, development, and management of housing and the delivery of housing and housing services to the State. The Corporation also provides overall administration for development, construction, and technical assistance to projects to increase housing opportunities for low- and moderate-income households and elderly and special needs groups. HHFDC administers various housing financing programs, including the issuance of tax-exempt and taxable bonds, to finance mortgages and the construction or acquisition of rental housing projects.

**Board.** Under section 201H-3, HRS, HHFDC is headed by a Board of Directors consisting of nine members, of whom six are public members appointed to four-year terms by the Governor with the advice and consent of the Senate. At least four of the public members must have knowledge and expertise in public or private financing and development of affordable housing. Public members are appointed from each of the counties. At least one public member represents community advocates for low-income housing, affiliated with private nonprofit organizations that serve the residents of low-income housing. The Director of DBEDT and the Director of Finance, or designees, and a representative of the Governor's Office are ex officio, voting members. The Board selects a Chairperson and Vice Chairperson from among its members, provided that the Chairperson is a public member.

## **Hawaii Strategic Development Corporation**

The Hawaii Strategic Development Corporation (HSDC), established under section 211F-2, HRS, encourages economic development and diversification in Hawaii through innovative actions in cooperation with private enterprises. HSDC establishes programs to stimulate private capital investment in Hawaii toward investments that promote the welfare of citizens in this State, economic growth, employment, and economic diversification. The Corporation may use public funds to provide incentives to private investment activity, by co-investing public funds in private financial organizations to increase the impact of the public investment, while utilizing the investment acumen of the private sector, and by using public funds to reduce the risks of private investments. HSDC has the flexibility to provide various types of financial assistance. When providing financial assistance, the Corporation must make provision for the recovery of its expenditures, to the extent possible.

**Board.** Under section 211F-3, HRS, the governing body of HSDC is a Board of Directors consisting of twelve members who are appointed to four-year terms by the Governor with the advice and consent of the Senate as follows: three members are appointed directly by the Governor, three are appointed from a list of nominees from the general public submitted by the President of the Senate, and three are appointed from a similar list submitted by the Speaker of the House of Representatives. Members are selected on the basis of their knowledge, skill, and experience in the scientific, business, or financial fields. The Director of DBEDT, a member from the Board of the High Technology Development Corporation appointed by the Governor,

and a member from the Board of the Natural Energy Laboratory of Hawaii Authority appointed by the Governor, or designees, serve as ex officio, voting members. Not more than two of the six members of the Board appointed from the lists of nominees submitted by the President of the Senate and the Speaker of the House of Representatives, during their term of office on the Board, may be employees of the State.

### **Hawaii Tourism Authority**

The Hawaii Tourism Authority (HTA), established under section 201B-2(a), HRS, is Hawaii's state tourism agency. Among its duties, under section 201B-3, HRS, are to develop, coordinate, and implement state policies and directions for tourism and related activities, taking into account the economic, social, and physical impacts of tourism on the State and its natural resources infrastructure. HTA supports the efforts of other state and county departments or agencies to manage, improve, and protect Hawaii's natural environment and areas frequented by visitors.

**Board.** Under section 201B-2(b), HRS, HTA is headed by a Board of Directors consisting of twelve members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. One member is appointed from each of the counties, and the remaining members are appointed at large. Three members are appointed by the Governor from a list of three names submitted for each appointment by the President of the Senate, and three members are similarly appointed from a list of three names submitted by the Speaker of the House of Representatives. At least six members must have knowledge, experience, and expertise in the area of visitor industry management, marketing, promotion, transportation, retail, entertainment, or visitor attractions, and at least one must have knowledge, experience, and expertise in the area of Hawaiian cultural practices. No more than three members may represent, be employed by, or be under contract to any sector of the industry represented on the Board.

### **High Technology Development Corporation**

The High Technology Development Corporation (HTDC) is governed by chapter 206M, part I, HRS. Established under section 206M-2(a), HRS, its duties include but are not limited to: (1) developing and encouraging industrial parks as high technology innovation centers and developing or assisting with the development of projects within or outside of industrial parks, including participating with the private sector in such development; (2) providing financial and other support and services to Hawaii-based high technology companies; (3) collecting and analyzing information on the state of commercial high technology activity in Hawaii; (4) promoting and marketing Hawaii as a site for commercial high technology activity; and (5) providing advice on policy and planning for technology-based economic development.

**Board.** Under section 206M-2(b), HRS, the governing body of HTDC consists of a Board of Directors with eleven voting members. Seven of the members are appointed to four-year terms by the Governor with the advice and consent of the Senate, of whom six are from the general public and selected on the basis of their knowledge, interest, and proven expertise in, but

not limited to, one or more of the following fields: finance, commerce and trade, corporate management, marketing, economics, engineering, and telecommunications, and other high technology fields. The seventh appointed member is selected from the faculty of the University of Hawaii. The Director of DBEDT, Director of Finance, an appointed member from the Board of the Hawaii Strategic Development Corporation, and an appointed member from the Board of the Natural Energy Laboratory of Hawaii Authority, or designees, serve as ex officio, voting members.

### **High Technology Innovation Corporation**

Chapter 206M, part IV, HRS, relating to the High Technology Innovation Corporation, was repealed June 30, 2013, pursuant to Act 240, SLH 2012, sections 6 and 8.

### **Land Use Commission**

The Land Use Commission (LUC), established under section 205-1, HRS, consists of nine members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. One member is appointed from each of the counties and the remainder are appointed at large, provided that one member has substantial experience or expertise in traditional Hawaiian land usage and knowledge of cultural land practices.

There are four major land use districts in which all lands in the State are placed: urban, rural, agricultural, and conservation. LUC groups contiguous land areas suitable for inclusion in one of these four major districts and sets standards for determining the boundaries of each district. LUC: (1) processes, reviews, and acts on petitions for district boundary amendments that involve lands over fifteen acres in agricultural, rural, and urban districts and all petitions for reclassification of lands in conservation districts; (2) reviews and acts on applications for special permits in agricultural and rural districts over fifteen acres; (3) processes motions and boundary interpretation requests; and (4) maintains, updates, and disseminates official state land use district maps and land use information.

### **Natural Energy Laboratory of Hawaii Authority**

The Natural Energy Laboratory of Hawaii Authority (NELHA), established under section 227D-2(a), HRS, facilitates research, development, and commercialization of natural energy resources and ocean-related research, technology, and industry in Hawaii and engages in retail, commercial, or tourism activities that financially support that research, development, and commercialization at a research and technology park in Hawaii.

**Board.** Under section 227D-2(b), HRS, the governing body of NELHA is a Board of Directors with thirteen voting members. Three members from the general public are appointed to four-year terms by the Governor with the advice and consent of the Senate; one of these members is a resident of the County of Hawaii. The members are selected on the basis of their

knowledge, interest, and proven expertise in, but not limited to, one or more of the following fields: finance, commerce and trade, corporate management, marketing, economics, engineering, energy management, real estate development, property management, aquaculture, and ocean science. The Chairperson and Secretary of the Research Advisory Committee<sup>4</sup> serve on the Board. The Director of DBEDT, Chairperson of the Board of Land and Natural Resources, President of the University of Hawaii, Mayor of the County of Hawaii, an appointed member from the Board of the High Technology Development Corporation, and an appointed member from the Board of the Hawaii Strategic Development Corporation, or designees, serve as ex officio, voting members. The tenants of NELHA elect two members to the Board from among NELHA tenants.

## Office of Planning

The Office of Planning (OP), established under section 225M-2, HRS, gathers, analyzes, and provides information to the Governor to assist in the analysis and formulation of state policies and strategies. OP provides direction and cohesion in the allocation of resources and effectuation of state activities and programs and addresses current or emerging issues and opportunities. It works in close coordination with county, state, and federal government agencies, the University of Hawaii, and community stakeholders.

OP's statutory authority derives from the following HRS provisions:

- Chapter 205, Land Use Commission (LUC);
- Chapter 205A, Coastal Zone Management (CZM);
- Chapter 225M, State Planning; and
- Chapter 226, Hawaii State Planning Act, where OP is specifically provided for under section 226-53.

OP is divided into the Land Use Division and the Planning Division.

In the Land Use Division, OP is required to appear before the LUC to represent the State's interests. Land use matters that involve OP with LUC include:

- Petitions for district boundary amendments involving land areas greater than 15 acres, under section 205-4, HRS;
- Special permits, under section 205-6, HRS; and
- Identification of important agricultural lands, under chapter 205, part III, HRS.

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<sup>4</sup> Section 227D-4, HRS, requires NELHA to appoint a Research Advisory Committee to obtain expert and specialized counsel and advice on matters relating to scientific research. Members of the Research Advisory Committee elect the Chairperson and Secretary of the Committee.



The Planning Division includes:

- the Coastal Zone Management (CZM) Program, under chapter 205A, HRS;
- the Geographic Information System (GIS), under section 225M-2(b)(4), HRS; and
- the Special Plans Branch, which carries out OP functions under the Hawaii State Planning Act under chapter 226, HRS.

### **Small Business Regulatory Review Board**

The Small Business Regulatory Review Board, established under section 201M-5, HRS, consists of nine members who are appointed to four-year terms by the Governor with the advice and consent of the Senate as follows: three are appointed from a list of nominees submitted by the President of the Senate; three are appointed from a list of nominees submitted by the Speaker of the House of Representatives; two are appointed by the Governor; and the Director of DBEDT, or designee, serves as an ex officio, voting member. The appointments reflect representation of a variety of businesses in the State. No more than two members are representatives from the same type of business, and there is at least one representative from each county. Except for the ex officio member, all members are either a current or former owner or officer of a business and are not an officer or employee of the federal, state, or county government. The Board reviews any proposed new or amended rule or considers any request from small business owners to review any rule adopted by a state agency and recommends to the agency or the Legislature the need for a rule change or legislation. For requests regarding county ordinances, the Board may recommend appropriate action to the county council or mayor.

### **Community-Based Economic Development Advisory Council**

The Community-Based Economic Development Advisory Council, established under section 210D-5, HRS, consists of twelve members. The Director of DBEDT, Chairperson of the Board of Agriculture, and Chairperson of the Office of Hawaiian Affairs, or designees, are ex officio, voting members. The remaining nine members are appointed to four-year terms by the Governor with the advice and consent of the Senate. There is at least one member from each county, and at least one member is a representative of the financial community. The Council reviews all requests for financial assistance to assess whether the proposed community-based economic development activity or enterprise is likely to achieve the purposes of community-based development under chapter 210D, HRS. The Council makes recommendations to DBEDT regarding the appropriateness of the proposed activity or enterprise, and DBEDT has final authority to approve or disapprove the application for financial assistance.

## Aerospace Advisory Committee

The Aerospace Advisory Committee, established under section 201-72.5, HRS, is composed of fifteen members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. Of the fifteen members:

(1) Three are representatives of the aerospace industry. One member is appointed from a list of nominees submitted by the President of the Senate, and one member is appointed from a list of nominees submitted by the Speaker of the House of Representatives;

(2) Three are representatives of the aerospace industry in this State. One member is appointed from a list of nominees submitted by the President of the Senate, and one member is appointed from a list of nominees submitted by the Speaker of the House of Representatives;

(3) One is a representative of investment banking;

(4) Four represent the economic development boards of Kauai, Oahu, Maui, and Hawaii and are appointed, respectively, from a list of nominees submitted by each of those economic development boards;

(5) Three represent the University of Hawaii at Manoa, University of Hawaii at Hilo, and University of Hawaii community college system, and are appointed, one each, from a list of nominees submitted by those entities; and

(6) One member, not appointed under paragraphs (1) through (5) above, who serves as Chairperson, must have experience, knowledge, and expertise in space-related activities and development in the global and state aerospace industry.

The Committee advises and assists the Legislature and state agencies in monitoring, assessing, and promoting aerospace development statewide by: (1) tracking state, national, and global trends and priorities in aerospace development; (2) assisting in identifying and promoting opportunities to expand and diversify aerospace development and aerospace-related industries in the State; (3) supporting the Office of Aerospace Development established under section 201-72, HRS,<sup>5</sup> in networking with national and international aerospace agencies, institutions, and organizations to develop public-private partnerships to support the growth of aerospace development and aerospace-related industries in the State; (4) recommending innovative scientific, educational, and economic strategies and government and education policies to promote the growth and diversification of the aerospace industry in the State; and (5) appointing temporary working groups, as deemed appropriate in the Committee's discretion, to assist the Office of Aerospace Development in research and analysis activities required to complete any report to be submitted to the Legislature and the Governor by the Office of Aerospace Development.

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<sup>5</sup> The Office of Aerospace Development was established by Act 149, SLH 2007, section 2, and codified in chapter 201, part V, HRS. Act 149, SLH 2007, section 1, states, "The purpose of this Act is to position Hawaii to be nationally and globally competitive and recognized in aerospace development."

## **Pacific International Space Center for Exploration Systems**

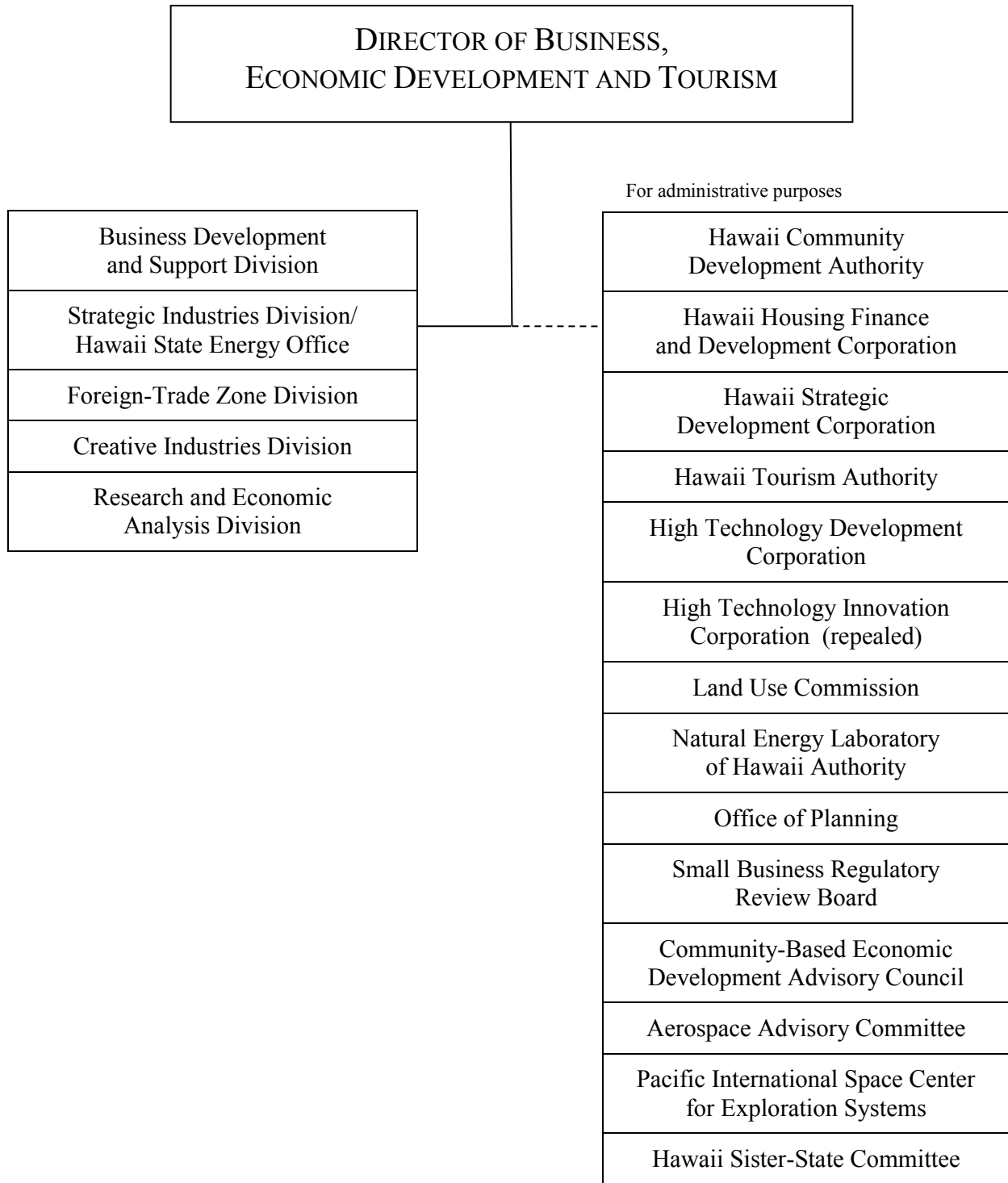
The Pacific International Space Center for Exploration Systems is established under section 201-76, HRS. Pursuant to section 201-79, HRS, among the duties of the Executive Director of the Space Center, who is appointed by the Director of DBEDT, are to: direct the planning, evaluation, and coordination of space-related activities, and identify and promote opportunities for expanding and diversifying aerospace-related industries in the State pertaining to the Space Center; promote innovative educational and workforce development programs that will enhance public awareness of the Space Center and enable residents to pursue employment in Hawaii's aerospace industry; and pursue projects in the aerospace sector that can be leveraged for improvements to the State's broadband and alternative energy capabilities.

**Board.** The Board of Directors of the Space Center, established under section 201-77, HRS, consists of ten members as follows: (1) the Executive Director of the Space Center as an ex officio, voting member; (2) Director of DBEDT, or designee; (3) President of the University of Hawaii, or designee; (4) six members from government, industry, and academia, both national and international, with appropriate professional interests and backgrounds; and (5) an invited representative from the National Aeronautics and Space Administration as an ex officio, nonvoting member. Of the six members under (4) who are appointed to four-year terms by the Governor with the advice and consent of the Senate, two are appointed from a list of nominees submitted by the President of the Senate, two from a list of nominees submitted by the Speaker of the House of Representatives, and two are appointed by the Governor. The Board selects a Chairperson from among its members.

## **Hawaii Sister-State Committee**

The Hawaii Sister-State Committee, established under section 229-2, HRS, consists of five members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. The Governor appoints one member from each of five lists of nominees submitted by: the Speaker of the House of Representatives, President of the Senate, a Native Hawaiian cultural organization, East-West Center, and Hawaii State Association of Counties. A Chair and Vice Chair are appointed by the members from among themselves. The Committee advises the Governor and the Legislature on matters relating to sister-state or province relations and relations, in general, between the State and the states or provinces of foreign countries.

# DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM



## **DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

<http://cca.hawaii.gov>

The Department of Commerce and Consumer Affairs (DCCA), established under section 26-9, HRS, is headed by the Director of Commerce and Consumer Affairs. DCCA protects the interests of consumers, depositors, and investors throughout the State. It sets standards and enforces laws and rules governing businesses, including licensed professionals, and is responsible for business registration, consumer protection, and consumer advocacy in regulated utility and transportation services. DCCA also conducts administrative hearings through its Office of Administrative Hearings, and administers the State Certified Arbitration Program (“lemon law” motor vehicles) as well as the Mortgage Foreclosure Dispute Resolution Program.

### **Office of the Director**

The Office of the Director plans, directs, and coordinates the various activities of the Department. The Office provides support for the Director and handles departmental administration, budget preparation and administration, legislative proposals, organizational review, management of personnel resources, and internal and external communications for the Department.

Programs in the Office of the Director:

**Mortgage Foreclosure Dispute Resolution Program.** The Mortgage Foreclosure Dispute Resolution Program is established under section 667-73, HRS. With the assistance of the Judiciary Center for Alternative Dispute Resolution, DCCA has contracted with neutral services providers to supply qualified neutrals in order to facilitate dispute resolution between owner-occupants and their lenders. Participation in this program by owner-occupants is voluntary and applies only to nonjudicial foreclosures.

**Post-Secondary Education Authorization Program.** The Hawaii Post-Secondary Education Authorization Program (HPEAP), established in DCCA in 2013 under section 305J-1, HRS, creates the framework for authorizing private post-secondary educational institutions in the State. The purpose of HPEAP is to bring Hawaii into compliance with Title IV of the Higher Education Act of 1965,<sup>1</sup> relating to student assistance.

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<sup>1</sup> See P.L. 89-329; 20 U.S.C. 1070 et seq.

## **Office of Administrative Hearings**

The Office of Administrative Hearings is responsible for conducting administrative hearings and issuing recommended or final decisions for all divisions within DCCA that are required to provide contested case hearings pursuant to the provisions of chapters 91 and 92, HRS.

Additional matters heard by the Office of Administrative Hearings are: (1) medical tort claims before Medical Inquiry and Conciliation Panels, under chapter 671, part II, HRS; (2) tort claims against design professionals before Design Claim Conciliation Panels, under chapter 672B, HRS; (3) disputes arising from the State's procurement code under chapter 103D, HRS; (4) due process hearings involving the Individuals with Disabilities Education Act<sup>2</sup> and the state Department of Education; (5) disputes among manufacturers, distributors, or dealers of motor vehicles under chapter 437, part II, HRS; and (6) the Mortgage Foreclosure Dispute Resolution Program, under section 667-73, HRS.

## **Administrative Services Office**

The Administrative Services Office provides the Department with fiscal, budgetary, and office services in support of departmental programs. It provides general internal management assistance to the Director in exercising responsibilities as executive of the Department.

The Fiscal Section implements operational plans for the Department's fiscal management program. It provides fiscal guidance to the programs through the development and implementation of sound fiscal policies and procedures. It maintains an internal accounting system and reviews and processes all departmental receipt and expenditure transactions and payroll records.

The Budget and Management Analysis Staff coordinates the preparation of the annual budget of the Department in cooperation with its various divisions. It assists programs with managing their budgets and monitoring their revenue and expenditure accounts.

The Office Services Staff provides administrative support and coordination of departmental service functions, such as the coordination of mail and messenger services, inventory management, typing of administrative rules and laws, duplication services, and the maintenance of central files.

## **Information Systems and Communications Office**

Within the Information Systems and Communications Office (ISCO), the Information Systems staff assists DCCA divisions in finding, acquiring, implementing, and maintaining information technology that improves the divisions' operations and allows them to provide better service to businesses and consumers.

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<sup>2</sup> See P.L. 101-476, 104 Stat. 1142; 20 U.S.C. 1400 et seq.

The Communications staff provides support for telephone services, the DCCA website, and the Interactive Voice Response (IVR) system.

## **Office of Consumer Protection**

The Office of Consumer Protection (OCP) serves as the consumer counsel for the State under chapter 487, HRS. As consumer counsel, OCP is the primary government agency responsible for reviewing, investigating, and prosecuting allegations of unfair or deceptive trade practices in consumer transactions. In addition to its enforcement powers, OCP provides consumer education and fosters awareness of important consumer protection issues through its programs, media releases, and educational materials.

Functionally, this means that OCP has jurisdiction over a wide range of businesses and commercial activities. OCP receives myriad consumer complaints each year, including but not limited to: advertising violations, door-to-door sales, solar energy devices, gift certificates, offers of gifts and prizes, going-out-of-business sales, refunds and exchanges, collection practices, and credit sales. More recently, OCP has investigated and initiated enforcement actions in numerous consumer fraud cases related to mortgage foreclosure rescue scams under chapters 480 (Monopolies; Restraint of Trade) and 480E (Mortgage Rescue Fraud Prevention Act), HRS.

Under section 521-77, HRS, OCP may receive, investigate, and attempt to resolve any dispute arising under the Residential Landlord-Tenant Code, chapter 521, HRS.

## **Business Registration Division**

The Business Registration Division fulfills three primary functions:

**Business registry.** The Division's ministerial duties include processing and maintaining for public access registrations of corporations, general and limited partnerships, limited liability partnerships, limited liability companies, trade names, trademarks, service marks, cooperatives, and publicity rights.

**Business assistance.** The Division provides point-of-service information and assistance to the public to help facilitate, coordinate, and simplify the application process for customers to register with the State in the areas of business, tax, and employment.

**Securities regulation.** The Division's regulatory function includes substantive oversight of the securities industry in the State in the following areas: (a) registration of broker-dealers, securities salespersons, investment advisers, investment adviser representatives, securities, and franchises offered for sale in the State; (b) examination of broker-dealers and investment advisers; (c) review of securities and franchises offered for sale in the State; and (d) the investigation and prosecution of securities violations under the Uniform Securities Act, chapter 485A, HRS.

## **Cable Television Division**

The regulatory powers vested in the Director over cable television companies, under section 440G-4, HRS, are administered by the Cable Television Division (CATV). CATV: (1) determines whether the initial issuance, renewal, or transfer of a cable franchise is in the public's best interest; and (2) enforces obligations of a cable franchise to ensure cable operators' compliance with rules relating to their practices and procedures, such as customer service, technical standards, and basic service rates. In addition to its regulatory oversight of the franchised cable industry, CATV is also responsible for implementing activities to promote ubiquitous access to high-speed broadband at affordable prices throughout the State. These activities include developing plans and recommending legislation to expand and accelerate deployment of broadband infrastructure; supporting public-private efforts to develop broadband infrastructure; and working with government agencies, broadband providers, and other stakeholders to advance the provision of broadband services to unserved and underserved areas in the State.

**Broadband Assistance Advisory Council.** Act 199, SLH 2010, section 3, as amended by Act 151, SLH 2011, section 5, directs the Director of Commerce and Consumer Affairs (Director) to convene and chair the Broadband Assistance Advisory Council to advise the Director on policy and funding priorities to promote and encourage use of telework alternatives for public and private employees and expedite deployment of affordable and accessible broadband services in Hawaii. The Council consists of the Director, or designee, and twelve members as follows: (1) two members of the Senate, appointed by the President of the Senate; (2) two members of the House of Representatives, appointed by the Speaker of the House of Representatives; (3) four representatives of federal, state, and county government entities having a role in infrastructure deployment; management of public rights-of-way, regulation, and franchising; information technology; and economic development; and (4) four representatives of Hawaii's private sector technology, telecommunications, and investment industries. Except for the Director, all members serve four-year terms. The Director serves as Chairperson of the Council.

**Cable Advisory Committee.** The Cable Advisory Committee, established under section 440G-13, HRS, consists of five members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. The Committee advises: (1) the Director, cable operators, and access organizations on matters within the jurisdiction of chapter 440G, HRS, at the request of the Director, any cable operator, or any access organization; and (2) the Director on any decision designating, modifying, or rescinding a designation of an access organization or the requirements therefor, as provided in section 440G-8.3, HRS.

## **Division of Consumer Advocacy**

The Division of Consumer Advocacy provides administrative support to the Director of Commerce and Consumer Affairs who is designated the Consumer Advocate in hearings before the Public Utilities Commission, under section 269-51, HRS. The Consumer Advocate represents, protects, and advances the interests of all consumers of utility and transportation



services. These lifeline services include electricity, gas, telecommunications, persons and/or property carriage over land and water, private water, and wastewater. In order to carry out this mandate, the Division plans, organizes, directs, and coordinates efforts to ensure compliance with laws regulating the conduct and management of all franchised or certified public service companies operating in the State. The Division performs economic, financial, and engineering analyses of applications filed by public utilities and transportation companies that serve Hawaii and whose regulation falls within the jurisdiction of the Public Utilities Commission and federal regulatory agencies, such as the Federal Communications Commission and the Surface Transportation Board.

### **Division of Financial Institutions**

The Division of Financial Institutions administers and enforces state laws governing the licensure, examination, and supervision of state-chartered and state-licensed financial institutions, including banks, savings and loan associations, financial services loan companies, trust companies, credit unions, and foreign banks, to ensure their safety, soundness, and regulatory compliance. The Division also administers and enforces state laws governing escrow depositories, money transmitters, mortgage servicers, and mortgage loan originators to ensure regulatory compliance.

The Division is headed by the Commissioner of Financial Institutions who is appointed by the Director of Commerce and Consumer Affairs, subject to approval by the Governor, pursuant to section 412:2-100, HRS.

The Division has two branches: (1) The Field Examination Branch is responsible for on-site examinations of financial institutions to determine the financial condition of the institution, evaluate its management, and determine compliance with applicable laws and rules. The Branch also conducts examinations and investigations of escrow depositories, money transmitters, mortgage loan originators and mortgage loan originator companies when warranted. (2) The Licensing and Regulatory Analysis Branch is responsible for licensing activities and other regulatory approvals, off-site monitoring programs, responding to complaints and inquiries, and investigating alleged violations of state law.

**Credit Union Advisory Board.** The Credit Union Advisory Board, established under section 412:10-125, HRS, consists of five members who are appointed to four-year terms by the Governor with the advice and consent of the Senate, with at least one member from each of the counties. The Governor designates the Chairperson. All members must be persons of proven credit union experience and members of credit unions operating under chapter 412, HRS. The Board advises the Commissioner of Financial Institutions in improving the operations and supervision of credit unions; proposes laws and rules to safeguard the interest of depositors and members; promotes the extension of credit at the lowest possible rates and cooperation with any group of individuals who are interested in the formation and development of a credit union.

## Insurance Division

The Insurance Division is responsible for overseeing the insurance industry in the State, which includes insurance companies, insurance agents, self-insurers, and captive insurance companies. The Division ensures that consumers are provided with insurance services that meet acceptable standards of quality, equity, and dependability at fair rates by establishing and enforcing appropriate service standards. The Division administers chapters 431, 431K, 431M, 432, 432D, 432E, 435C, and 435E, HRS, under Title 24 (Insurance), HRS, which provide for the licensing, supervision, and regulation of all insurance transactions in the State. In addition to Title 24, HRS, the Division administers laws covering insurance provided by non-profit corporations and associations operating as mutual and fraternal benefit societies, health maintenance organizations, dental service corporations, service contract provider, and prepaid legal services.

The Insurance Division is organized into ten branches:

**Administration Branch.** The Administration Branch coordinates and directs the other branches to implement and enforce actions that will ensure the continuation of insurance activities, including the payment of claims, and the availability of insurance policies for purchase in the State as directed by laws and rules.

**Financial Surveillance and Examination Branch.** The Financial Surveillance and Examination Branch reviews all filings from companies applying for Certificates of Authority to transact the business of insurance; audits domestic annual financial statements and premium tax statements; and conducts a continuing program of insurance company, agency, mutual and fraternal benefit societies, health maintenance organization financial and/or market conduct examinations to ensure compliance with insurance laws and financial solvency to safeguard consumer interests and maintain professionalism in the industry.

**Compliance and Enforcement Branch.** When a complaint is filed with the Insurance Division, the Compliance and Enforcement Branch conducts an investigation to ensure compliance with applicable statutes and rules and appropriate disciplinary actions by the Branch when necessary. If it is determined that a case warrants prosecution, it is referred to the Office of the Attorney General for prosecution by the State.

**Licensing Branch.** The Licensing Branch oversees the examination process for and issues licenses to qualified applicants for producer, surplus lines broker, adjuster, independent bill reviewer, managing general agent, reinsurance intermediary insurance licenses; and maintains records of the licensees. The Branch also provides support services to the Financial Surveillance and Examination Branch in issuing and amending Certificates of Authority and maintaining these records. The Branch is responsible for renewal notifications, processing of remittance checks, and confirmation and cancellation of these insurance licenses.

**Rate and Policy Analysis Branch.** The Rate and Policy Analysis Branch (RPA) provides systems and procedures for the conduct and analyses of rate and policy filings of domestic, foreign, and alien insurance companies for compliance with state insurance laws. RPA

reviews and approves rates used by companies in the sale of their policies to ensure that mandated coverages are provided and that the interests of buyers are protected.

**Insurance Fraud Investigation Branch.** With the exception of worker compensation insurance, the Insurance Fraud Investigation Branch was formed to conduct a statewide program for the prevention, investigation, and prosecution of insurance fraud cases and violations of all applicable state laws relating to insurance fraud.

**Health Insurance Branch.** The Health Insurance Branch is responsible for regulating health insurers, including health maintenance organizations and mutual benefit societies. The Branch's primary responsibilities are: receiving inquiries and complaints pertaining to health insurance, including long-term care insurance; administering the external review process; monitoring and examining the financial solvency of health insurers; and conducting health insurance rate regulation. The Branch also assists the federal government with the enforcement and implementation of federal health insurance regulation and reviews long-term care advertisements.

**Captive Insurance Branch.** The Captive Insurance Branch (CI) provides for dedicated resources to facilitate the monitoring, regulation, and prudent development of the captive insurance industry in the State. CI reviews and evaluates each prospective captive application on a case-by-case basis to ensure appropriate economic and social responsibility of each program structure and its related constituencies, as well as compliance with applicable state laws and rules. On an ongoing basis, CI utilizes interim and annual reports and filings of captives and on-site examinations to monitor compliance of captives with their approved applications and business plans.

**Legal Branch.** The Legal Branch advises the Commissioner, the Chief Deputy, and the Division on all legal matters and is the interface between the Division and the Department of the Attorney General. The Branch serves as hearings officers for administrative hearings as assigned by the Commissioner; researches insurance issues, provides interpretations of the laws and rules, and reviews and analyzes administrative decisions and rulings; prepares legislative bills, legislative testimonies, administrative rules, and requests for formal and informal legal opinions; assists the branches in enforcing compliance provisions within Title 24, HRS; and provides assistance to the Financial Surveillance and Examination, Health Insurance, and Captive Insurance branches regarding supervision, rehabilitation, and liquidation proceedings.

**Office Services Branch.** The Office Services Branch provides general reception; answering and screening of telephone calls; and clerical, stenographic, typing, duplicating, and other administrative services for the Division. The Branch also maintains the Division's central administrative files, including memoranda, newspaper articles, documents, and reports; orders office supplies and equipment for the Division and maintains its inventory; and handles the receiving and distribution of the Division's general mail.

## **Regulated Industries Complaints Office**

The Regulated Industries Complaints Office (RICO) is the enforcement arm of 48 professional boards, commissions, and programs that are administratively attached to the Department. RICO receives complaints, conducts investigations, and prosecutes licensing law violations. Through the administrative process, RICO may seek fines, restitution, and license sanctions. RICO also prosecutes unlicensed activity through citations and civil lawsuits. Additionally, RICO works to resolve consumer complaints where appropriate and provides consumer education about various issues relating to licensing and consumer protection. RICO also administers the State Certified Arbitration Program (SCAP)<sup>3</sup> for “lemon law” motor vehicle claims. RICO’s neighbor island offices in Hilo, Kona, Wailuku, and Lihue serve as liaisons for other divisions of the Department.

## **Professional and Vocational Licensing Division**

The Professional and Vocational Licensing Division (PVL) is responsible for 25 professional boards and commissions and 23 licensing programs. PVL provides administrative assistance to each regulatory board or commission, administers the various licensing examinations, issues and renews licenses, proposes policies and rules, and recommends amendments to existing laws.

The Department has assigned the following programs to the Division to administer:

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<sup>3</sup> See section 481I-4, HRS.

## Licensing Programs

Program	HRS Chapter	Certificate Required
Activity Providers and Activity Desks	468M	Registration
Athlete Agents	481E	Registration
Athletic Trainers	436H	Registration
Cemetery and Funeral Trusts	441	License
Collection Agencies	443B	Registration
Commercial Employment Agencies	373	License
Condominium Property Regimes	514A & 514B	Registration
Dispensing Opticians	458	License
Electrologists	448F	License
Hearing Aid Dealers and Fitters	451A	License
Marriage and Family Therapists	451J	License
Mental Health Counselors	453D	License
Mixed Martial Arts Contests	440E	License
Nurse Aides	457A	Certification
Nursing Home Administrators	457B	License
Occupational Therapy	457G	Registration
Port Pilots	462A	License
Real Estate Appraisers	466K	License/Certification
Respiratory Therapists	466D	License
Social Workers	467E	License
Subdivisions	484	Registration
Time Sharing Plans	514E	Registration
Travel Agencies	468L	Registration

**ATTACHED FOR ADMINISTRATIVE PURPOSES**

Professional boards and commissions are governed by the Uniform Professional and Vocational Licensing Act, chapter 436B, HRS. Among the powers and duties granted to a licensing authority<sup>4</sup> under section 436B-7, HRS, are to: (1) adopt, amend, or repeal rules; (2) grant, deny, convert, forfeit, renew, reinstate, or restore licenses; (3) revoke, suspend, or otherwise limit the license of any licensee for any violation of the licensing laws or any rule or order of the licensing authority; (4) develop requirements for licensure; (5) investigate and conduct hearings regarding any licensing violation; (6) monitor the scope of practice of the profession or vocation regulated by the licensing authority; and (7) prepare, administer, and grade examinations.

The following table lists regulatory boards and commissions that are administratively attached to the Department. Pursuant to section 26-34, HRS, the members of each board and commission are nominated and, by and with the advice and consent of the Senate, appointed by the Governor. Unless otherwise provided by law, the term of appointment is four years, and no person may be appointed consecutively to more than two terms as a member of the same board or commission.

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<sup>4</sup> "Licensing authority" means the Director of Commerce and Consumer Affairs, or any licensing board or commission under the administrative control of the Director pursuant to section 26-9(c), HRS, authorized by statute to grant or to deny licenses. See section 436B-2, HRS.

### Professional Boards and Commissions

Board or Commission	HRS Chap.	Composition of Board
State Board of Public Accountancy	466	9 members: 7 professional, 2 public
Board of Acupuncture	436E	5 members: 3 professional, 2 public
State Board of Barbering and Cosmetology	438	7 members: 2 barbers, 2 beauty operators, 3 public
State Boxing Commission	440	5 members: at least 1 member is a member of USA Boxing, Inc.; 1 member is designated by the Governor as Chairperson
State Board of Chiropractic Examiners	442	5 members: 3 professional, 2 public
Contractors License Board	444	13 members: 10 professional, 3 noncontractors; each county is represented
Board of Dental Examiners	448	12 members: 8 dentists (5 from C&C, <sup>5</sup> 3 from each of the other counties); 2 dental hygienists; 2 public
Board of Electricians and Plumbers	448E	7 members: 2 electricians, 2 plumbers, 3 public
Elevator Mechanics Licensing Board	448H	7 members: 4 professional, 2 public, Director of Labor and Industrial Relations
State Board of Professional Engineers, Architects, Surveyors, and Landscape Architects	464	14 members: 4 engineers, 3 architects, 2 surveyors, 2 landscape architects, 3 public; each county is represented
State Board of Massage Therapy	452	5 members: 3 professional, 2 public
Hawaii Medical Board	453	11 members: 7 physicians or surgeons, 2 osteopathic physicians (of these 9, at least 5 are from C&C, at least 1 from each of the other counties), 2 public
Motor Vehicle Industry Licensing Board	437	7 members: 3 professional, 4 public
Motor Vehicle Repair Industry Board	437B	7 members: 3 professional (at least 2 mechanics), 4 public
State Board of Naturopathic Medicine	455	5 members: 3 professional, 2 public

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<sup>5</sup> City and County of Honolulu

<b>Board or Commission</b>	<b>HRS Chap.</b>	<b>Composition of Board</b>
State Board of Nursing	457	9 members: 6 registered nurses (1 advanced practice registered nurse), 1 licensed practical nurse, 2 public (6 from C&C, 3 from other counties)
Board of Examiners in Optometry	459	7 members: 5 professional (1 from a county other than C&C), 2 public
Pest Control Board	460J	9 members: 4 professional, 2 public; 3 ex officio, voting: Chairperson of Board of Agriculture; Director of Health; Chairperson of Dept. of Entomology, College of Tropical Agriculture and Human Resources, UH
Board of Pharmacy	461	7 members: 5 professional, 2 public (4 from C&C, 3 from other counties)
Board of Physical Therapy	461J	7 members: 4 physical therapists; 1 physician, osteopathic physician, surgeon, or dentist; 2 public
Board of Private Detectives and Guards	463	7 members: 2 chiefs of police of any county, 1 private detective, 1 guard, 2 public; Director of Commerce and Consumer Affairs is ex officio, nonvoting 7 <sup>th</sup> member
Board of Psychology	465	7 members: 5 professional, 2 public
Real Estate Commission	467	9 members: at least 4 real estate brokers, 1 designated by Governor as Chairperson; 2 public; (4 from C&C, 3 from each of the other counties)
State Board of Speech Pathology and Audiology	468E	7 members: 2 speech pathologists, 2 audiologists, 3 public (1 otorhinolaryngologist)
Board of Veterinary Examiners	471	7 members: 5 professional, 2 public (4 from C&C, 3 from other counties)



## **Medical Inquiry and Conciliation Panels**

Pursuant to section 671-11, HRS, Medical Inquiry and Conciliation Panels are established to facilitate the resolution of inquiries regarding the rendering of professional services by health care providers that involve injury, death, or other damages to a patient. A panel is formed for each inquiry filed under section 671-12, HRS, and is disbanded after an inquiry is resolved, a notice of termination is filed, or a lawsuit based on the circumstances of the injury is filed. Each panel consists of a chairperson who is an attorney licensed to practice in the State and experienced in trial practice and the personal injury claims settlement process, and one physician, osteopathic physician, or surgeon licensed to practice under chapter 453, HRS. The chairperson is appointed by the Director of Commerce and Consumer Affairs from a list of eligible persons approved by the Chief Justice. The physician, osteopathic physician, or surgeon is appointed by the chairperson and is licensed and in good standing under chapter 453, HRS.

## **Design Claim Conciliation Panels**

Pursuant to section 672B-3, HRS, Design Claim Conciliation Panels are established to review and render findings and advisory opinions on the issues of liability and damages in tort claims against design professionals licensed to practice under chapter 464, HRS. A panel is formed for each claim filed pursuant to section 672B-5, HRS, and after the panel renders its decision or the claim is otherwise disposed of, the panel is disbanded. Each panel consists of a chairperson selected from among persons who are familiar with and experienced in the claims settlement process, an attorney licensed to practice in the State and experienced in trial practice, and one design professional licensed to practice under chapter 464, HRS. The chairperson is appointed by the Director of Commerce and Consumer Affairs from a list of eligible persons approved by the Chief Justice. The attorney is appointed by the chairperson from a list of not less than 35 attorneys experienced in trial practice submitted annually by the Supreme Court. The design professional is appointed by the chairperson and must be currently licensed and in good standing under chapter 464, HRS.

## **Hawaii Hurricane Relief Fund**

The Hawaii Hurricane Relief Fund (HHRF) is established under section 431P-2, HRS, and pursuant to section 431P-4, HRS, is responsible for monitoring the availability of property insurance, including insurance for "covered events," which is defined as hurricanes that directly cause windstorm damage in the State. If at any time its Board of Directors determines that the private insurance market is not making such insurance reasonably available to consumers in this State, the Fund may offer policies of hurricane property insurance for sale in accordance with chapter 431P, HRS.

**Board.** Under section 431P-3, HRS, the Board of Directors is the policy-making body of the Fund and establishes policies for the administration and operation of the Fund. The Board consists of the Insurance Commissioner as an ex officio, voting member and six members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. Of

the six appointed members, two are from a list of nominations submitted by the President of the Senate and two from a list of nominations submitted by the Speaker of the House of Representatives. The Governor selects the Chairperson and Vice Chairperson from among the members. HHRF suspended its insurance operations as of December 1, 2001, because the private market returned to the provision of hurricane insurance in Hawaii.

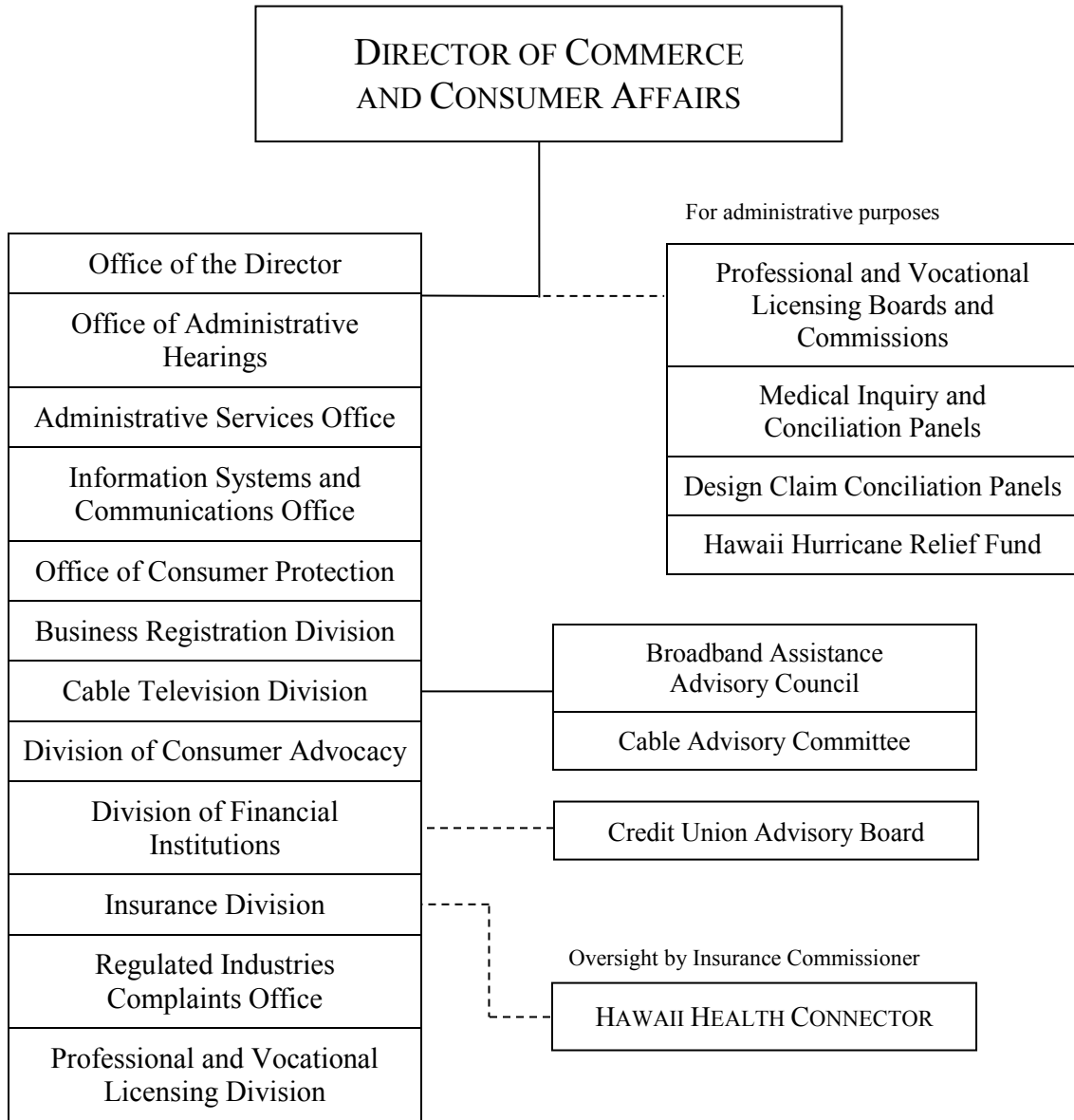
### **HAWAII HEALTH CONNECTOR**

<http://hawaiihealthconnector.com>

The Hawaii Health Insurance Exchange, known as the Hawaii Health Connector, is established under section 435H-2, HRS. The Connector serves as a clearinghouse for information on all qualified plans and qualified dental plans listed or included in the Connector. The purposes of the Connector include: (1) facilitating the purchase and sale of qualified plans and qualified dental plans; (2) connecting consumers to the information necessary to make informed health care choices; and (3) enabling consumers to purchase coverage and manage health and dental plans electronically. The Connector is a Hawaii nonprofit corporation organized and governed pursuant to chapter 414D, HRS. The Connector is not an agency of the State and is not subject to laws or rules regulating rulemaking, public employment, or public procurement. However, under section 435H-8, HRS, the Insurance Commissioner retains full regulatory jurisdiction pursuant to the authority granted to the Commissioner by chapter 431, article 2, part II, HRS, over all insurers and qualified plans and qualified dental plans included in the Connector.

**Board.** The Health Connector, under section 435H-4, HRS, is governed by a Board of Directors comprising fifteen members who are appointed by the Governor to four-year terms with the advice and consent of the Senate. The membership of the Board reflects geographic diversity and the diverse interests of stakeholders, including consumers, employers, insurers, and dental benefit providers. The Director of Commerce and Consumer Affairs, Director of Health, Director of Human Services, and Director of Labor and Industrial Relations, or designees, are ex officio, voting members. Ex officio members serve during their entire term of office.

# DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS



## **DEPARTMENT OF DEFENSE**

<http://hidod.hawaii.gov>

The State Constitution, Article V, section 5, provides that the Governor is the Commander in Chief of the armed forces of the State. The Department of Defense is established under section 26-21, HRS. The Adjutant General, pursuant to section 121-7, HRS, is the executive head of the Department of Defense and the commanding general of the militia of the State and, pursuant to section 26-21, HRS, the Director of Civil Defense. The Adjutant General supervises all of the forces comprising the military components of the Department of Defense of the State. Military supervisory power includes the command, discipline, training, and recruiting of the armed forces of the State, military operations, distribution of troops, inspections, armament, military education and instruction, fiscal operations, administration, and supply.

### **Civil Defense Division**

The Civil Defense Division plans, coordinates, and supervises civil defense activities throughout the State. The objectives of civil defense are to: minimize the loss of life and property, restore essential public services, and expedite recovery and rehabilitation in the event of natural disaster, and, in the event of national emergency, to ensure the continuation of civil government and to manage the mobilization and utilization of the State's resources and production.

### **Hawaii Air and Army National Guard Divisions**

The Hawaii National Guard, which consists of the Hawaii Air National Guard and the Hawaii Army National Guard, maintains its readiness for state and federal active duty. Both the Air and Army National Guard are prepared for local or global assignments, should the Governor or President order either to active duty. Each member of the Air and Army National Guard is a member of the state militia and the National Guard of the United States. All members are subject, as the case may be, to the call of the Governor or the President. The National Guard (at the state level) and the militia are regulated under chapter 121, HRS.

### **Hawaii State Defense Force**

The Hawaii State Defense Force, established under section 122A-2, HRS, is currently an inactive division of the Department of Defense. When activated as part of the State's organized militia, the Defense Force may be employed by competent civil authority to help preserve peace and order and maintain the public's safety. Members consist of persons over the age of eighteen years voluntarily enlisted or appointed and such members of the unorganized militia as may be enrolled by draft or as otherwise provided by law.

## ATTACHED FOR ADMINISTRATIVE PURPOSES

### Office of Veterans' Services

The Office of Veterans' Services, established under section 363-2, HRS, is the principal agency in state government responsible for the administration and conduct of all functions and activities concerning veterans. It maintains a veterans' services delivery network, evaluates services to veterans, serves as a clearinghouse for veterans' complaints, and operates the State Veterans Cemetery on Oahu.

**Advisory Board.** The Advisory Board on Veterans' Services, established under section 363-3.5, HRS, consists of nine members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. Five members are veterans, with at least one member residing in each of the counties of Maui and Kauai. The County of Hawaii is represented by two members, one member residing in East Hawaii and one member in West Hawaii. Four members reside in the City and County of Honolulu. At least three members are women. The Director of Health, Director of Human Services, Director of Labor and Industrial Relations, and the Adjutant General are ex officio, nonvoting members. The Director for the Office of Veterans' Services is an ex officio, voting member. The Chairperson of the Board is elected by a majority of the Board. The Board sits in an advisory capacity to the Director of the Office of Veterans' Services.

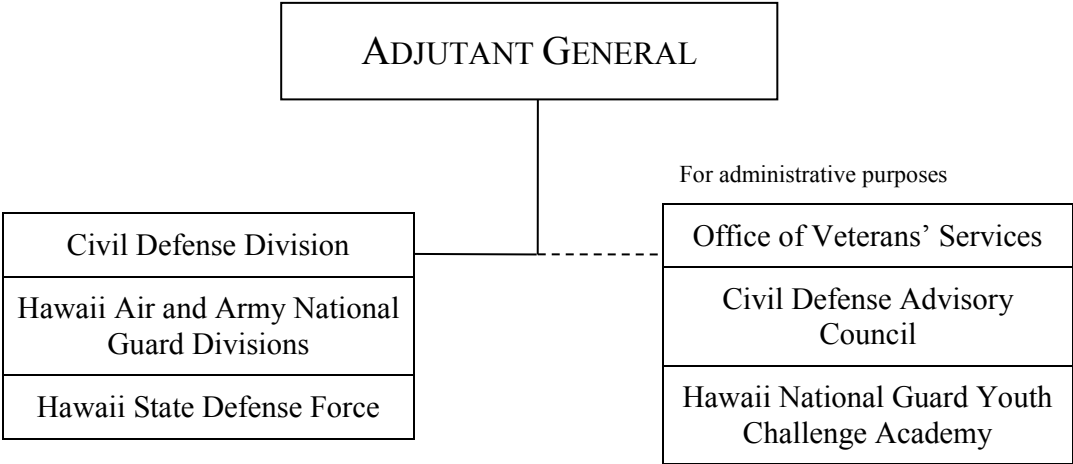
### Civil Defense Advisory Council

The Civil Defense Advisory Council, established pursuant to sections 26-21(b) and 128-4, HRS, consists of seven members who are appointed by the Governor. Persons holding public office or employment in the state government, or any of its political subdivisions, are eligible for appointment. The Council confers with and advises the Governor on matters pertaining to civil defense.

### Hawaii National Guard Youth Challenge Academy

The Hawaii National Guard Youth Challenge Academy, located at Kalaeloa on Oahu, was established in 1994 and has graduated 36 classes and over 3000 young people. A second site was opened at Kulani on Hawaii Island in 2011 and has graduated 3 classes and almost 170 "Cadets." The Academy provides 16- to 18-year-old at-risk youths a second chance to earn their high school diploma, while working on the skills and discipline necessary to become successful and productive citizens of the State of Hawaii. The Cadets live in a quasi-military environment for 22 weeks during the residential phase of the program. Cadets must remain drug free and be physically and mentally fit in order to complete the program. A personal mentor follows the progress of the Cadets for at least one year during the post-residential phase. As part of the post-residential phase, the Cadets are required to select or combine any of the following three options: enroll in a program of higher education, hold gainful employment, or enlist in a branch of the U.S. military. The program is funded primarily by the federal government with the State paying a small portion.

# DEPARTMENT OF DEFENSE



## **DEPARTMENT OF EDUCATION**

<http://doe.k12.hi.us>

### **BOARD OF EDUCATION**

<http://hawaiiboe.net>

The Board of Education (BOE), established under the State Constitution, Article X, section 2, serves as the state educational agency for all public schools, including the State's public charter schools. Under Article X, section 3, and section 302A-1101, HRS, the Board is empowered to formulate statewide educational policy and appoint the Superintendent of Education. The Board appoints the State Librarian pursuant to section 312-2.1, HRS, and the members of the State Public Charter School Commission, pursuant to sections 302A-1101(d) and 302D-3, HRS (see respective descriptions under Public Library System and Attached for Administrative Purposes).

Pursuant to section 302A-121, HRS, the Board consists of nine members who are appointed to three-year terms by the Governor with the advice and consent of the Senate: one member each from the counties of Hawaii, Maui, and Kauai; three members from the City and County of Honolulu; and three at-large members, one of whom the Governor selects as the Chairperson. Members may not serve more than three consecutive three-year terms.

Pursuant to sections 302A-121(d) and 302A-447(b), HRS, the State Student Council selects a nonvoting public high school student representative to the BOE. Pursuant to sections 302A-121(e) and 302A-1101(c), HRS, the BOE invites the senior military commander in Hawaii to appoint a nonvoting military representative to the Board for a two-year term.

## **DEPARTMENT OF EDUCATION**

The Department of Education (DOE), established under sections 26-12 and 302A-1101, HRS, serves as the central support system responsible for: the overall administration of statewide educational policy, interpretation, and development of standards for compliance with state and federal laws; and coordination and preparation of a systemwide budget for the public schools.

### **Public School System**

The Public School System is responsible for all public schools with educational programs and services through grade 12. It also provides programs for students with disabilities or special needs, limited preschool programs, and community/adult education programs. Other programs administered by the Public School System include the After-School Plus (A+) child care

program<sup>1</sup> and summer school programs. It also regulates private trade, vocational, and technical schools but does not regulate or license private K-12 schools.

The Public School System includes more than 250 regular schools and 30-plus public charter schools with a total enrollment of more than 181,000 – one of the ten largest school districts in the country.

The statewide Public School System is organized through state-level offices and seven administrative districts (four on Oahu, and one each for Hawaii, Maui, and Kauai counties). The state-level offices provide the Public School System with administrative, professional, and technical support services, while the district administrative offices, headed by one or more Complex Area Superintendents, are responsible for administering the public schools within their districts and for providing support services to the schools.

### **Office of the Superintendent**

The Superintendent of Education is the chief executive officer of the Public School System, pursuant to section 302A-1111, HRS. The Office of the Superintendent includes the Systems Accountability Office, Communications and Community Affairs Office, Civil Rights Compliance Office, Data Governance Office, Internal Audit Office, and Office of Strategic Reform.

The Superintendent's leadership team consists of a Deputy Superintendent who manages academic/educational programs, a "Senior" Assistant Superintendent for Administrative Affairs who supervises and directs the administrative offices, and an Administrative Assistant. The team also includes six state-level Assistant Superintendents who head the Office of School Facilities and Support Services, Office of Curriculum, Instruction and Student Support, Office of Fiscal Services, Office of Human Resources, Office of Information Technology Services, and Office of Strategic Reform. In addition, the Superintendent, with the approval of the BOE, appoints 15 Complex Area Superintendents (nine on Oahu, three on Hawaii, two on Maui, and one on Kauai) who oversee and support the schools in their respective areas.

### **Office of the Deputy Superintendent**

The Deputy Superintendent assists the Superintendent in executing the Superintendent's duties and responsibilities and is delegated authority to act for the Superintendent. The Deputy Superintendent is responsible for leading, directing, and supervising DOE academic/education programs. This position oversees the 15 Complex Areas, Military Liaison Program, Special Projects, School Communications and Community Outreach Division, and Office of Curriculum, Instruction and Student Support.

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<sup>1</sup> See section 302A-408, HRS, and sections 8-400-1 et seq., Hawaii Administrative Rules (hereafter "HAR").



## **Office of the “Senior” Assistant Superintendent for Administrative Affairs**

The “Senior” Assistant Superintendent supervises, directs, and provides the strategic visioning/leadership for the administrative offices that support DOE. These offices include the Office of School Facilities and Support Services, Office of Fiscal Services, Office of Human Resources, and Office of Information Technology Services.

Descriptions of several of the offices under the Superintendent, Deputy Superintendent, and "Senior" Assistant Superintendent for Administrative Affairs follow:

### **Office of Strategic Reform**

The Office of Strategic Reform (OSR) serves as a catalyst for a performance-based culture and organization and is directed by the Assistant Superintendent for Strategic Reform. The Assistant Superintendent is responsible for project management oversight of strategic initiatives. A key function of OSR is to facilitate the transformation of DOE to a performance- and outcomes-focused organizational culture.

### **Office of Curriculum, Instruction and Student Support**

The Office of Curriculum, Instruction and Student Support is a flexible organization that supports systemwide accountability, systems requirements, standards-based curriculum, instruction, and student support. This includes primary responsibility for coordination and implementation of DOE’s initiatives to meet the requirements for state and federal mandates. The Office is under the direction of the Assistant Superintendent, and its responsibilities are performed by the Student Support Branch and Curriculum and Instruction Branch.

### **Office of School Facilities and Support Services**

The Office of School Facilities and Support Services exercises technical staff oversight of the operations, construction, and maintenance of facilities, food services, and transportation support for the Public School System. It develops and implements administrative rules, publishes operational guidelines, and provides related in-service training, monitoring, and technical assistance to schools to ensure that the support is being provided in accordance with laws, policies, and accepted principles of management. The Office’s oversight of support services is exercised in collaboration with the Complex Area Superintendent of the respective school complex.

## **Office of Fiscal Services**

The Office of Fiscal Services manages DOE's accounting, budget, and procurement activities and systems to serve the needs of the schools, complex areas, and state central office. The Office is responsible for: developing and implementing long- and short-term financial activities; leading DOE's accounting, budgeting, and procurement operations; and providing timely, accurate, and user-friendly information and reports, with guidelines/procedures for completion of documents that are clear and aligned with DOE's goals and objectives.

## **Office of Human Resources**

The Office of Human Resources (OHR) administers a comprehensive personnel program for certificated, classified, and casual employees of the Public School System within the framework of established laws, policies, and accepted principles of personnel management. OHR develops and implements administrative rules; publishes operational guidelines; and provides centralized employment and personnel administration services to schools and district and state administrative offices to ensure that support is being provided efficiently and effectively. OHR collaborates with state and district administrative offices to provide comprehensive services. OHR provides staff to state and district administrative offices in personnel areas that include but are not limited to recruitment, labor relations and contract administration, employee relations and services, and criminal history records checks.

## **Office of Information Technology Services**

The Office of Information Technology Services (OITS) exercises technical oversight of information and telecommunication systems and facilities. It services the Public School System and DOE-wide operations to ensure that information technology and telecommunications support are being provided efficiently, effectively, and in accordance with laws, policies, and accepted principles of management. The scope of OITS' technical oversight includes voice, data, video, information systems infrastructure, and support services for schools, Complex Areas, and state administrative offices. Support services to schools are exercised in collaboration with the Complex Area Superintendent.

## **Administrative District Offices (Complex Areas)**

Seven administrative district offices provide support and oversee the regular public schools. The district offices house one or more Complex Area Superintendents, 15 in all, who are each responsible for two to four school complexes. A school complex includes a high school and all of the elementary and middle/intermediate schools that feed into it. Complex Area Superintendents serve as direct supervisors for their respective school principals.

The seven administrative districts and the 15 complex area groups are:

- Honolulu--Kaimuki/McKinley/Roosevelt, and Farrington/Kaiser/Kalani
- Central Oahu--Leilehua/Mililani/Waialua, and Aiea/Moanalua/Radford
- Leeward Oahu--Nanakuli/Waianae, Pearl City/Waipahu, and Campbell/Kapolei
- Windward Oahu--Castle/Kahuku, and Kailua/Kalaheo
- Hawaii--Hilo/Waiakea, Kau/Keaau/Pahoa, and Honokaa/Kealakehe/Kohala/Konawaena
- Maui--Baldwin/Kekaulike/Maui, and Hana/Lahainaluna/Lanai/Molokai
- Kauai--Kapaa/Kauai/Waimea

## **Public Library System**

<http://librarieshawaii.org>

The management of the Public Library System is under the BOE, pursuant to section 312-1, HRS.

### **State Librarian**

The State Librarian is appointed by the BOE, under section 312-2.1, HRS, and is responsible for all public and public-and-school libraries in the State. The System operates 50 public libraries: 24 on Oahu, 12 on Hawaii, six on Maui, six on Kauai, and one each on Molokai and Lanai.

The System includes the Hawaii State Library and Library for the Blind and Physically Handicapped; Public Libraries Branch; Administrative Services Branch that handles administrative matters and capital improvement projects; Human Resources Branch that provides personnel services; Electronic Services Support Section that manages automation services and the System's network; Technical Services Support Section that purchases, catalogs, and processes new acquisitions; Library Development Services Section that provides grant writing, program coordination, and promotional support for system libraries; and Logistical Support Services that provides centralized mail, deliveries, and supplies.

## **ADVISORY BODIES**

### **Advisory Council for Adult and Community Education**

The BOE appoints an Advisory Council for Adult and Community Education composed of 15 or more representatives of industry, labor, civic organizations, and education, pursuant to section 302A-434, HRS. Appointments are for two-year terms with reappointments optional but not to exceed a total of six years on the Council.

## **Early Learning Advisory Board**

The Early Learning Advisory Board, established under section 302L-1.6, HRS, consists of the following voting members who are appointed by the Governor with the advice and consent of the Senate: (1) a representative of center-based program providers, or designee; (2) a representative of family child care program providers; (3) a representative of family-child interaction learning program providers; (4) a representative of philanthropic organizations that support early learning, or designee; (5) a representative from a Head Start provider agency; (6) a representative from the Hawaii Early Intervention Coordinating Council; (7) a parent representative; (8) a representative from the Hawaii chapter of the American Academy of Pediatrics; (9) a representative of home-visiting program providers; (10) a representative of Hawaiian medium early learning providers; and (11) two representatives of the Hawaii Council of Mayors or designees. Members in categories (1) through (11) serve two- or three-year terms. The Superintendent of Education, Director of Human Services, Director of Health, and President of the University of Hawaii serve as ex officio, voting members. The Board invites the Director of the Hawaii Head Start state collaboration office, Chief Executive Officer of Kamehameha Schools, and Executive Director of the Hawaii Association of Independent Schools, or designees, to serve as voting members.

The Advisory Board is responsible for: advising the Executive Office on Early Learning (Office), established under section 302L-1.5, HRS, on how best to meet the educational needs of children, from prenatal care to entry into kindergarten; providing recommendations to the Office on improving the quality, availability, and coordination of early childhood care and education programs; promoting collaboration across agencies and stakeholders serving young children; and being an independent voice for children's health, safety, development, and learning.

## **Library Advisory Commissions**

In each county, pursuant to section 26-12, HRS, the BOE may establish, specify the membership number and quorum requirements for, appoint members to, and disestablish a Library Advisory Commission, which sits in an advisory capacity to the BOE on matters relating to public library services in its respective county.

[Note: Library Advisory Commissions are currently inactive.]

## **Teacher Education Coordinating Committee**

The Teacher Education Coordinating Committee (TECC), established under section 304A-1202, HRS, is an advisory committee composed of the Superintendent of Education and the Dean of the College of Education of the University of Hawaii, who serve in alternate years as Chairperson; a representative from each accredited teacher education unit in Hawaii; a representative from the Hawaii Teacher Standards Board; and others appointed by the Superintendent and Dean, provided that the Dean appoints at least two members from the University who are not within the College of Education. TECC covers matters of common

interest to the Department of Education and institutions of higher learning in Hawaii, including the development of strong teacher training programs, and submits to the Legislature an annual report on its activities and may include recommendations for legislative consideration.

## **ATTACHED FOR ADMINISTRATIVE PURPOSES**

### **State Public Charter School Commission**

The State Public Charter School Commission, established under section 302D-3, HRS, has statewide chartering jurisdiction and authority. Its mission is to authorize high-quality public charter schools throughout the State. The Commission consists of nine members who are appointed by the BOE and tasked with authorizing public charter schools that serve the unique and diverse needs of public school students. The Chair of the Commission is designated by the members for each school year beginning July 1 or whenever there is a vacancy. In appointing members, the BOE considers the combination of abilities, breadth of experiences, and characteristics of the Commission, including but not limited to reflecting the diversity of the student population, geographical representation, and a broad representation of education-related stakeholders.

**Charter School Administrative Office.** The Charter School Administrative Office, established under Act 130, SLH 2012, section 3, was repealed July 1, 2013, pursuant to Act 130, SLH 2012, section 23.

### **Educational Officer Classification/Compensation Appeals Board**

The Educational Officer Classification/Compensation Appeals Board, established under section 302A-620, HRS, consists of three members: one member is appointed by the BOE, one by the exclusive bargaining unit representing educational officers, and the third by the Governor and serves as the Chairperson. The Board sits as an appellate body on matters of classification/compensation of educational officers. It hears pricing appeals and completes the final adjustment to the classification/compensation plan by the first Wednesday of December of all even-numbered years. Following submission to and approval by the Legislature, the classification/compensation plan is effective as of July 1 of each odd-numbered year.

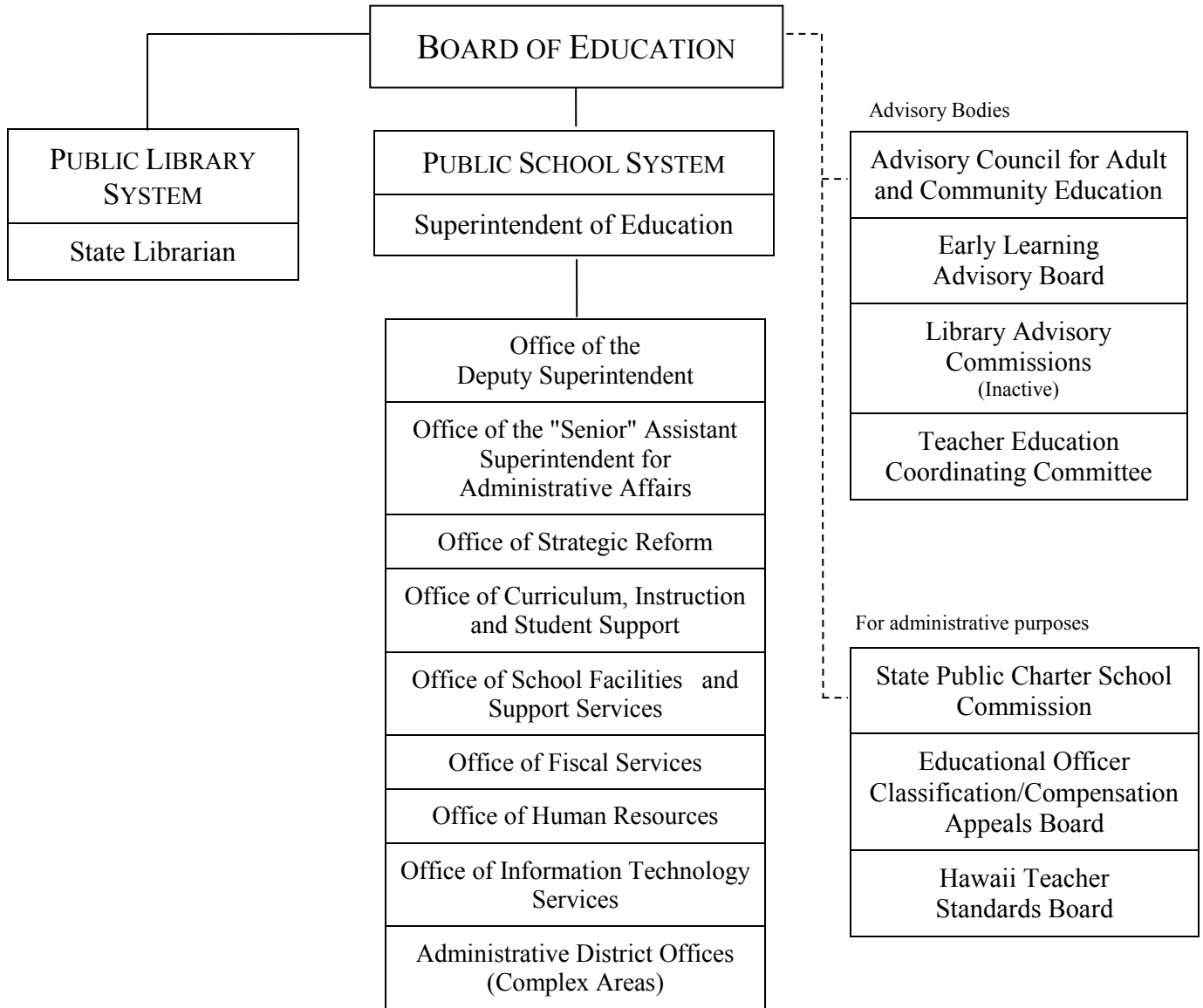
### **Hawaii Teacher Standards Board**

The Hawaii Teacher Standards Board (HTSB), established under section 302A-801, HRS, consists of fifteen members, including not fewer than six licensed teachers regularly engaged in teaching, three educational officers, Chairperson of the BOE or designee, Superintendent of Education or designee, a representative of independent schools, Dean of the University of Hawaii College of Education or designee from the member institutions of the Teacher Education Coordinating Committee, and two members of the public. To the extent possible, HTSB membership reflects representation of elementary and secondary school

personnel from all islands. Appointed members do not serve more than three consecutive three-year terms. The Chairperson is designated by the members.

HTSB establishes licensing standards for public school teachers and issues, renews, revokes, and reinstates licenses. It establishes licensing fees to pay for its operational expenses; approves teacher preparation programs; establishes policies and procedures for alternative pathways to teaching; and participates in efforts related to teacher quality, professional development, and promotion of high teacher standards. Under section 302A-702, HRS, HTSB also develops, implements, and administers a National Board Certification support program.

# DEPARTMENT OF EDUCATION



## **DEPARTMENT OF HAWAIIAN HOME LANDS**

<http://dhhl.hawaii.gov>

The legal basis for the establishment of the Department of Hawaiian Home Lands (DHHL) is the Hawaiian Homes Commission Act, 1920, as amended (HHCA). Passed by Congress and signed into law by President Warren Harding on July 9, 1921,<sup>1</sup> the HHCA provides for the rehabilitation of the native Hawaiian people through a government-sponsored homesteading program. Native Hawaiians are defined as individuals having at least fifty percent Hawaiian blood.<sup>2</sup>

Pursuant to provisions of the HHCA, the Department provides direct benefits to native Hawaiians in the form of ninety-nine-year homestead leases at an annual rental of \$1. In 1990, the Legislature authorized the Department to extend leases for an aggregate term not to exceed 199 years.<sup>3</sup> Homestead leases are for residential, agricultural, or pastoral purposes. Aquacultural leases are also authorized, but none has been awarded to date. The intent of the homesteading program is to provide for economic self-sufficiency of native Hawaiians through the provision of land.

Other benefits provided by the HHCA include financial assistance through direct loans or loan guarantees for home construction, replacement, or repair and for the development of farms and ranches; technical assistance to farmers and ranchers; and the operation of water systems.

### **HAWAIIAN HOMES COMMISSION**

Pursuant to section 202, HHCA, the Department is headed by an executive board, the Hawaiian Homes Commission, whose nine members are appointed to four-year terms by the Governor with the advice and consent of the Senate. Three members are residents of the City and County of Honolulu; two are residents of the County of Hawaii, one being a resident of East Hawaii and the other a resident of West Hawaii; two are residents of the County of Maui, one being a resident of the island of Molokai; one is a resident of the County of Kauai; and the ninth member is the Chairman, who is appointed by the Governor from among the members of the Commission. Members must have been residents of the State at least three years prior to their appointment. At least four of the members must have not less than one-fourth Hawaiian blood. The Chairman of the Commission serves as the full-time administrator of the Department; other members of the Commission serve without pay.

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<sup>1</sup> See ch. 42, 42 Stat. 108 (1921).

<sup>2</sup> See section 201, HHCA; sections 10-2 and 674-2, HRS.

<sup>3</sup> See Act 305, SLH 1990; section 208, HHCA.



## **Homestead Services Division**

The Homestead Services Division is involved in the direct servicing of homestead lessees and applicants for homestead leases. Its three branches are: (1) the District Operations Branch, which provides direct services to lessees and applicants on a statewide basis through its six district offices of East Hawaii, West Hawaii, Maui, Molokai, Oahu, and Kauai, and manages the homestead areas and projects on those islands; (2) the Homestead Applications Branch, which receives and processes applications for homesteads and maintains and updates waiting lists; and (3) the Loan Services Branch, which provides financial services for financing for new home construction, replacement homes, home repairs, farming, and ranching; provides access to other loan sources through its loan guaranty program; and undertakes collection activities to obtain payments.

## **Land Development Division**

The Land Development Division is responsible for developing Hawaiian home lands for homesteading and income-producing purposes. Its two branches are: (1) the Design and Construction Branch, which designs and constructs on-site and off-site improvements for the development of residential, farm, and pastoral lots for homesteading purposes; and (2) the Master-Planned Community Branch, which prepares plans for entire communities with homes, businesses, services, open space, and recreational and cultural amenities.

## **Land Management Division**

The Land Management Division is responsible for management of the Department's non-homestead land, maximizing returns from existing and potential income properties, enforcement activities, and development of a comprehensive land inventory. Its two branches are: (1) the Technical Services Branch, which provides the Division with appraisal preparations and documentation of license and easement agreements, as well as computerization of DHHL's land inventory; and (2) the Income Property Branch, which is charged with developing some of DHHL's lands for income purposes. When completed, the lands will be turned over to the Land Management Branch for management.

## **Administrative Services Office**

The Administrative Services Office provides support services to the Department in the areas of personnel, budgeting, program evaluation, information and communication systems, and internal management assistance.

## **Fiscal Office**

The Fiscal Office is responsible for providing accounting, fiscal services, and internal control systems for the Department, including collecting lease and loan payments and other activities. It provides management tools with its financial reports and statements, as well as information on financial trends and developments; and provides for investment on financial trends and developments and for the investment of cash not immediately needed for operations.

## **Information and Community Relations Office**

The Information and Community Relations Office plans, organizes, and carries out public information and community relations programs and projects. It produces the Department's publications, exhibits, digital and online content, and displays. It also provides advice and assistance to the Hawaiian Homes Commission and the Department of Hawaiian Home Lands' staff on public relations and public information matters.

## **Planning Office**

The Planning Office prepares preliminary studies required for future land development, water resource development, and the proper consideration of archaeological, historical, and environmental concerns. Functions of the Trust Resolution Project have been transferred to this Office.

**DEPARTMENT OF HAWAIIAN HOME LANDS**



## DEPARTMENT OF HEALTH

<http://health.hawaii.gov>

The Department of Health, established under section 26-13, HRS, and specifically provided for in chapter 321, HRS, is headed by the Director of Health. The Department is the state agency responsible for the planning, execution, and coordination of public health and environmental health programs for the protection and improvement of the environmental, physical, and mental well-being of the people of Hawaii. The mission of the Department is to provide leadership to monitor, protect, and enhance the health and environment of all the people of Hawaii. It enforces the State's public health and environmental health laws and administers various programs to improve the delivery of health services and protect the public health.

### Director of Health

The Director directs and coordinates activities of the Department through four administrations headed by deputy directors for: General Administration, Behavioral Health, Environmental Health, and Health Resources.

**Communications Office.** The Communications Office, attached to the Office of the Director of Health, oversees internal and external communications within the Department, including media relations, mass media, broadcast, internet, and print campaigns, and department materials intended for wide public distribution.

**Office of Health Care Assurance.** The Office of Health Care Assurance (formerly the Hospital and Medical Facilities Branch) manages the state licensing and federal certification of medical and health care facilities, agencies, and organizations provided throughout the State in order to ensure compliance with established standards of care.

**Board of Health.** The Board of Health, established under section 26-13, HRS, serves as an advisory panel to the Director of Health. The Board consists of eleven members appointed to four-year terms by the Governor with the advice and consent of the Senate and includes the Director of Human Services as an ex officio, nonvoting member. The appointed members include at least one resident of each county, including the County of Kalawao.

## **ADMINISTRATIONS**

### **General Administration** (Deputy Director of Health)

#### **District Health Offices**

There are District Health Offices on the islands of Kauai, Maui, and Hawaii. These offices administer and coordinate public health services in each of the neighbor island counties with technical assistance and cooperation of staff offices and administrations.

#### **Administrative Services Office**

The Administrative Services Office provides department-wide accounting and fiscal services, inventory control, contract processing, and centralized mailroom services; coordinates the Department's program plans and budget; administers the organization and staffing program as well as records management; and coordinates preparation and execution of the Department's capital improvement projects.

#### **Health Information Systems Office**

The Health Information Systems Office provides information technology services to the Department, oversees development of computer application systems, provides specialized technical support in end user computing and network connectivity, and coordinates issues related to information technology.

#### **Health Status Monitoring Office**

The Health Status Monitoring Office develops and maintains reports of the health status of Hawaii's people. The Office issues marriage licenses; keeps records of birth certificates, death certificates, and other vital records; and provides assistance in genealogical searches.

#### **Human Resources Office**

The Human Resources Office coordinates personnel management and administration in compliance with civil service laws, rules, and collective bargaining agreements; encourages managers to develop and use good personnel management practices; advises employees of rights, privileges, and obligations; and counsels on possible conflicts of interest.

## **Planning, Policy and Program Development Office**

The Planning, Policy and Program Development Office is responsible for government relations and policy development, strategic planning, public health accreditation, and performance management. The Office provides support for programs applying for federal or foundation grants and technical assistance for administrative rules.

**Affirmative Action Office.** The Affirmative Action Office assists programs to ensure nondiscriminatory services and equal employment opportunity relating to state and federal discrimination laws; develops policy; informs and trains staff; coordinates and investigates complaints; and recommends correction or disciplinary actions.

**Compliance Office.** The Compliance Office ensures compliance with state and federal laws on privacy, information security, and other rules and regulations of broad applicability to the Department.

**Office of Health Equity.** Under the general guidance of the Director of Health, the Office of Health Equity (OHE) plans, administers, and directs statewide activities designed to identify and eliminate disparate health conditions among population groups in Hawaii and to link with national and state initiatives to eliminate disparities. OHE activities focus on identifying health disparities and health needs and developing recommendations for effective, culturally appropriate interventions within selected populations.

## **Behavioral Health Administration** (Deputy Director for Behavioral Health)

### **Healthy Hawaii Initiative**

The Healthy Hawaii Initiative (HHI) supports healthy lifestyles by implementing policies and programs to create sustainable changes in Hawaii's communities, schools, and workplaces. Funded with Tobacco Settlement funds, HHI is a statewide effort focused on reducing three core behaviors that contribute to chronic disease: smoking, inactivity, and poor diet. HHI has made significant strides in helping Hawaii's residents lead healthy lives, and it has been recognized for its success as a comprehensive public sector prevention program.

**Chronic Disease Management and Control Branch.** The Chronic Disease Management and Control Branch works in collaboration with community partners to prevent and reduce the negative impact of chronic and disabling diseases. Prevention of the occurrence and progression of chronic disease is based on reducing or eliminating behavioral risk factors, increasing the prevalence of health promotion practices, and detecting disease early to avoid complications. The Branch focuses on developing the policies, environments, and systems that are supportive of healthy behavior and appropriate health care.

## **Adult Mental Health Division**

The mission of the Adult Mental Health Division (AMHD) is to provide a comprehensive, integrated mental health system supporting the recovery of adults with severe mental illness. The vision of AMHD is that everyone has access to effective treatment and supports essential for living, working, learning, and participating fully in the community. AMHD oversees a total of eight public Community Mental Health Centers statewide (four on Oahu, two on Hawaii, one on Kauai, and one on Maui); Hawaii State Hospital; the Courts and Corrections Branch; and contracts with a variety of mental health providers for service provision. AMHD also operates a 24/7 Mental Health Crisis Line.

**Hawaii State Hospital.** Hawaii State Hospital, a specialized inpatient psychiatric facility, is located in Kaneohe, Oahu. Inpatient services are provided for persons committed by the criminal courts. The Hospital received its latest three-year accreditation by the Joint Commission on the Accreditation of Healthcare Organizations in 2011.

**Courts and Corrections Branch.** The Courts and Corrections Branch provides court-ordered mental health evaluations to the state court system pursuant to chapter 704, HRS, concerning penal responsibility and fitness to proceed.

## **Alcohol and Drug Abuse Division**

The Alcohol and Drug Abuse Division provides leadership and planning for development of quality substance abuse prevention and treatment services. The Division administers federal block grant and state funds; accredits programs; certifies substance abuse counselors and program administrators; and manages and monitors services purchased through contracts with private and public sector agencies.

## **Child and Adolescent Mental Health Division**

The mission of the Child and Adolescent Mental Health Division (CAMHD) is to provide timely and effective mental health prevention, assessment, and treatment to children and youth with more severe emotional and behavioral challenges that require services more intensive than can be provided by school-based behavioral health services. CAMHD provides access to care through seven community health centers, called Family Guidance Centers, across the State and at the Hawaii Youth Correctional Facility. CAMHD contracts with a network of provider agencies to provide a full array of assessment and treatment services.

## **Developmental Disabilities Division**

The major focus of the Developmental Disabilities Division is to prevent institutionalization of people with developmental disabilities through community-based services.

**Case Management and Information Services Branch.** The Case Management and Information Services Branch provides community-based services to clients who are developmentally disabled to sustain them in community living and to preserve family integrity; coordinates purchase-of-services for persons with developmental and intellectual disabilities; and assists with respite to families of persons with developmental and intellectual disabilities.

**Disability Supports Branch.** The Disability Supports Branch provides system supports for persons with disabilities; certifies and monitors adult foster homes; coordinates the complaints resolution process; assesses and evaluates consumer directed outcomes; and plans long-term supports for persons with brain injury.

**Hospital and Community Dental Services Branch.** The Hospital and Community Dental Services Branch provides dental evaluation and treatment services to clients residing in facilities operated by the Department, including Kalaupapa Settlement, Hawaii State Hospital, and Waimano Training School and Hospital, and clients who are community-based from these facilities. Services are primarily targeted to accommodate indigent, severely mentally ill, developmentally disabled, and medically compromised, frail, elderly clients.

### **Environmental Health Administration** (Deputy Director for Environmental Health)

**Hazard Evaluation and Emergency Response Office.** The Hazard Evaluation and Emergency Response Office provides state leadership and support for responding to releases of oil and hazardous substances; develops effective, well-coordinated environmental responses; and identifies sites of hazardous substance releases. The Office also provides information on poisonous effects of chemicals (pesticides, metals, solvents, pollutants, food additives, etc.) found in the environment.

**Environmental Planning Office.** The Environmental Planning Office is responsible for long-range planning to ensure that the State's public health and environment are not compromised by pollutants. The Office also provides functional support to the Environmental Health Administration in the areas of geographic information system, public participation, land use coordination, and legislative coordination.

**Environmental Resources Office.** The Environmental Resources Office provides administrative, personnel, budget, and fiscal support. The Office also administers the clean water and drinking water revolving loan fund programs.

**Compliance Assistance Office.** The Compliance Assistance Office was established to help small businesses overcome the hurdles they face in their efforts to succeed in business while following environmental regulations. The Office works to promote communication between the Department and small businesses by increasing understanding, interceding in disputes, and promoting inclusion of small business perspectives in rulemaking.



**Information Management Office.** The Information Management Office is responsible for technology systems throughout the administration. This includes the design, development, and implementation of data systems as well as dictating the strategic direction of technical initiatives.

## **Environmental Health Services Division**

**Vector Control Branch.** The Vector Control Branch is a regulatory program that conducts investigative enforcement and control of vectors (insects, rodents, etc.) to prevent the transmission of communicable disease and health-related injuries to the people and visitors in Hawaii.

**Sanitation Branch.** The Sanitation Branch inspects food service establishments, milk plants, frozen dessert manufacturing plants, dairy farms, hotels, adult family care homes, intermediate care facilities, skilled nursing facilities, hospitals, public swimming pools, barber and beauty shops, mortuaries, tattoo parlors, and massage parlors.

**Noise, Radiation and Indoor Air Quality Branch.** The Noise, Radiation and Indoor Air Quality Branch is responsible for statewide programs of community noise and radiation control through the provision of services which include inspection, educational, consultative, and enforcement activities. The Branch also works to ensure that air conditioning and ventilation rules are enforced and that the public is protected from exposure to lead and asbestos. Indoor air quality problems are also addressed.

**Food and Drug Branch.** The Food and Drug Branch is the regulatory program responsible for the safety and labeling of most food, drugs, cosmetics, medical devices, and related consumer products. The Branch performs inspections and collects samples of products for lab testing.

## **Environmental Management Division**

**Clean Air Branch.** The Clean Air Branch monitors for air pollution, administers the agricultural burning and air pollution control permit programs, provides regulatory oversight and enforcement on air pollution sources, and maintains the statewide air emission inventory.

**Clean Water Branch.** The Clean Water Branch is responsible for the Statewide Water Pollution Control Program for the protection of state waters. It provides water quality monitoring, pollution investigations, and enforcement; responds to complaints on water pollution and to sewage spills and other illegal discharges into state waters; manages the Water Quality Standards program and the Total Maximum Daily Load program; and administers a Polluted Runoff Control grant program for education and demonstration projects to mitigate polluted runoff.

**Safe Drinking Water Branch.** The Safe Drinking Water Branch administers state and federal safe drinking water requirements for public water systems and for underground injection control facilities, implements a revolving loan fund for drinking water system improvement projects, administers the state Certification of Public Water System Operators program under chapter 340F, HRS,<sup>1</sup> and develops and implements the State's groundwater protection program.

**Solid and Hazardous Waste Branch.** The Solid and Hazardous Waste Branch conducts compliance monitoring and investigation for proper management of hazardous waste; oversees underground storage tanks (UST) and leaking USTs; and reviews site reports on contaminated soil and groundwater.

**Office of Solid Waste Management.** The Office of Solid Waste Management oversees and permits operation and closures of solid waste transfer, reclamation, and handling facilities; develops alternative solid waste management strategies for special wastes (used oil, lead acid batteries, etc.); facilitates recycling and waste diversion efforts and implements the Deposit Beverage Container Program that allow consumers to redeem eligible beverage containers for fees collected.

**Wastewater Branch.** The Wastewater Branch protects the public health and preserves the environment and fresh, underground, and marine water resources by effectively managing the collection, treatment, and disposal of wastewater (sewage); regulates all public and private wastewater systems; approves all new wastewater systems; implements a revolving loan fund program to upgrade municipal wastewater systems; and oversees the Certification of Wastewater Treatment Personnel program under chapter 340B, HRS.<sup>2</sup>

## State Laboratories Division

The State Laboratories Division (SLD) conducts laboratory testing in support of environmental and public health programs statewide. Consultation, licensing, and other related laboratory services focused on environmental health and communicable disease control are provided to various federal, state, city, county, and private organizations. SLD also conducts research, laboratory science investigations, and participates in emergency response efforts such as bioterrorism preparedness and monitoring air quality effects of volcanic activity.

**Environmental Health Analytical Services Branch.** The Environmental Health Analytical Services Branch performs monitoring and chemical and microbiological analysis of environmental samples.

**Medical Microbiology Branch.** The Medical Microbiology Branch analyzes human specimens for communicable diseases.

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<sup>1</sup> See page 107.

<sup>2</sup> See page 107.

**Laboratory Emergency Response Program.** The Laboratory Emergency Response Program’s role is to develop and implement a jurisdiction-wide program to provide rapid and effective laboratory services in response to a chemical and/or bioterrorism event, other infectious disease outbreaks, and other public health emergencies.

## **Health Resources Administration** (Deputy Director for Health Resources)

### **Family Health Services Division**

The mission of the Family Health Services Division is “to improve the health of women, infants, children and adolescents and other vulnerable populations and their families by increasing public awareness and professional education about the importance of a life course perspective; advocating for systemic changes that address health equity and the social determinants of health; and ensuring a system of health care that is family/patient centered, community based, and prevention focused with early detection and treatment, habilitative and rehabilitative services for those with chronic conditions.”

**Maternal and Child Health Branch.** The Maternal and Child Health Branch promotes and improves the health and well-being of women, infants, children, and adolescents. Services include training and public awareness on family planning and perinatal and interconception care to high-risk women, including adolescents and other disparate populations; child and youth wellness; prevention of child abuse and neglect, sexual assault, and domestic violence; and family support (e.g., home visits).

Public and private partnerships are established and maintained to share information, support program planning, and promote and collaborate on policy to improve outcomes for women, infants, adolescents and their families. Surveillance activities monitor pregnancy and birth outcomes, infant and child deaths, depression in pregnant and postpartum women, and substance use and violence that impact families' lives.

Coordination with the Department of Education focuses on improving the health of students (and secondarily their families) through enhanced networking, planning, and resource development. Specific programs overseen by the Branch include Healthy Start, BabySAFE, Parentline, Child Death Review,<sup>3</sup> and community provider contracts.

**Children with Special Health Needs Branch.** The Children with Special Health Needs Branch promotes family-centered, community-based coordinated systems of services for children with special health care needs (CSHCN) and their families, in order to ensure that all CSHCN will receive appropriate services to optimize health, growth, and development and to ensure access to quality health care services. This is accomplished through public health functions including assessing and monitoring health status to identify and address problems, development of standards, community and professional education, community partnerships,

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<sup>3</sup> See chapter 321, part XXVII, HRS.

linking CSHCN and their families to health and other services, and conducting special studies and projects. Programs include: Newborn Metabolic Screening, Newborn Hearing Screening, Birth Defects, Early Intervention, Respite, Preschool Developmental Screening, Children with Special Health Needs/Social Work, Nutrition, and Genomics programs.

**WIC Services Branch.** The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) is a \$30 million U.S. Department of Agriculture federally funded short-term intervention program providing nutrition counseling and food assistance for low income pregnant and postpartum women and children up to age five. The program is designed to help establish good nutrition and health behaviors through nutrition education, breastfeeding promotion, a monthly food prescription allotment, and access to health and social services. WIC contracts with state Community Health Centers to provide services, resulting in greater integrated health service delivery. Along with income eligibility, all participants must be considered nutritionally at risk.

## **Communicable Disease Division**

The Communicable Disease Division administers programs and activities to reduce the incidence, severity, and disabling effects of tuberculosis (TB), sexually transmitted diseases (STD), human immunodeficiency virus (HIV), and Hansen's disease (HD) by adopting preventive measures and by undertaking programs of early detection and effective treatment. The Division oversees medical and facility operations at Kalaupapa and at Hale Mohalu Hospital at Leahi on Oahu.

**Tuberculosis Control Branch.** The Tuberculosis Control Branch coordinates and provides screening for active TB disease and latent TB infection. Public health nurses, physicians, pharmacists, and outreach workers evaluate, treat, and monitor patient compliance with treatment protocols, as well as track and manage contacts of active TB cases.

**STD/AIDS Prevention Branch.** The STD/AIDS Prevention Branch provides surveillance, prevention, and treatment in conjunction with community partners to reduce the spread of STD and HIV infection and screen those who are most at risk. The STD Clinic, located at Diamond Head Health Center, offers free examination, treatment, counseling, health education services, and anonymous HIV testing.

**Hansen's Disease Branch.** The Hansen's Disease Branch prevents the spread of Hansen's disease through case management, treatment, and epidemiological follow-up of new cases. They also provide long-term care to Hansen's disease patients who have been disabled directly from pathological effects of the disease or psychologically or socially from the effects of prolonged institutionalization. The Branch manages medical and facility operations at Kalaupapa and at Hale Mohalu Hospital.

**Public Health Nursing Branch.** The Public Health Nursing Branch collaborates with a myriad of public and private agencies and programs to ensure a system of services that are accessible, coordinated, and integrated and in partnerships with individuals and families. The

Branch provides generalized clinical nursing intervention services as responders to disasters and public health outbreaks; communicable disease source and contact investigations; immunization services; care coordination services for targeted at-risk populations and families having difficulties accessing the health care system; and school-based health services in the public schools.

## **Disease Outbreak Control Division**

The Disease Outbreak Control Division is responsible for monitoring, investigating, preventing, and controlling infectious diseases, including vaccine-preventable diseases but excluding tuberculosis, Hansen's disease, and sexually transmitted diseases (including HIV/AIDS), which are managed by the Communicable Disease Division. The Disease Outbreak Control Division also works to monitor and ensure Hawaii's public health preparedness for and response to any emerging disease threats or other hazards and emergencies whether focused or broad in impact and that threaten the public's health.

**Disease Investigation Branch.** The Disease Investigation Branch is responsible for the surveillance and investigation of infectious diseases, including potential bioterrorism agents, with the exception of tuberculosis, Hansen's disease, and sexually transmitted diseases (including HIV/AIDS), which are managed by the Communicable Disease Division. The Branch works to control and prevent these diseases throughout the State to protect the public's health.

**Bioterrorism Preparedness and Response Branch.** The Bioterrorism Preparedness and Response Branch is responsible for preparing the department, public health agencies, the health care community, and ultimately the State of Hawaii to respond effectively and efficiently to a public health emergency, such as a bioterrorism event, a severe outbreak of a dangerous infectious disease, a natural disaster, or even slow-onset disasters triggered by climate change. The Branch is primarily responsible for coordinating department disaster-related planning and all related activities as well as facilitating the coordination and distribution of public health resources during an actual emergency.

**Immunization Branch.** The Immunization Branch is responsible for monitoring, investigating, preventing, and control of vaccine preventable diseases (VPDs) in Hawaii among children and adults. The Branch is also responsible for promoting vaccinations to protect the public's health and assessing their impact on disease prevalence as well as determining vaccine uptake and distribution in the State.

## **Emergency Medical Services and Injury Prevention System Branch**

The Emergency Medical Services and Injury Prevention System is responsible for expansion and enhancement of the State Comprehensive Emergency Medical Services System with the mission to minimize death, injury, and disability due to life threatening conditions by ensuring the availability of quality emergency medical care and injury prevention statewide. The

Branch also collaborates and coordinates with the Civil Defense Division of the State Department of Defense to prepare for and respond to health emergencies.

## COUNTY OF KALAWAO

The County of Kalawao consists of that portion of the island of Molokai known as Kalaupapa, Kalawao, and Waikolu, commonly known as the Kalaupapa Settlement. As a county, it has only the powers especially conferred by sections 326-34 to 326-38, HRS. None of the provisions of the Hawaii Revised Statutes regarding counties are applicable to Kalawao.

The County of Kalawao is under the jurisdiction of the Department of Health. It is governed by the laws and rules relating to the Department and the care and treatment of persons with Hansen's disease.

**Sheriff.** The Sheriff is the only county officer of Kalawao. The Sheriff is generally a resident of the County appointed by the Department of Health.

## ATTACHED FOR ADMINISTRATIVE PURPOSES

### State Health Planning and Development Agency

The State Health Planning and Development Agency (SHPDA), established under section 323D-11, HRS, administers the state health planning and cost containment activities as required by law. Its principal function is to promote accessibility for all the people of the State to quality health care services at reasonable cost. It conducts studies and investigations as necessary as to the causes of health care costs including inflation. SHPDA promotes the sharing of facilities or services by health care providers whenever possible to achieve economies and restricts unusual or unusually costly services to individual facilities or providers where appropriate. The Agency serves as staff to and provides technical assistance and advice to the Statewide Health Coordinating Council (Statewide Council) and the subarea health planning councils (subarea councils) in the preparation, review, and revision of the State Health Services and Facilities Plan (HSFP). It conducts the health planning activities of the State in coordination with the subarea councils, implements the HSFP, and determines the health needs of the State after consulting with the Statewide Council. SHPDA also administers the state Certificate of Need (CON) Program pursuant to chapter 323D, part V, HRS.

**Statewide Health Coordinating Council.** The Statewide Health Coordinating Council (Statewide Council), established under section 323D-13, HRS, is advisory to SHPDA, and its membership does not exceed twenty. Members are appointed to four-year terms by the Governor with the advice and consent of the Senate. An ex officio, nonvoting member who is the representative of the U.S. Department of Veterans Affairs is designated by that Department. The members are broadly representative of the age, sex, ethnic, income, and other groups that make up the population of the State and include representation from the subarea councils,

business, labor, and health care providers. A majority but not more than eleven of the members are consumers of health care who are not also providers of health care. The Council prepares and revises as necessary the HSFP; advises SHPDA on health planning and development actions under section 323D-12, HRS; appoints the review panel for CONs pursuant to section 323D-42, HRS; and reviews and comments upon the following actions by SHPDA before they are made final: (a) making findings as to CON applications; and (b) making findings as to the appropriateness of those institutional and noninstitutional health services offered in the State.

**Subarea Health Planning Councils.** Subarea Health Planning Councils (Subarea Councils) are established under section 323D-21, HRS, for geographical areas designated by SHPDA in consultation with the Statewide Council. Each county has at least one Subarea Council. Members of Subarea Councils are appointed to four-year terms by the Governor with the advice and consent of the Senate. Nominations for appointment are solicited from health-related and other interested organizations and agencies, including health planning councils, providers of health care within the appropriate subarea, and other interested persons. Each Subarea Council reviews, seeks public input, and makes recommendations relating to health planning for the geographical subarea it serves. Each Subarea Council recommends for gubernatorial appointment at least one person from its membership to be on the Statewide Council.

## **Hawaii Health Systems Corporation**

The Hawaii Health Systems Corporation (HHSC), established under section 323F-2, HRS, and governed by chapter 323F, HRS, is divided into five regional systems:

Region I: Oahu

Region II: Kauai

Region III: Maui

Region IV: East Hawaii, comprising Puna, North Hilo, South Hilo, Hamakua, and Kau

Region V: West Hawaii, comprising North Kohala, South Kohala, North Kona, and South Kona

Facilities in each region are as follows:

Oahu: Leahi Hospital and Maluhia

Kauai: West Kauai Medical Center (Kauai Veterans Memorial Hospital and Medical Clinics) and Samuel Mahelona Memorial Hospital

Maui: Maui Memorial Medical Center, Kula Hospital, and Lanai Community Hospital

East Hawaii: Hilo Medical Center, Hale Hoola Hamakua, Kau Hospital, and Yukio Okutsu State Veterans Home

West Hawaii: Kona Community Hospital and Kohala Hospital

**Board of Directors.** Under section 323F-3, HRS, HHSC is governed by a thirteen-member Board of Directors who are appointed as follows: (1) the Director of Health as an ex officio, voting member; (2) the five regional chief executive officers as ex officio, voting members; (3) two members who reside on Maui, appointed by the Maui Regional System Board; (4) one member who resides in East Hawaii, appointed by the East Hawaii Regional System Board; (5) one member who resides in West Hawaii, appointed by the West Hawaii Regional System Board; (6) one member who resides on Kauai, appointed by the Kauai Regional System Board; (7) one member who resides on Oahu, appointed by the Oahu Regional System Board; and (8) one member appointed by the Governor who serves as an at-large voting member. Appointed county members serve four-year terms, and the at-large member serves a two-year term. The selection, appointment, and confirmation of any nominee is based on ensuring that board members have diverse and beneficial perspectives and experiences and that they include, to the extent possible, representatives of the medical, business, management, law, finance, and health sectors and patients or consumers.

**Regional System Boards.** Under section 323F-3.5, HRS, a regional system board of directors is established to govern each of the five regional systems. Each Board consisted initially of twelve members appointed by the Governor: four (two each) by the President of the Senate and the Speaker of the House of Representatives; four from nominees submitted by the Regional Public Health Facility Management Advisory Committee, established under section 323F-10, HRS; three physicians from nominees submitted by the medical staff of the public health facilities in the regional system; and the HHSC Board Chairperson, or designee, who serves as an ex officio, nonvoting member of each Regional System Board. After initial terms of two or three years, all members appointed thereafter are appointed to three-year terms. New board members are selected by a two-thirds affirmative vote of the existing board members. Each Board consists of not less than seven and not more than fifteen members, as determined by the Board, and elects its own Chair. Except for ex officio members, all other board members are residents of the region.

### **Executive Office on Aging**

The Executive Office on Aging (EOA), established under section 349-2, HRS, is the lead state agency in the coordination of a statewide system of aging and family caregiver support services. EOA's primary mission is the well-being of the State's 277,000 older adults (sixty years and older) and their family caregivers. It provides leadership in programs for older adults, helps formulate aging policy, serves as a clearinghouse for information, and partners with the Aging Network to provide home- and community-based care for frail, vulnerable seniors.



**Policy Advisory Board for Elder Affairs.** The Policy Advisory Board for Elder Affairs, established under section 349-4, HRS, consists of not less than twenty-one nor more than twenty-nine members, a majority of whom are over sixty years of age and who are selected on the basis of their interests and knowledge in and their ability to make contributions to the solution of problems relating to aging. The Board includes at least one member each from the counties of Hawaii, Maui, Kauai, and Honolulu. Members are appointed to four-year terms by the Governor with the advice and consent of the Senate. Nine members serve as ex officio members from among the heads of the following state agencies that provide services or programs affecting elders: Health, Human Services, Education, Labor and Industrial Relations, University of Hawaii, Transportation, State Retirement System, Office of Consumer Protection, and by invitation, the Hawaii representative of the U.S. Department of Health and Human Services. The Chairperson is elected annually from the nongovernmental members of the Board. The Board advises the Director of EOA in the following areas: the identification of issues and alternative approaches to solutions; the development of position statements and papers; advocacy and legislative actions; and program development and operations.

### **Office of Environmental Quality Control**

The Office of Environmental Quality Control (OEQC), established under section 341-3, HRS, and headed by the Director of Environmental Quality Control, reviews environmental assessments and impact statements, to ensure compliance with chapter 343, HRS, and Title 11, chapter 200, HAR, and informs the public of the availability of documents through the semi-monthly OEQC Bulletin to facilitate the required public review. OEQC works to assist in restoring, protecting, and enhancing the natural physical environment of the State by stimulating, expanding, and coordinating efforts of government agencies, industrial groups, and citizens.

**Environmental Council.** The Environmental Council, also established under section 341-3, HRS, consists of fifteen members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. The Director of Environmental Quality Control (Director) serves as an ex officio, voting member. The Council Chairperson is elected by the Council from among its members. Members are appointed to ensure a broad representation of educational, business, and environmentally pertinent disciplines and professions. Pursuant to section 341-6, HRS, the Council serves as a liaison between the Director and the public on matters concerning ecology and environmental quality.

### **State Council on Developmental Disabilities**

The State Council on Developmental Disabilities, is established under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000<sup>4</sup> and section 333E-3, HRS. Pursuant to section 333E-4, HRS, the Council consists of voting members as described in federal law. Members are residents of the State. The Council includes in its membership six representatives from the neighbor islands with a minimum of one representative from Hawaii, Kauai, and Maui counties and representatives of the following, unless these programs no longer

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<sup>4</sup> See P.L. 106-402; 42 U.S.C. 15001 et seq.

exist in the State: state entities that administer funds provided under federal law relating to individuals with disabilities, including the Rehabilitation Act of 1973,<sup>5</sup> Individuals with Disabilities Education Act of 2004,<sup>6</sup> Older Americans Act of 1965,<sup>7</sup> and Titles V (Maternal and Child Health Services Block Grant)<sup>8</sup> and XIX (Grants to States for Medical Assistance Programs)<sup>9</sup> of the Social Security Act;<sup>10</sup> university centers for excellence in developmental disabilities education, research, and service; the state protection and advocacy system; and local and nongovernmental agencies and private nonprofit groups concerned with services for individuals with developmental disabilities in this State. Sixty percent of the membership consists of individuals with developmental disabilities or family members.

The Council develops the State Plan for Individuals with Developmental Disabilities, which guides the development and delivery of all services to those individuals; encourages efficient and coordinated use of federal, state, and private resources in the provision of services; monitors, evaluates, and comments upon implementation plans of the various public and private agencies for individuals with developmental disabilities; advocates for the needs of individuals with developmental disabilities before the Legislature and the public and to the Governor; acts in an advisory capacity to the Governor, the Legislature, and all concerned department heads on all issues affecting individuals with developmental disabilities; and supports and conducts outreach activities to identify individuals with developmental disabilities and their families to obtain services, individualized support, and other forms of assistance, including access to special adaptation of generic community services or specialized services.

## **Disability and Communication Access Board**

The Disability and Communication Access Board (DCAB), established under section 348F-2, HRS, is composed of seventeen members who are appointed to four-year terms by the Governor with the advice and consent of the Senate, including at least nine persons with various types of disabilities, or their parents or guardians, and at least one resident from each of the counties of Honolulu, Hawaii, Maui, and Kauai. Among its functions, the Board establishes guidelines and reviews plans for the construction of state and county buildings and facilities, under section 103-50, HRS; establishes guidelines for communication access services, including determining the qualifications of interpreters and credentialing sign language interpreters who do not possess national certification; administers the statewide program for parking for persons with disabilities; serves as public advocate of persons with disabilities; serves as the state coordinator for compliance with the Americans with Disabilities Act of 1990;<sup>11</sup> and advises the State and counties on meeting the requirements for state, federal, and county laws providing for access for persons with disabilities.

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<sup>5</sup> See P.L. 93-112; 29 U.S.C. 701 et seq.

<sup>6</sup> See P.L. 108-446; 20 U.S.C. 1400 et seq.

<sup>7</sup> See P.L. 89-73; 42 U.S.C. 3001 et seq.

<sup>8</sup> See P.L. 97-35, Title XXI, section 2192(a), 95 Stat. 818; 42 U.S.C. 701 et seq.

<sup>9</sup> See P.L. 89-97, Title I, section 121(a); 42 U.S.C. 1396 et seq.

<sup>10</sup> See P.L. 74-271; 42 U.S.C. 301 et seq.

<sup>11</sup> See P.L. 101-336; 42 U.S.C. 12101 et seq.

## **Hawaii Early Intervention Coordinating Council**

The Hawaii Early Intervention Coordinating Council, established under section 321-353, HRS, consists of twenty-five members who are appointed to three-year terms by the Governor without the necessity of the advice and consent of the Senate. Members are selected from the following: (1) at least twenty percent of the members are parents of infants or toddlers with special needs, or children with special needs aged twelve years or younger, with knowledge of, or experience with, programs for infants and toddlers with special needs; provided that at least one parent is a parent of an infant or toddler with special needs or of a child with special needs aged six years or younger; (2) at least twenty percent of the members are public or private providers of early intervention services; (3) two members are from the Legislature, of which one member is selected by the President of the Senate and one member by the Speaker of the House of Representatives; (4) one member is involved in personnel preparation; (5) one member is from the Department of Health program involved in the provision of, or payment for, early intervention services to infants and toddlers with special needs and their families and who has sufficient authority to engage in policy planning and implementation on behalf of the program; (6) one member is from the Department of Health program responsible for children's mental health; (7) one member is from the Department of Education program responsible for preschool services to children with disabilities who has sufficient authority to engage in policy planning and implementation on behalf of the program; (8) one member is from the Department of Education program responsible for the coordination of education of homeless children and youths; (9) one member is from the Department of Human Services program responsible for the state Medicaid program; (10) one member is from the Department of Human Services program responsible for child care; (11) one member is from the Department of Human Services program responsible for foster care; (12) one member is from the Department of Commerce and Consumer Affairs program responsible for state regulation of health insurance; (13) one member is from a Head Start or Early Head Start agency or program in the State; and (14) other members who are involved in or interested in services to infants and toddlers with special needs and their families and who are selected by the Governor. The Council elects its officers.

The Council advises and assists the Director of Health in the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements; advises and assists the Department of Health in the preparation of applications and amendments thereto; advises and assists the Department of Education regarding the transition of toddlers with special needs to preschool and other appropriate services; and prepares and submits an annual report to the Governor on the status of early intervention programs for infants and toddlers with special needs and their families within the State.

## **Hawaii State Emergency Response Commission**

The Hawaii State Emergency Response Commission, established under section 128E-2, HRS, consists of the following members who are appointed to four-year terms by the Governor with the advice and consent of the Senate: (1) Director of Health; (2) Chairperson of the Board of Agriculture; (3) Adjutant General; (4) Director of Labor and Industrial Relations; (5) Chairperson of the Board of Land and Natural Resources; (6) Director of the Office of Environmental Quality Control; (7) Director of Business, Economic Development, and Tourism; (8) Director of Transportation; (9) Dean of the University of Hawaii School of Public Health or Dean of the University of Hawaii School of Medicine, as determined by the Governor; (10) Director of the Environmental Center of the University of Hawaii; (11) one representative from each committee designated by the mayor of each respective county; and (12) other persons appointed by the Governor to meet the minimum requirements of the federal Emergency Planning and Community Right-to-Know Act of 1986.<sup>12</sup> The Director of Health is the Chairperson of the Commission.

Among its functions, the Committee carries out the duties and responsibilities of a state emergency response commission as specified in the Emergency Planning and Community Right-to-Know Act of 1986; develops state contingency plans relating to the implementation of chapter 128E, HRS; and develops a public information, education, and participation program for the public and facility owners covering the requirements of chapter 128E, HRS, the interpretation of the chemical information collected, and the risks that these chemicals pose to the public health and environment.

## **State Emergency Medical Services Advisory Committee**

The State Emergency Medical Services Advisory Committee, established under section 321-225, HRS, consists of twenty members as follows: three ex officio, nonvoting members, who are the Director of Transportation, Adjutant General, and Administrator of the State Health Planning and Development Agency, or designees, and seventeen members representing all counties who are appointed to four-year terms by the Governor with the advice and consent of the Senate as follows: (1) five members who are physicians experienced in the conduct and delivery of emergency medical services, of whom at least two are engaged in the practice of emergency medicine and are board-eligible or board-certified by the American Board of Emergency Medicine, and at least one physician is engaged in the practice of pediatrics and be board-eligible or board-certified by the American Board of Pediatrics; (2) four members who are consumers of health care and who have no connection with or relationship to the health care system of the State and who are representative of all counties; (3) four members of allied health professions related to emergency medical services; and (4) four members, one from each county, who are mobile intensive care technicians or emergency medical technicians engaged in the practice of pre-hospital emergency medical service. The Committee sits in an advisory capacity to the Department of Health on all matters relating to the state comprehensive pre-hospital emergency medical services system.

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<sup>12</sup> See P.L. 99-499, Title III, 100 Stat. 1728; 42 U.S.C. 11001 et seq.

## **Hawaii Advisory Commission on Drug Abuse and Controlled Substances**

The Hawaii Advisory Commission on Drug Abuse and Controlled Substances, established under section 329-2, HRS, consists of not more than fifteen nor less than nine members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. Members are selected on the basis of their ability to contribute to the solution of problems arising from the abuse of controlled substances and, to the extent possible, represent the pharmacological, medical, community and business affairs, youth action, educational, legal defense, enforcement, and corrections segments of the community. One appointed member is a member of the State Council on Mental Health established by section 334-10, HRS, and is knowledgeable about the community and the relationships between mental health, mental illness, and substance abuse. The Department of Health appoints an ex officio, nonvoting representative to the Commission who regularly attends meetings of both the Commission and the State Council on Mental Health and makes regular reports to both bodies. The Commission elects a Chairperson from among its members.

The Commission assists the Department of Health in coordinating all action programs of community agencies (state, county, military, or private) specifically focused on the problem of drug abuse; assists the Department in carrying out educational programs designed to prevent and deter abuse of controlled substances; creates public awareness and understanding of the problems of drug abuse; sits in an advisory capacity to the Governor and other state departments as may be appropriate on matters relating to the Commission's work; and acts in an advisory capacity to the Director of Health in substance abuse matters under section 321-194, HRS.

## **State Council on Mental Health**

The State Council on Mental Health, established under section 334-10, HRS, consists of twenty-one members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. In making appointments to the Council, the Governor ensures that: all service area boards of the State are represented; a majority of the members are nonproviders of mental health or other health services; and a majority of the members are not state employees. The number of parents of children with serious emotional disturbances must be sufficient to provide adequate representation of such children in the deliberations of the Council. The Council is composed of residents of the State, including individuals representing: (1) the principal state agencies with respect to mental health, education, vocational rehabilitation, criminal justice, housing, and social services; (2) public and private entities concerned with the need, planning, operation, funding, and use of mental health services and related support services; (3) adults with serious mental illnesses who are receiving, or have received, mental health services; (4) the families of such adults or families of children with serious emotional disturbances; and (5) the Hawaii Advisory Commission on Drug Abuse and Controlled Substances who is a person knowledgeable about the community and the relationships between mental health, mental illness, and substance abuse. The Council elects a Chairperson from among its members.

The Council advises the Department of Health on allocation of resources, statewide needs, and programs affecting two or more service areas; reviews and comments on the statewide comprehensive integrated service plan; and serves as an advocate for adults with serious mental illness, children with serious emotional disturbances, other individuals with mental illnesses or emotional problems, and individuals with combined mental illness substance abuse disorders.

### **Service Area Boards on Mental Health and Substance Abuse**

Service Area Boards are established under section 334-11, HRS. One of the functions of the Department of Health in mental health, under section 334-3(c)(3), HRS, is to appoint a Service Area Administrator in each county who is responsible for the development, delivery, and coordination of services in that area. A Service Area Board is established to advise each Service Area Administrator. Each Board consists of nine members, appointed by the Governor, who serve for terms determined by the Governor. After the initial appointees, the Governor fills each vacancy by appointing a member from a list of four persons submitted by that Board. Members of the Board are service area residents who are consumers or nonproviders of mental health services and service area providers, with a majority being non-state employees and nonproviders of mental health or other health services. Each Board elects a Chairperson from among its members.

Each Service Area Administrator and Board, in consultation with public and private providers, participates in the development of comprehensive integrated service area plans and budgets. Each Board advises the Service Area Administrator about service area needs to prevent and treat mental or emotional disorders, combined mental illness substance abuse disorders, and persons afflicted by these disorders; and provides advice, guidance, and recommendations to both the Advisory Commission on Drug Abuse and Controlled Substances and the State Council on Mental Health as it deems appropriate.

### **Drug Product Selection Board**

The Drug Product Selection Board, established under section 328-95, HRS, consists of seven members as follows: one representative from the Department of Health, one representative from either the University of Hawaii School of Medicine or University of Hawaii School of Public Health, two physicians, and two pharmacists, appointed to four-year terms by the Governor with the advice and consent of the Senate. The Board designates a Chairperson from its appointed membership. The seventh member is the Director of Health, or designee.

Pursuant to section 328-96, HRS, the Director of Health, without regard to chapter 91, HRS, may adopt as rules the compendia of therapeutically equivalent generic drug products as the state drug formulary of equivalent multiple source drug products. The Board may adopt rules pursuant to chapter 91, HRS, to establish a Hawaii Additions and Deletions List. Upon the adoption of the compendia of therapeutically equivalent generic drug products by the Director, the Department of Health notifies all pharmacies in the State and other interested individuals,

within thirty working days, that the formulary has been updated. The Hawaii Additions and Deletions List may list additional substitutable drug products that are determined by the Board to be safe, effective, and therapeutically equivalent. The Hawaii Additions and Deletions List may delete drug products listed in the compendia of therapeutically equivalent generic drug products upon the Board's finding that product quality or therapeutic equivalency or bioequivalency, as appropriate, is not adequately assured. Pursuant to chapter 91, HRS, the Hawaii Additions and Deletions List may be changed, added to, or deleted from as the Board deems appropriate.

## Office of Language Access

The purpose of the Office of Language Access (OLA), established under section 321C-6, HRS, is to address the language access needs of limited English proficient persons and ensure meaningful access to services, programs, and activities offered by the executive, legislative, and judicial branches of state government, including departments, offices, commissions, boards, or other agencies, and all covered entities,<sup>13</sup> for limited English proficient persons.

**Language Access Advisory Council.** The Language Access Advisory Council, established under section 321C-7, HRS, consists of seventeen members who are appointed to four-year terms by the Governor with the advice and consent of the Senate as follows: (1) one representative from the state government; (2) one representative from a covered entity; (3) one bilingual worker who is or has been employed by a state-funded immigrant service agency or program; (4) one representative of an advocacy organization that provides services to limited English proficient persons; (5) one member from the limited English proficient population who has an interest in the provision of oral language services; (6) one representative from an accredited institution of higher learning who provides professional training in interpretation and translation; (7) one representative of a Hawaiian language advocacy organization; (8) one representative of a professional interpreter's organization; (9) one representative of a bilingual referral service or program; (10) one representative residing in the County of Hawaii who has shown interest in language access; (11) one representative residing in the County of Kauai who has shown interest in language access; (12) one representative residing in the County of Maui who has shown interest in language access; (13) one representative residing in the City and County of Honolulu who has shown interest in language access; (14) one member at large; (15) the Executive Director of the Hawaii Civil Rights Commission or authorized representative, as an ex officio member; (16) one representative from the Disability and Communication Access Board, as an ex officio member; and (17) the Executive Director of OLA, as an ex officio member. The Council selects one of its members to serve as Chair.

The Council serves in an advisory capacity to the Executive Director of OLA, providing input on: implementation and compliance with chapter 321C, HRS; the quality of oral and written language services provided under chapter 321C, HRS; and the adequacy of a state agency

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<sup>13</sup> "Covered entity" means a person or organization receiving state financial assistance, including grants, purchase-of-service contracts, or any other arrangement by which the State provides or otherwise makes available assistance in the form of funds to the person or organization for the purpose of rendering services to the public, with certain exceptions. See section 321C-2, HRS.

or covered entity's dissemination and training of its employees likely to have contact with limited English proficient persons, its policies and procedures for language services, its competency in working effectively with in-person and telephone interpreters, and its understanding of the dynamics of interpretation between clients, providers, and interpreters.

### **Tobacco Prevention and Control Advisory Board**

The Tobacco Prevention and Control Advisory Board, established under section 328L-6, HRS, consists of eleven members: (1) one member of the Governor's staff, appointed by the Governor; (2) one member appointed by the Governor from a list of two names submitted by the President of the Senate; (3) one member appointed by the Governor from a list of two names submitted by the Speaker of the House of Representatives; (4) the Director of Health or designee; (5) the Superintendent of Education or designee; (6) three members having demonstrated interest in and having backgrounds beneficial to controlling and preventing the use of tobacco, appointed by the Director of Health; and (7) three members representing populations at risk for tobacco use, appointed by the Governor. Members serve three-year terms.

The Board, in collaboration with the Department of Health, develops a strategic plan for tobacco prevention and control, including: (1) developing and implementing effective and cost efficient programs, including health promotion and disease prevention; (2) developing adequate standards and benchmarks by which measures of program success may be appropriately evaluated; and (3) assessing the effectiveness of programs engaged in health promotion and disease prevention.

### **Radiologic Technology Board**

The Radiologic Technology Board, established under section 466J-2, HRS, consists of ten members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. The membership consists of: (1) two persons licensed to practice medicine or osteopathic medicine pursuant to chapter 453, HRS, and certified by the American Board of Radiology; (2) four persons, each with at least five years' experience and certified in the practice of radiography, two of whom are engaged in the hospital practice of radiography; (3) one person with at least five years' experience who is certified and engaged in the practice of radiation therapy technology; (4) one person with at least five years' experience, who is certified and engaged in the practice of nuclear medicine technology; (5) one person from the general public; and (6) the Director of Health, or designee, is the tenth, ex officio, voting member.

Among its duties, the Board determines minimum standards for and approves educational institutions that provide a course of instruction in radiologic technology that meets the requirements of chapter 466J, HRS; withdraws or denies approval of educational institutions for failure to meet prescribed standards; examines qualified applicants; grants, denies, suspends, or revokes licenses; imposes administrative remedies that are authorized by chapter 466J, HRS; and imposes such conditions as may be necessary in connection with the granting, denial, suspension, or revocation of licenses.



## **Board of Certification of Public Water System Operators**

A Board of Certification of Public Water System Operators, established under section 340F-4, HRS, consists of five members who are appointed to four-year terms by the Governor. Four members are duly qualified in the fields of sanitary engineering or public water system operation, and one is from the state agency responsible for the State's safe drinking water program.

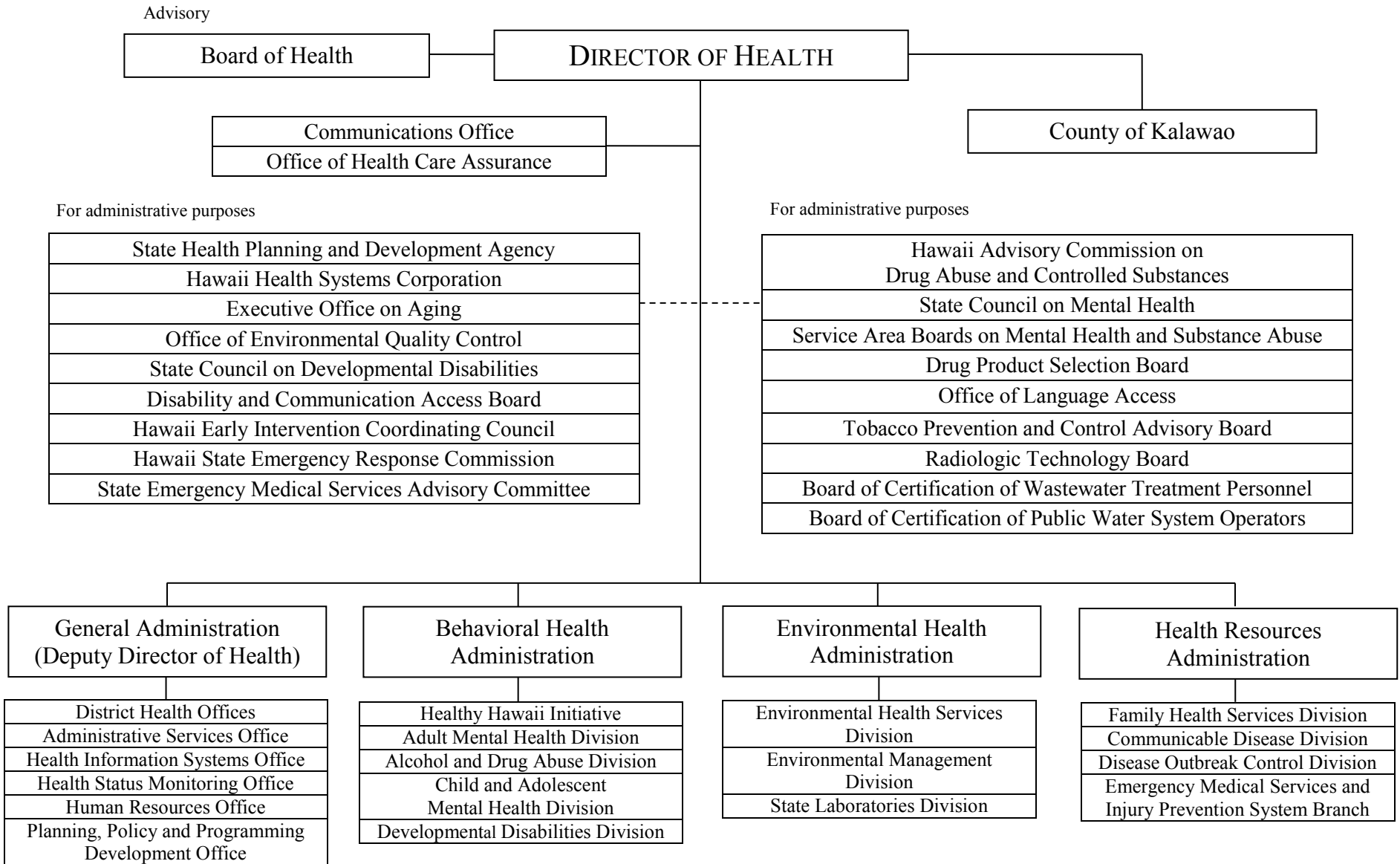
Among its duties under section 340F-11, HRS, the Board revokes, suspends, or refuses to renew any certificate of any individual, following a hearing before the Board, when it is determined that: the individual has practiced fraud or deception; reasonable care, judgment, or the application of the individual's knowledge or ability was not used in the performance of the individual's duties; or the individual is incompetent or unable to properly perform the individual's duties. The Board also establishes and collects fees for applications, conducts examinations, issues or renews certificates as are necessary for the support of chapter 340F, HRS, and oversees the development and implementation of a continuous training program if necessary.

## **Board of Certification of Wastewater Treatment Personnel**

A Board of Certification of Wastewater Treatment Personnel, established under section 340B-4, HRS, consists of nine members appointed to four-year terms by the Governor: (1) four individuals employed in a wastewater treatment plant either as a certified operator or certified supervisor of a wastewater treatment plant, three of whom are employed in the neighbor island counties, one each from the counties of Hawaii, Kauai, and Maui; (2) one individual who is an active member of the Hawaii water pollution control association; (3) one individual who is a professional engineer in private practice, preferably specializing in sanitary engineering; (4) one individual who is a member of the engineering (environmental or sanitary) faculty of a university or college in the State; (5) one individual from the state agency responsible for the State's water quality program; and (6) one individual from the private sector interested in the field of water pollution control.

Among its duties under section 340B-11, HRS, the Board revokes, suspends, or refuses to renew any certificate of any individual, following a hearing before the Board, when it is determined that: the individual has practiced fraud or deception; reasonable care, judgment, or the application of the individual's knowledge or ability was not used in the performance of the individual's duties; or the individual is incompetent or unable to properly perform the individual's duties. The Board also establishes and collects fees for applications, conducts examinations, issues or renews certificates as are necessary for the support of chapter 340B, HRS, and oversees the development and implementation of a continuous training program if necessary.

# DEPARTMENT OF HEALTH



## **DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT**

<http://dhrd.hawaii.gov>

The Department of Human Resources Development, established under section 26-5, HRS, administers the state personnel system for the executive branch workforce (except for the Department of Education, University of Hawaii, and Hawaii Health Systems Corporation, which administer their own personnel systems).

The Department is headed by the Director of Human Resources Development. As the central human resources agency, the Department plans, organizes, directs, and coordinates the various activities of the state personnel program in recruitment and examination, position classification, pay administration, employee benefits, staff development and training, workers' compensation payment and claims management, safety, and labor relations.

### **Office of the Director**

The Office of the Director advises the Governor on the State's personnel system, legislative proposals on personnel issues, and personnel policies. The Director represents the Governor in the collective bargaining process, in periodic pricing reviews, and necessary coordination between the public jurisdictions in Hawaii.

To continuously improve the effectiveness and responsiveness of human resources, the Office of the Director serves to ensure public access and input to the State's civil service system (chapter 76, HRS). The Office of the Director fosters the interest of learning institutions, and civic, professional, and employee organizations in the advancement of personnel policies to meet the challenges of evolving public policy, technology, and public expectations.

### **Employee Relations Division**

The Employee Relations Division establishes statewide policies, procedures, programs, and services that provide guidance and support to the departments of the executive branch with regard to employee relations issues. The Division is comprised of:

- Labor Relations, which administers the State's labor-management agreements for civil service employees and the performance management system, and provides staff services in the negotiation of labor contracts;
- Employee Assistance, which develops, implements, and administers employee benefits and assistance programs, such as cafeteria benefits plans, leave sharing, family leave, the REACH employee counseling program, and incentive and service awards;

- Personnel Transactions, which administers pay and personnel transactions to ensure compliance with state and federal personnel laws, rules, negotiated labor-management agreements, and executive orders; and provides management reports on workforce composition and employment trends; and
- Training, which develops and administers statewide employee training and development programs.

### **Employee Classification and Compensation Division**

The Employee Classification and Compensation Division develops and administers classification and compensation systems for civil service positions, including the establishment and maintenance of classes of work and their experience and training requirements; the pricing of classes; and the assignment of positions to classes, bargaining units, and other administrative units. The Division also develops and administers statewide human resource policies and systems for employees not covered by civil service and employees not covered by collective bargaining.

### **Employee Staffing Division**

The Employee Staffing Division develops and administers statewide recruitment, examination, and placement programs for the civil service workforce based on the merit principle. The Division also conducts research and development projects to forecast, plan for, and effectuate effective staffing strategies before staffing issues become acute or impact public services.

### **Employee Claims Division**

The Employee Claims Division plans and administers the statewide workers' compensation program, claims management, return-to-work program, and safety program. The Division provides centralized management of workers' compensation claims for all departments within the executive branch, reviews medical fees of care providers and attorneys, analyzes cost trends, and formulates cost containment programs and solutions.

## ATTACHED FOR ADMINISTRATIVE PURPOSES

### Merit Appeals Board

Under chapter 76, HRS, each jurisdiction of the State<sup>1</sup> is required to establish and maintain a separately administered civil service system based upon the merit principle. The Merit Appeals Board, established under section 26-5(c), HRS, sits as an appellate body on matters set forth in section 76-14, HRS. The Board consists of three members who are appointed to four-year terms by the Governor. All members have knowledge of public employment laws and prior experience with public employment; provided that at least one member's experience was with an employee organization as a member or an employee of that organization, and at least one member's experience was with management. The Governor considers the names of qualified individuals submitted by employee organizations or management before appointing members. The Chairperson of the Board is designated as specified in the rules of the Board. The provisions of section 26-34, HRS, do not apply, and members may be reappointed without limitation by the Governor.

Under section 76-14, HRS, the merit appeals board of each jurisdiction<sup>2</sup> decides appeals from any action under chapter 76, HRS, taken by the chief executive, the director, an appointing authority, or a designee acting on behalf of one of these individuals, relating to: (1) recruitment and examination; (2) classification and reclassification of a particular position, including denial or loss of promotional opportunity or demotion due to reclassification of positions in a reorganization; (3) initial pricing of classes; and (4) other employment actions under chapter 76, HRS, including disciplinary actions and adverse actions for failure to meet performance requirements, taken against civil service employees who are excluded from collective bargaining coverage under section 89-6, HRS.

### Deferred Compensation Plan

A State Deferred Compensation Plan, in accordance with section 457 of the Internal Revenue Code, is established under section 88E-2, HRS, for the benefit of state employees to defer a portion of their compensation to a future period of time. A county may enter into a formal agreement with the State to extend the plan to employees of the county.

**Board of Trustees.** Under section 88E-3, HRS, the authority to establish the Plan and implement chapter 88E, HRS, is vested in a Board of Trustees. Pursuant to section 88E-4, HRS, the seven-member Board consists of the Director of Human Resources Development or designee, ex officio; Director of Finance or designee, ex officio; and five other persons who are public employees and represent employee interests. Except for the ex officio members, the members of

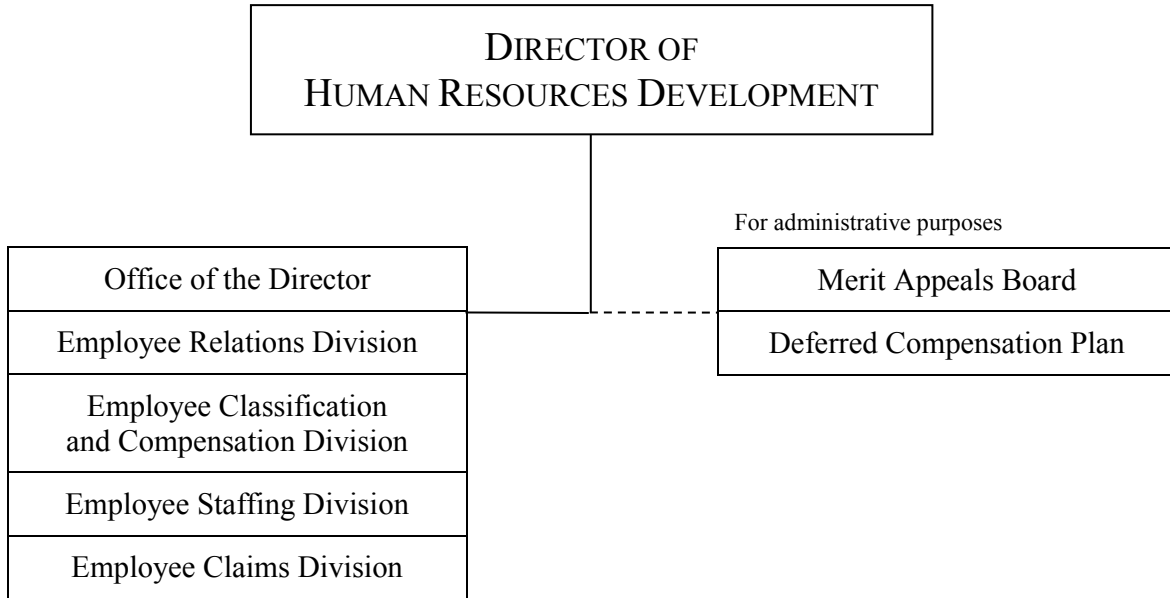
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<sup>1</sup> This includes the State, counties, Judiciary, Department of Education, University of Hawaii, and Hawaii Health Systems Corporation. See section 76-11, HRS.

<sup>2</sup> For the State, the Merit Appeals Board established pursuant to section 26-5(c), HRS, handles such appeals. For the counties, Judiciary, Department of Education, University of Hawaii, and Hawaii Health Systems Corporation, "merit appeals board" means a jurisdiction's appellate body for purposes of section 76-14, HRS, regardless of whether it is named merit appeals board, civil service commission, or appeals board. See section 76-11, HRS.

the Board are appointed to four-year terms by the Governor with the advice and consent of the Senate. The Board administers a tax-sheltered savings and investment program for state employees with authority to engage services to establish, administer, or maintain the Plan under its direction.

**DEPARTMENT OF  
HUMAN RESOURCES DEVELOPMENT**



## DEPARTMENT OF HUMAN SERVICES

<http://humanservices.hawaii.gov>

The Department of Human Services, established under section 26-14, HRS, and specifically provided for in chapter 346, HRS, is headed by the Director of Human Services. The Department's mission is to direct its resources toward protecting and helping those least able to care for themselves and to provide services designed toward achieving self-sufficiency for clients as quickly as possible. The Department is committed to maintaining a high level of quality, efficiency, and effectiveness in its services.

Departmental staff strives to provide timely, efficient, and effective programs, services, and benefits that empower clients. Doing so expands the clients' capacity for self-sufficiency, healthy choices, independence, self-determination, quality of life, and personal dignity.

### **Administration**

The Office of the Director has the primary responsibility for the daily operations of the Department of Human Services (DHS). The Director is appointed by the Governor and confirmed by the Senate, and is assisted by the Deputy Director.

Five Staff Offices support the DHS Administration, operating divisions, and attached agencies.

The Administrative Appeals Office (AAO) provides administrative due process hearings in contested cases for three departmental divisions; the Benefit Employment and Support Services Division, the Med-QUEST Division, and the Social Services Division. It has contracts with fifteen attorneys in private practice to conduct hearings through appointment by the Director under section 346-12, HRS. AAO receives approximately 1,500 administrative hearing requests and referrals annually and issues about 700 administrative hearing decisions each year. AAO also serves as the rules coordinator for the Department and reviews administrative proceedings for the adoption, modification, or repeal of departmental rules. AAO is also responsible for establishing a mediation process for the Department.

The Fiscal Management Office (FMO) provides staff assistance and advisory services for the administrative functions of fiscal management and housekeeping services. FMO formulates policies and procedures and administers the Department's central accounting, funds management, client and vendor payment, employee payroll, inventory management, contracting, purchasing, records management, office space allocation, and central mail distribution functions. FMO also provides consultative and technical advisory services in these functional areas.



The Management Services Office (MSO) provides budget, quality assurance, research, financial and program and management evaluation and assessment capabilities to enable the DHS to make rational decisions with respect to implementing public programs, setting program levels, and using human resources, materials, and equipment more effectively. MSO conducts studies, analyses, evaluations, and reviews to ensure regulatory compliance, achievement of stated goals and objectives, and effective and efficient use of departmental resources to ensure delivery of quality services to program clients.

The Office of Information Technology (OIT) is responsible for the overall administration, planning, direction, management, development, implementation, and maintenance of all information technology (IT) and information systems processing for the Department statewide. OIT provides project planning and management, business application systems development and maintenance, systems software and hardware management, telecommunications and network management and support, and technical training; and operates the Data Center including computing facilities management, data control, and technical help desk functions. OIT also oversees the administration of the dedicated DHS mainframe system complex and all hardware peripherals located at the Department of Accounting and General Services' Information and Communication Services Division (DAGS-ICSD), separate from the State's mainframe system. Additionally, OIT directs and coordinates all IT matters within and between DHS and other state, county, and federal agencies and commercial hardware and software vendors, including private consultants.

The Personnel Office oversees the personnel programs of the Department, including recruitment, examination and placement, position description, classification and pricing analysis, labor relations, civil rights, employee safety and relations, employee training and development, personnel transactions, and maintenance of personnel records.

## **Benefit, Employment, and Support Services Division**

The Benefit, Employment, and Support Services Division provides monthly benefits to assist eligible clients with such essentials as food, clothing, shelter, emergency assistance, child care, and work supports, as well as employment and training to help families attain self-sufficiency. Cash benefits are provided to individuals and families through such programs as: Temporary Assistance to Needy Families (TANF); Temporary Assistance to Other Needy Families (TAONF); General Assistance; Aid to the Aged, Blind, and Disabled; Low Income Home Energy Program; and Child Care Connection Hawaii. The Supplemental Nutrition Assistance Program (SNAP) helps to ensure that no one goes hungry. The First-To-Work; Employment and Training; and SEE (Supporting Employment Empowerment) Hawaii Work programs provide job readiness, job development, job placement, case management, and other supportive services to ensure that families on public welfare are adequately prepared to end dependency, as well as providing a variety of at-risk youth and family strengthening programs to prevent family dependence.

## **Med-QUEST Division**

The Med-QUEST Division administers the State's Medicaid program through which health care is provided to the low-income population. The Medicaid program is jointly financed by the State of Hawaii and the federal government. The Med-Quest Division develops and maintains working relationships with health plans, providers, federal and state authorities, community agencies, client advocacy groups, and others. Health care coverage is provided through either fee-for-service payments to health care providers or contracts with managed care health plans. The State's Children Health Insurance Program was established to expand health coverage to more children whose families may be working but do not earn enough to pay for health coverage for their children. The Med-Quest Division monitors services to ensure appropriate and quality care.

The Home and Community-Based Services program provides comprehensive home and community-based services to disabled adults and children to enable them to live in their homes or in the community as long as possible to prevent premature institutionalization.

## **Social Services Division**

The Social Services Division provides social services programs to ensure the health and safety of those least able to protect themselves from abuse and neglect. The Child Welfare Services (CWS) program provides services to ensure the safety and permanency of children in their own homes or, when necessary, in out-of-home placements. CWS is community-based and neighbor-focused with many partnerships and collaborations with the private and public sectors. Services are focused on empowering families and building upon family strengths. When children cannot safely return to the family, CWS proceeds with permanent placement through adoption, legal guardianship, or other substitute long-term care, including independent living. CWS also licenses foster families, boarding homes, group homes, and child-placing organizations.

The Adult Protective Services program provides crisis intervention, including investigation and emergency services, to dependent adults who are reported to be abused, neglected, or financially exploited by others or seriously endangered due to self-neglect.

## **Division of Vocational Rehabilitation**

The Division of Vocational Rehabilitation (DVR) administers programs that provide rehabilitation services to assist eligible persons with disabilities to secure employment and to lead full and independent lives. DVR offers vocational evaluation, planning, counseling, treatment, training, job placement, and follow-up services to persons with physical or mental disabilities to enable them to become employed. The economic benefits of the vocational rehabilitation programs include increased earnings and purchasing power, increased tax revenues, and decreased dependency on public assistance.

The Services to the Blind program, called Ho'opono, enables visually impaired adults to attain maximum vocational functional independence by providing varied services including vocational, counseling, assistive technology, and social and independent living skills training. Persons with visual impairment are also assisted in establishing and operating vending facilities.

The Disability Determination program determines eligibility for Social Security Disability Insurance and Supplemental Security Income benefits under the federal Social Security program.

## **ATTACHED FOR ADMINISTRATIVE PURPOSES**

### **Hawaii Interagency Council on Homelessness**

The Hawaii Interagency Council on Homelessness, established under section 346-381, HRS, is an advisory body exempt from section 26-34, HRS. Pursuant to section 346-382, HRS, the Council consists of the following members: (1) Governor's Coordinator on Homelessness, who serves as Chair; (2) Director of Human Services; (3) Administrator of the Homeless Programs Office of the Department of Human Services; (4) Director of Health; (5) Director of Labor and Industrial Relations; (6) Director of Public Safety; (7) Director of Business, Economic Development, and Tourism; (8) Chairperson of the Hawaiian Homes Commission; (9) Adjutant General; (10) Chairperson of the Board of Trustees of the Office of Hawaiian Affairs; (11) Attorney General; (12) Superintendent of Education; (13) two members of the House Representatives designated by the Speaker of the House of Representatives, of whom one is designated by the Speaker to serve as an alternate member on the Council to serve in the other member's absence; (14) two members of the Senate designated by the President of the Senate, of whom one is designated by the President of the Senate to serve as an alternate member on the Council to serve in the other member's absence; (15) a representative of the Hawaii Public Housing Authority; (16) the mayor of each county (17) a representative of the continuum of care programs in each county designated by the respective mayors; (18) a representative of the U.S. Department of Veterans Affairs who is requested to serve by the Governor; (19) a representative from the Office of Community Planning and Development, U.S. Department of Housing and Urban Development, who is requested to serve by the Governor; (20) a representative of a faith-based organization with interfaith relationships designated by the Governor; and (21) a representative of the business community designated by the Governor.

Among its duties, the Council serves as the statewide homelessness planning and policy development entity with broad representation from state and county government and the community; formulates, and advises the Governor on the implementation of, a unified ten-year statewide plan to address homelessness in all Hawaii counties; facilitates the acquisition of funding and resources for state and county homeless programs; recommends policy, regulatory, and statutory changes; and identifies resource strategies for the successful execution of the ten-year plan.

## **Hawaii Public Housing Authority**

The Hawaii Public Housing Authority (HPHA), established under section 356D-2, HRS, provides Hawaii residents with safe, decent, and affordable housing. HPHA focuses on providing housing and rental subsidies for low-income persons and families and ensuring that more homeless persons and families are served and transitioned into permanent housing. Housing programs include public housing and other subsidized housing, and rental subsidy and homeless assistance programs. The Authority is headed by a Board of Directors.

**Board.** The Board of Directors of HPHA, under section 356D-3, HRS, consists of eleven members, of whom nine are public members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. Public members are appointed from each of the counties of Honolulu, Hawaii, Maui, and Kauai. At least one public member is directly assisted by the Authority under the federal low-rent public housing or federal Section 8 tenant-based housing assistance payments program while serving on the Board. One public member is an advocate for low-income or homeless persons. One public member is a person with a disability or an advocate for persons with disabilities. The Director of Human Services, or designee, and a representative of the Governor's Office are ex officio, voting members. The Board selects a Chairperson and Vice Chairperson from among its members. The Director of Human Services and the Governor's representative are ineligible to serve as Chairperson.

## **Office of Youth Services**

The Office of Youth Services (OYS), established under section 352D-4, HRS, provides services and programs for youth at risk under one umbrella agency in order to facilitate optimum service delivery; prevents delinquency; and reduces the incidence of recidivism among juveniles through the provision of prevention, rehabilitation, and treatment services. OYS is also responsible for program planning and development, intake/assessment, oversight, as well as consultation, technical assistance, and staff training relating to the delivery of services. Section 352-2.1, HRS, places the Hawaii youth correctional facilities within OYS to provide youth who are committed by the courts of the State with custody, rehabilitation, and institutional care and services to prepare for reentry into their communities and families.

## **Hawaii Juvenile Justice State Advisory Council**

The Hawaii Juvenile Justice State Advisory Council (JJSAC) is a Governor-appointed advisory group concerned about youth involved, or at risk of being involved, in the juvenile justice system. JJSAC advises the Governor, Legislature, and Office of Youth Services (OYS) on the formulation of policies to improve the overall effectiveness of the juvenile justice system and addresses juvenile justice issues. JJSAC oversees the implementation of the Juvenile Justice and Delinquency Prevention (JJDP) Act federal grant programs that are administered by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Congress recognized that the success of federal involvement in juvenile justice systems would rest on committed and knowledgeable individuals at the state and local levels who support and promote the goals of the JJDP Act of 1974,<sup>1</sup> amended as the JJDP Act of 2002.<sup>2</sup> Ultimately, the JJDP Act empowered states participating in the Formula Grant Program to establish volunteer, citizen-based advisory groups to oversee the implementation of the JJDP Act in their states. Section 29-13, HRS, provides that the Governor may accept "the provisions of any act of Congress making grants or allotments of federal-aid moneys available for expenditure in the State." Hawaii's JJSAC was established by Executive Order 91-2 and has statewide representation from each of the islands, the public and private sectors, and the youth demographic.

### **State Rehabilitation Council**

The State Rehabilitation Council, established under section 348-8, HRS, consists of twenty-one members who are appointed to three-year terms by the Governor with the advice and consent of the Senate and includes: (1) at least one representative of a parent training and information center; (2) at least one representative of the client assistance program; (3) at least one qualified vocational rehabilitation counselor with knowledge of and experience with vocational rehabilitation programs, who serves as an ex officio, nonvoting member if employed by the Vocational Rehabilitation Division of the Department; (4) at least one representative of community rehabilitation program service providers; (5) four representatives of business, industry, and labor; (6) representatives of disability advocacy groups representing a cross section of individuals with physical, cognitive, sensory, and mental disabilities and parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves; (7) current or former applicants for or recipients of vocational rehabilitation services; (8) at least one representative of the state educational agency responsible for the public education of students with disabilities; (9) at least one representative of the State Workforce Development Council; and (10) the Administrator of the Vocational Rehabilitation Division of the Department, who is an ex officio, nonvoting member. The Council includes at least one member from each county, and a majority of the members are persons who have disabilities and are not employed by the Vocational Rehabilitation Division of the Department. Council members elect a Chairperson from the membership.

### **State Commission on the Status of Women**

The State Commission on the Status of Women, established under section 367-2, HRS, consists of thirteen members as follows: (1) six ex officio, nonvoting members: the Superintendent of Education, President of the University of Hawaii, Director of Labor and Industrial Relations, Director of Human Resources Development, Director of Human Services, and Director of Health, or designees; and (2) seven voting members appointed to four-year terms by the Governor with the advice and consent of the Senate, of whom one member is from each of

<sup>1</sup> See P.L. 93-415; 42 U.S.C. 5601 et seq.

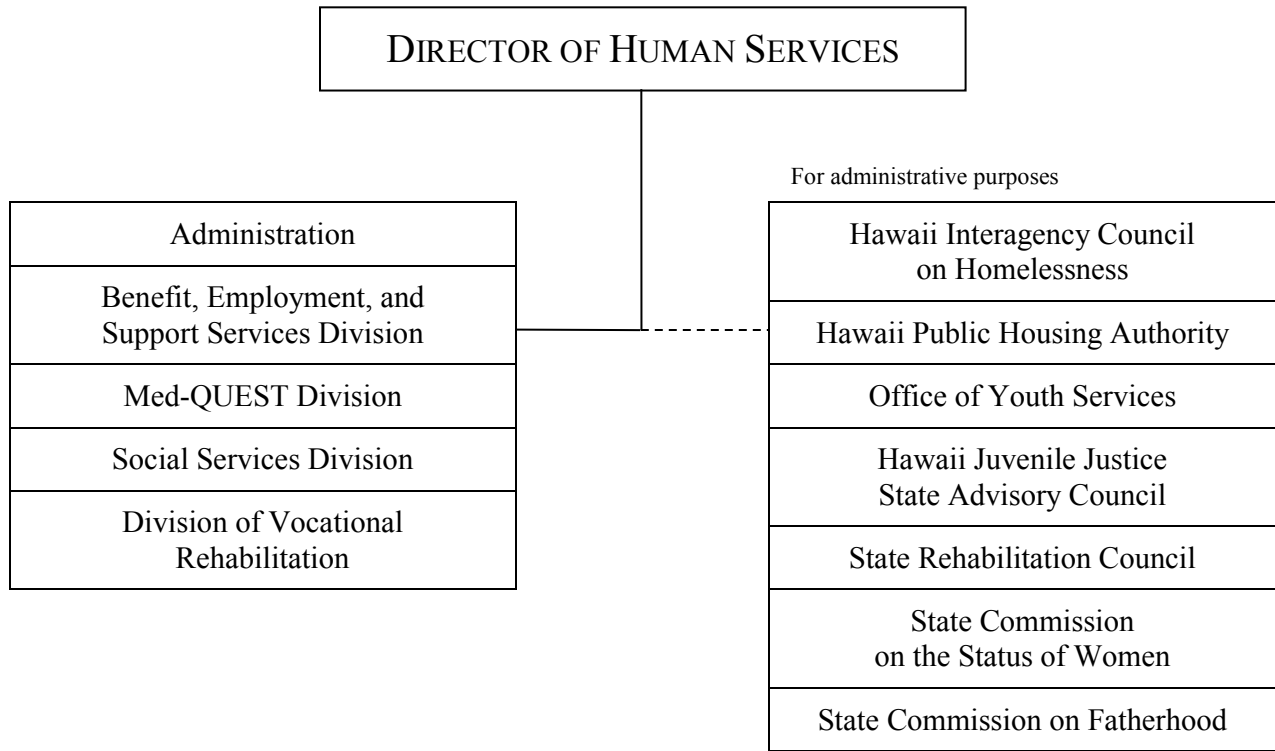
<sup>2</sup> See P.L. 107-273, Div. C., Title II; 42 U.S.C. 5601 et seq.

the counties of Hawaii, Maui, and Kauai, and four members are from Oahu. Members are selected on the basis of their interests and knowledge in, and their ability to make contributions to, the solution of problems relating to the status of women. The Chairperson is elected annually from the seven appointed members. The Commission acts as a central clearinghouse and coordinating body for governmental and nongovernmental activities and information relating to the status of women and creates public awareness and understanding of the responsibilities, needs, potential, and contributions of women and their roles in a changing society. The Commission recommends legislative and administrative action on equal treatment and opportunities for women and encourages a long-range program of education of women in their political rights and responsibilities.

### **State Commission on Fatherhood**

The State Commission on Fatherhood is established under section 577E-2, HRS, and reflects the geographic and cultural diversity of the State. Pursuant to section 577E-3, HRS, the Commission consists of fifteen members as follows: (1) six ex officio: the Director of Human Services, Superintendent of Education, Director of Health, Attorney General, Director of Public Safety, and Executive Director of the Office of Youth Services, or designees; (2) eight voting members who are appointed by the Governor with the advice and consent of the Senate, of whom (A) two are appointed from a list of three nominees submitted by the President of the Senate, and two are appointed from a list of three nominees submitted by the Speaker of the House of Representatives; and (B) four are appointed by the Governor from the community; and (3) one voting member who is designated by the Hawaii Coalition for Dads. Of the appointed members, at least one is from each of the counties of Kauai, Maui, and Hawaii. All members serve four-year terms. The Chair and Vice Chair are selected annually from the nongovernmental members. The Commission serves in an advisory capacity to state agencies to promote healthy family relationships between parents and children and makes recommendations on programs, services, and contracts relating to children and families.

# DEPARTMENT OF HUMAN SERVICES



## DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

<http://hawaii.gov/labor/>

The Department of Labor and Industrial Relations (DLIR), established under section 26-20, HRS, and specifically provided for under chapter 371, HRS, is headed by the Director of Labor and Industrial Relations. DLIR administers programs designed to increase the economic security, physical and economic well-being, and productivity of workers and to achieve good labor-management relations, including the administration of workers' compensation, employment security, apprenticeship training, wage and hour, and industrial relations laws. The Department also has the function of developing, preparing, and disseminating information on employment, unemployment, and general labor market conditions.

### **Disability Compensation Division**

The Disability Compensation Division administers employee benefit programs to help workers who suffer from on-the-job or off-the-job injuries and illnesses.

**Workers' Compensation: On-the-Job Injury/Illness.** The Workers' Compensation law, established under chapter 386, HRS, is an employer-paid insurance program that protects workers from hardships caused by on-the-job injuries and illnesses. Workers' compensation replaces lost wages (up to two-thirds of an employee's average weekly wage, not to exceed the State's average wage), and pays for medical care and rehabilitation costs. It may also compensate employees for permanent disability and/or disfigurement and provide death benefits to dependents.

**Temporary Disability Insurance: Off-the-Job Injury/Illness.** Employees who are unable to work due to an off-the-job injury or illness may receive wage replacement benefits through employer-provided Temporary Disability Insurance (TDI), provided under chapter 392, HRS, or through an approved sick leave plan. TDI replaces fifty-eight per cent of the worker's average weekly wage after a seven-consecutive-day waiting period. Employers may require employees to contribute up to one-half of the TDI premium cost, not to exceed 0.5 per cent of their weekly wages.

**Prepaid Health Care.** Hawaii was the first state to adopt an innovative Prepaid Health Care law, chapter 393, HRS. This law sets minimum standards of health care coverage and requires employers to provide eligible employees with a health care plan to pay for medical costs related to off-the-job injuries and illnesses. Coverage includes hospitalization, surgery, office visits, diagnostic tests, and maternity benefits. Employees may be required to contribute up to one-half the premium cost, or 1.5 per cent of their monthly wages, whichever is less.<sup>1</sup>

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<sup>1</sup> Employees covered by a collective bargaining agreement may bargain collectively for different prepaid health care coverage, provided it is at least as favorable to the benefited employees, or for a different allocation of the costs. See section 393-19, HRS.



## **Hawaii Occupational Safety and Health Division**

The Hawaii Occupational Safety and Health (HIOSH) Division administers and enforces the State's Occupational Safety and Health law and rules<sup>2</sup> through a variety of enforcement and cooperative programs. The State, under an agreement with the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), operates an Occupational Safety and Health Plan (State Plan) in accordance with section 18 of the Occupational Safety and Health Act of 1970.<sup>3</sup> Although the State Plan gives HIOSH jurisdiction over workers in the State, including those employed by state and county governments, staffing cuts have resulted in a change in jurisdiction for federal fiscal years (FFY) 2013 through 2015. Excluded from state coverage are federal employees, workers in the maritime industry, domestic workers, family farms, and general industry, with the exception of transportation and warehousing, through the end of FFY 2012. These workplaces are covered by federal OSHA. At the end of FFY 2013, manufacturing will once again be under state jurisdiction. At the end of FFY 2014, accommodations will revert to HIOSH jurisdiction. At the end of FFY 2015, all of general industry, with the exception of refineries, will fall under HIOSH jurisdiction.

The Enforcement branches of HIOSH conduct unannounced compliance inspections of safety and health conditions in places of employment. The Consultation and Training Branch provides free consultation services and training and information on safety and health to businesses and companies. Training and information resources are posted on its website. HIOSH also inspects boilers, elevators, and related equipment and controls the issuance of Certificates of Fitness to use explosives.

## **Research and Statistics Office**

The Research and Statistics Office (R&S) provides research and statistical services to departmental programs in their formulation of economic policies and program delivery. The Office also conducts occupational and labor market research in the areas of employment and unemployment, occupational outlook, wages, and mass layoffs. R&S administers the Career Kokua program, a statewide career information delivery system that provides career, job, occupational, educational, and training information to youths, their parents and families, teachers, counselors, adults, and jobseekers. These R&S programs support legislative mandates of the federal Workforce Investment Act of 1998<sup>4</sup> and employment of state residents on construction procurement contracts<sup>5</sup> to determine work shortages in the construction industry.

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<sup>2</sup> See chapter 396, HRS, and Title 12, subtitle 8, HAR.

<sup>3</sup> See P.L. 91-596; 29 U.S.C. 667.

<sup>4</sup> See P.L. 105-220; 29 U.S.C. 2801 et seq.

<sup>5</sup> See chapter 103B, HRS.

## Unemployment Insurance Division

The Unemployment Insurance Division (UI) administers Hawaii's unemployment insurance program under the Hawaii Employment Security law and rules.<sup>6</sup> The UI program enables eligible unemployed workers to partially replace lost income for up to twenty-six weeks of regular benefits, while seeking work. UI benefits are paid from a trust fund financed by employers. Each employer's tax rate is based on prior experience with unemployment risk ("experience rating").

## Wage Standards Division

The Wage Standards Division (WSD) coordinates and implements a statewide program to administer, enforce, and provide education and consultation on labor laws related to wages and include:

- (1) Minimum wage and overtime under chapter 387, HRS: The minimum wage is \$7.25 per hour effective January 1, 2007. Overtime is 1.5 times the regular rate, after 40 hours in a week with some exceptions.
- (2) Payment of wages under chapter 388, HRS: Wages must be paid in full at least twice a month, within seven days after the end of the pay period. Discharged employees must be paid immediately or by the next working day. Employees who resign must be paid by the next regular payday. The withholding or deduction of certain wages is prohibited by law.
- (3) Wages and hours of employees on public works projects under chapter 104, HRS: Laborers and mechanics on state and county governmental construction projects in excess of \$2,000 must be paid prevailing wages and overtime at time and a half for hours worked on a Saturday, Sunday, or state holiday, or after eight hours on any other day.
- (4) Child labor work permits under chapter 390, HRS: Prior to employment, minors under eighteen years of age must register with WSD for a certificate. Depending upon the minor's age, there are some restrictions on the type of occupation and work hours allowed.
- (5) Lie detector tests under chapter 378, part II, HRS: It is unlawful for any employer to: require a prospective employee or employee to submit to a lie detector test as a condition of employment or continued employment; or terminate or otherwise discriminate against any employee or prospective employee for refusing to submit to a lie detector test.

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<sup>6</sup> See chapter 383, HRS, and Title 12, chapter 5, HAR.

- (6) Unlawful suspension or discharge under chapter 378, part III, HRS: It is unlawful for any employer to suspend, discharge, or discriminate against an employee because the employee has suffered a work injury, tested positive in a substance abuse on-site screening test, or uses accrued and available sick leave.
- (7) Family leave under chapter 398, HRS: An employee may take up to four weeks of unpaid family leave for the birth or adoption of the employee's child or to care for a child, parent, spouse, or reciprocal beneficiary with a serious health condition. Substitution of paid leave is permitted under certain conditions.

### **Workforce Development Division**

The Workforce Development Division (WDD) plans, directs, coordinates, and implements a customer-driven statewide workforce development system that delivers employment and training services to job applicants, workers, and industries throughout the State. WDD provides free referral and placement services that match workers with jobs, and jobs with workers. WDD screens and refers qualified job seekers, helps employers meet affirmative action plan goals, provides facilities for recruitment, and processes job orders through the computerized HireNet Hawaii system.

The Division also administers employment and training programs, including the federally funded Workforce Investment Act of 1998 (WIA).<sup>7</sup> WIA offers remedial education, job training, and employment assistance to target groups (low income adults and youth, and dislocated workers). WDD oversees implementation of WIA programs in Hawaii in partnership with local governments and workforce investment boards.

In addition, WDD is responsible for registering private sector and state and county sponsored apprenticeship programs in Hawaii and ensuring that these programs operate in compliance with the standards for safeguarding the welfare of apprentices. The apprenticeship programs are operated by labor unions and/or employer organizations representing various occupations. Apprentices in these programs learn a trade through on-the-job experience and related classroom instruction.

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<sup>7</sup> See P.L. 105-220; 29 U.S.C. 2801 et seq.

## **ATTACHED FOR ADMINISTRATIVE PURPOSES**

### **Civil Rights Commission**

The Civil Rights Commission, established under section 368-2, HRS, consists of five members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. Members are selected on the basis of their knowledge and experience in civil rights matters and on the basis of a demonstrated commitment to the preservation of the civil rights of all individuals. The Governor designates one of the commissioners as Chairperson. Under section 368-3, HRS, among the Commission's powers are to: (1) receive, investigate, and conciliate complaints alleging any unlawful discriminatory practice under part I of chapter 489 (discrimination in public accommodations), chapter 515 (discrimination in real property transactions), part I of chapter 378 (discrimination in employment practices), and complaints filed under chapter 368, HRS; (2) hold hearings and make inquiries to carry out properly its functions and powers; (3) commence civil action in circuit court to seek appropriate relief; (4) issue the right to sue to a complainant; and (5) order appropriate legal and equitable relief or affirmative action when a violation is found.

### **Hawaii Labor Relations Board**

The Hawaii Labor Relations Board, established under section 89-5, HRS, is composed of three members: one member represents management, one member represents labor, and the third member, the Chair, represents the public. All members are appointed by the Governor to six-year terms. Because cumulative experience and continuity in office are essential to the proper administration of chapter 89, HRS, it is declared to be in the public interest to continue board members in office as long as efficiency is demonstrated, notwithstanding the provision of section 26-34, HRS, which limits the appointment of a member of a board or commission to two terms. Public employers and employee organizations representing public employees may submit to the Governor for consideration names of persons to serve as members and the Governor first considers these persons in selecting the members. Members devote full time to their duties. Among its duties, the Board resolves collective bargaining disputes in the public sector and those parts of the private sector not covered by the National Labor Relations Act, including the designation of appropriate bargaining units under section 89-6, HRS. It supervises elections for the determination of employee representation; conducts proceedings on prohibited practice or unfair labor practice complaints filed by employers, employees, and employee organizations; and establishes lists of qualified persons to serve as mediators or arbitrators. The Board also resolves contests of citations issued by the Director of Labor and Industrial Relations through the Hawaii Occupational Safety and Health Division pursuant to section 396-11, HRS.

## **Labor and Industrial Relations Appeals Board**

The Labor and Industrial Relations Appeals Board, established under section 371-4, HRS, consists of three members who are appointed to ten-year terms by the Governor with the advice and consent of the Senate. Because cumulative experience and continuity in office are essential to the proper handling of appeals under workers' compensation law and other labor laws, it is declared to be in the public interest to continue board members in office as long as efficiency is demonstrated. Members devote full time to their duties. The Governor designates the Chairperson who is an attorney. The Board rules on appeals from decisions and orders of the Director of Labor and Industrial Relations issued under the workers' compensation law and any other law for which an appeal to the Board is provided.

## **Employment Security Appeals Referees' Office**

Authority for the Employment Security Appeals Referees' Office (ESARO) to hear appeals from benefit determinations and contribution assessments issued by the Unemployment Insurance Division is provided under sections 383-37, 383-38, 383-39, and 383-74, HRS. A referee, also referred to as a hearing officer, is assigned to conduct the appeal hearing and render a written decision, which is subject to review and adjudication upon an application for reopening of the referee's decision, and by the circuit court upon judicial appeal pursuant to section 383-41, HRS.

## **State Fire Council**

The State Fire Council, established under section 132-16, HRS, consists of the fire chiefs of the counties. In addition to adopting a State Model Fire Code pursuant to section 132-3, HRS, the Council serves as the focal point through which all applications to the federal government for grant assistance for fire-related projects are made and, upon receipt, administers those grants. The Council may advise and assist county fire departments where appropriate; prescribe standard procedures and forms relating to inspections, investigations, and reporting of fires; and advise the Governor and Legislature with respect to fire prevention and protection, life safety, and any other functions or activities for which the various county fire departments are generally responsible.

## **Hawaii Workforce Development Council**

The Hawaii Workforce Development Council, established under section 202-1, HRS, is composed of thirty-one members, the majority of whom are from the private sector: (1) the directors of Labor and Industrial Relations, Human Services, and Business, Economic Development, and Tourism; Superintendent of Education; and President of the University of Hawaii or designees, as ex officio, voting members; (2) the private business sector chairpersons of the four county workforce investment boards, or designees from the private business sector membership of their respective boards, as ex officio, voting members; (3) twelve additional

private sector representatives from business; (4) one representative from a community-based native Hawaiian organization that operates workforce development programs; (5) two representatives from labor; (6) four members of the Legislature, two from each house for two-year terms beginning in January of odd-numbered years, appointed by the appropriate presiding officer of each house, as ex officio, voting members; (7) two mayors or designees, as ex officio, voting members; and (8) the Governor or Governor's designee. Except for the ex officio members or designees, members are appointed to four-year terms by the Governor with the advice and consent of the Senate. The Governor appoints the Chairperson and the two mayors to the Council. Members are selected on the basis of their interest in and knowledge of workforce development programs in the State and how they can support economic development.

The Council advises the Governor, Legislature, counties, and state officials on workforce, employment, related education and training, and economic issues affecting the workforce, career development, and technology skills. The Council serves as the state Workforce Investment Board for purposes of the federal Workforce Investment Act of 1998.<sup>8</sup>

### **Office of Community Services**

The Office of Community Services (OCS), established under section 371K-2, HRS, facilitates and enhances the planning, development, coordination, delivery, and evaluation of an effective statewide network of human services programs for disadvantaged persons, immigrants, and refugees with the goal of self-sufficiency. OCS provides advice and assistance to the public agencies of the Executive Branch, private agencies in health and human services, and the Legislature with respect to disadvantaged persons, immigrants, and refugees. The Office focuses on contracting agencies to provide specialized job training that removes barriers to employment and addresses the particular needs of low-income persons, immigrants, and refugees, thus enabling them to obtain and maintain employment.

### **State Apprenticeship Council**

The membership of the State Apprenticeship Council, established under section 372-4, HRS, is determined by the Director of Labor and Industrial Relations, and members are appointed and removed at the pleasure of the Director. The Council consists of persons familiar with apprenticeable occupations, includes an equal number of representatives of employers and employee organizations, and includes public members who do not number in excess of the number named to represent either employers or employee organizations. The Council serves in an advisory capacity to the Director on matters within the jurisdiction of the Department relating to apprenticeship programs.

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<sup>8</sup> See P.L. 105-220; 29 U.S.C. 2801 et seq.

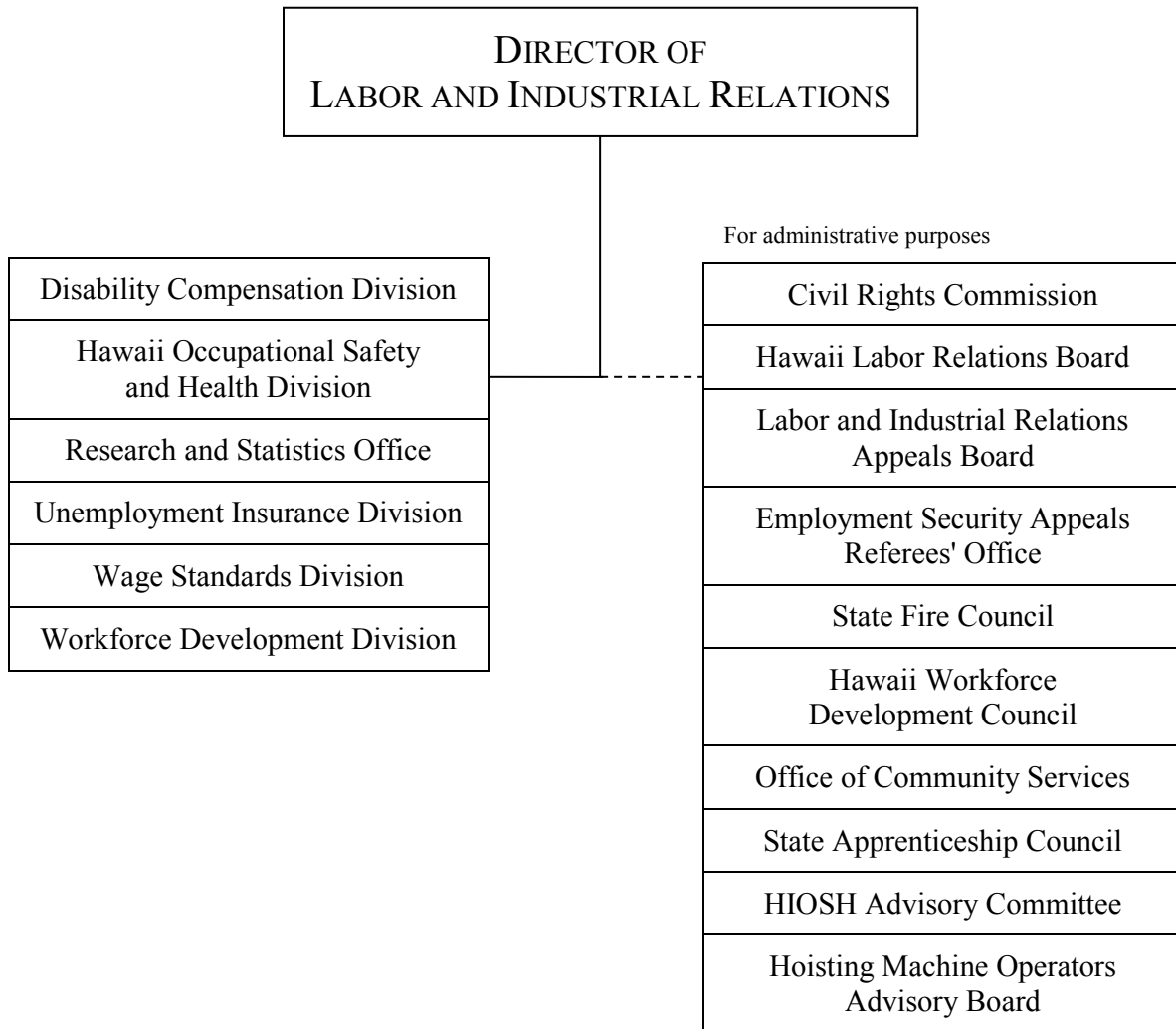
### **HIOSH Advisory Committee**

The Hawaii Occupational Safety and Health (HIOSH) Advisory Committee assists the HIOSH program in carrying out its mission of promoting safe workplaces in Hawaii by providing advice and guidance to the Director of Labor and Industrial Relations. The Committee brings the perspective of employers, unions, professional safety and health association members, and trade organization members for injury and illness prevention, as well as the promotion, education, and resolution of occupational safety and health issues in Hawaii. The Committee assists the Director to ensure that HIOSH's outreach and enforcement efforts are fair and effective.

### **Hoisting Machine Operators Advisory Board**

The Hoisting Machine Operators Advisory Board, established under section 396-19, HRS, consists of five members appointed to four-year terms by the Governor with the advice and consent of the Senate. The Board adopts rules for the certification of hoisting machine operators.

# DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS





## **DEPARTMENT OF LAND AND NATURAL RESOURCES**

<http://dlnr.hawaii.gov>

The Department of Land and Natural Resources (DLNR), established under section 26-15, HRS, and whose jurisdiction is detailed in chapter 171, HRS, is headed by the Board of Land and Natural Resources. The Chairperson of the Board serves in a full-time capacity. DLNR manages the State's public lands and the water and mineral resources on those lands. It also manages the State's aquatic life and wildlife resources, forest reserves, state parks, and small boat harbors, and administers the state conservation districts and the endangered species, natural area reserves, boating and ocean recreation, and historic preservation programs. The Department develops and enforces rules on conservation and resources. It also provides a central repository for all instruments of conveyances.

### **BOARD OF LAND AND NATURAL RESOURCES**

The Board of Land and Natural Resources, generally provided for in the State Constitution, Article XI, section 2, and specifically provided for in sections 26-15 and 171-4, HRS, is vested with powers for the management of natural resources owned or controlled by the State, and their disposition as may be provided by law. The Board is composed of seven members, one from each land district and three at large, who are appointed to four-year terms by the Governor with the advice and consent of the Senate. Not more than three members are from the same political party, and at least one member must have a background in conservation and natural resources. The Governor appoints the Chairperson of the Board from among its members. The Chairperson serves as the chief executive officer of the Department.

### **Office of Conservation and Coastal Lands**

The Office of Conservation and Coastal Lands' (OCCL) mandate is to ensure environmentally responsible regulatory management of lands within the State of Hawaii Conservation District, which includes almost half the State's total land area, as well as all nearshore waters classified as submerged state land. As defined in section 183C-2, HRS, "Conservation district" means those lands within the various counties of the State bounded by the conservation district line, as established under provisions of Act 187, SLH 1961,<sup>1</sup> and Act 205, SLH 1963,<sup>2</sup> or future amendments thereto.

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<sup>1</sup> Act 187, SLH 1961, section 2, established the State Land Use Commission, codified as chapter 98H, Revised Laws of Hawaii 1955 (hereafter "RLH 1955") (1961 supplement).

<sup>2</sup> Act 205, SLH 1963, section 2, amended chapter 98H, RLH 1955, subsequently codified as sections 205-1 to 205-15, HRS.

The State has both public and private lands classified as conservation lands. It is OCCL's responsibility to act as the zoning authority for proposed and ongoing activities on both public and private lands classified as conservation. To accomplish this task, OCCL coordinates the actions of the many agencies within the Department to regulate activities on Conservation District lands.

OCCL also has the responsibility to develop land management policies regarding the State's resources. For example, the Hawaii Coastal Erosion Management Plan (COEMAP) is intended to guide both governmental and non-governmental stakeholders in making decisions on managing Hawaii's coastal lands.

The Coastal Lands Program implements COEMAP. It also conducts environmental, economic, and engineering studies of Hawaii's precious shoreline areas. The Coastal Lands Program acts as the lead state agency in the development and implementation of shoreline restoration and protection projects.

OCCL works with other sectors of government such as federal, county, and other state agencies. OCCL articulates DLNR's position on possible environmental impacts of proposed projects and actions by federal, county, and other state agencies on Conservation District lands.

## **Bureau of Conveyances**

The Bureau of Conveyances, as mandated under chapters 501 (Land Court Registration) and 502 (Bureau of Conveyances; Recording), HRS, maintains accurate records of land title registration and other comprehensive records of documents related to land titles. The Bureau also makes copies of recorded land documents available to various agencies and individuals. Certificates of title on registered land issued by the Bureau are guaranteed by the State against the loss, damage, or deprivation of land, estate, or interest in the land, arising through the fault of the assistant registrars in the performance of their duties. Hawaii is the only state in the nation with a single statewide recording office.

## **Aquatic Resources Division**

The Aquatic Resources Division manages Hawaii's marine and freshwater resources through programs in commercial fisheries; aquatic resources protection, enhancement, and education; and recreational fisheries. Major programs include projects to manage commercial fisheries on a sustainable basis, protect native and resident species and their habitats, and provide facilities and opportunities for recreational fishing.

The Division establishes Marine Life Conservation Districts (MLCDs) for the Department as authorized by chapter 190, HRS, to conserve and replenish marine resources of the State. MLCDs include Hanauma Bay and Waikiki (Oahu), Kealakekua Bay (Hawaii Island), and Molokini Shoal (Maui).

## **Division of Boating and Ocean Recreation**

The Division of Boating and Ocean Recreation manages the State's small boat harbors and statewide ocean recreation programs pertaining to the ocean waters and navigable streams of the State. The Division provides permits for ocean recreation events such as yacht races, canoe regattas, surfing, and board sailing contests. The Division also regulates commercial activities such as thrill craft operations and competing ocean recreation activities in nearshore waters.

## **Division of Conservation and Resources Enforcement**

The Division of Conservation and Resources Enforcement is responsible for enforcing all state laws relating to conservation and natural, cultural, and historic resources. The Division, with full police powers, enforces all state laws and rules involving all lands within the State, including state parks, historical sites, forest reserves, aquatic life and wildlife areas, coastal zones, conservation districts, shorelines, and small boat harbors, as well as county ordinances involving county parks. The Division also enforces laws relating to firearms, ammunition, and dangerous weapons.

## **Engineering Division**

The Engineering Division administers the State's programs in water resource development, geothermal resource management, flood control and prevention, dam safety, and soil and water conservation. The Division also provides engineering services to other DLNR divisions and other agencies.

## **Division of Forestry and Wildlife**

The Division of Forestry and Wildlife is responsible for the management of state-owned forests, natural area reserves, public hunting areas (and the issuance of hunting licenses), and plant and wildlife sanctuaries. Responsibility is statewide for watershed and endangered species protection, wildland fire suppression, public trails and access, and game management programs. Cooperative natural resource programs are also planned and implemented on privately owned forest lands through natural area partnerships, forest stewardship programs, urban forestry projects, and other agreements.

## **Land Division**

The Land Division is responsible for overseeing approximately 1.3 million acres of public lands. The large majority of these lands comprise the Public Land Trust, or lands that were ceded to the United States by the Republic and returned upon admission as a state. Use of Public Land Trust lands are guided by five purposes as defined in the Admission Act, section 5(f): for the support of the public schools and other public educational institutions, for the

betterment of the conditions of Native Hawaiians, for the development of farm and home ownership, for the making of public improvements, and for the provision of lands for public use.

Land use is managed by the Division in accordance with the goals, policies, and plans of the State, as embodied in the Hawaii Revised Statutes and rules adopted by the Department.

Other state lands, onshore and offshore, may be made available to the public for various uses through fee sales, leases, licenses, grants of easements, rights-of-entry, and month-to-month tenancies, and still others may be kept as valuable open-space areas. The Land Division generates revenues through sales, leases, month-to-month permits, land and water licenses, easements, and other dispositions. Twenty percent of revenues generated from Public Land Trust lands are transferred to the Office of Hawaiian Affairs, while the majority of the remaining funds go into the Special Land and Development Fund, under section 171-19, HRS, to help support departmental programs, missions, and functions.

Land may be acquired for public purposes from private owners or other government entities to add to the inventory of state lands. These acquisitions may be made via purchase negotiations, land exchanges, or through eminent domain, if necessary. Besides maintaining an inventory of state-owned lands, the Division serves as an office of record and maintains a central repository of all government land documents dating back to the Great Mahele of 1848.

The Division also provides abstracting and appraisal services, advises other state agencies on matters relating to land use history and use, and processes shoreline certifications for coastal properties using a multi-variable approach to accurately determine changes in shoreline boundaries.

The Division pursues proactive planning and development initiatives to fulfill its statutory obligations and ensure more effective and efficient use of lands in the public trust. As part of this initiative, certain state lands are developed for commercial use to support the public purposes of the Department and to promote economic activity in the State.

### **State Historic Preservation Division**

The State Historic Preservation Division works to preserve reminders of earlier times which link the past to the present. The Division strives to accomplish this goal through maintaining an inventory of historic properties, administering the historic preservation review process, promoting economic incentives for preservation initiatives, supporting five island burial councils, developing public information and education projects, and conducting preservation planning.

The Division also maintains the Hawaii State Register of Historic Places, under chapter 6E, HRS. Nominations to the Register are heard by the Hawaii Historic Places Review Board,<sup>3</sup> under section 6E-5.5, HRS, which may forward accepted and listed Hawaii Register sites to the National Register of Historic Places with the concurrence of property owners.

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<sup>3</sup> See page 137.

## Division of State Parks

The Division of State Parks is responsible for the administration of the State Park System, under section 184-2, HRS, and the State's recreation planning program. The Division plans, constructs, operates, and maintains state park facilities and measures the compliance of concessionaires with its program requirements. It also develops interpretive programs to heighten visitor awareness and understanding of the State's resources and promotes their protection.

## ATTACHED FOR ADMINISTRATIVE PURPOSES

### Commission on Water Resource Management

The State Constitution, Article XI, section 7, mandates the Legislature to provide for a water resources agency to set overall water conservation, quality, and use policies; define beneficial and reasonable uses; protect ground and surface water resources, watersheds, and natural stream environments; establish criteria for water use priorities while ensuring appurtenant rights and existing correlative and riparian uses; and establish procedures for regulating all uses of Hawaii's water resources. This parallels Hawaii's public trust doctrine under the State Constitution, Article XI, section 1, which requires the State to conserve and protect Hawaii's natural resources and promote their development and utilization in a manner consistent with their conservation. The section concludes, "All public natural resources are held in trust by the State for the benefit of the people."<sup>4</sup> This mandate of the State Constitution led the Legislature in 1987 to enact the State Water Code, chapter 174C, HRS, which gives the Commission on Water Resource Management exclusive jurisdiction and final authority in all matters relating to implementation and administration of the State Water Code.

The Commission is established under section 174C-7, HRS, and consists of seven members, including the Chairperson of the Board of Land and Natural Resources who serves as Chairperson of the Commission, and the Director of Health who serves as an ex officio, voting member. The five remaining members are appointed to four-year terms by the Governor, subject to confirmation by the Senate, from a list submitted by a nominating committee.<sup>5</sup> Each of these members is to have substantial experience in the area of water resource management, and at least one member must have substantial experience or expertise in traditional Hawaiian water resource management techniques and traditional Hawaiian riparian usage, such as those preserved by section 174C-101, HRS.

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<sup>4</sup> The Hawaii Supreme has held that, "article XI, section 1 and article XI, section 7 adopt the public trust doctrine as a fundamental principle of constitutional law in Hawaii.

...  
 "Under the public trust, the state has both the authority and duty to preserve the rights of present and future generations in the waters of the state." *In re Water Use Permit Applications*, 94 Haw. 97, 132, 141.

<sup>5</sup> The nominating committee is composed of four individuals chosen as follows: two persons appointed by the Governor; one person appointed by the President of the Senate; and one person appointed by the Speaker of the House of Representatives. The nominating committee solicits applications and sends to the Governor the names of at least three individuals for each open position. See section 174C-7(d), HRS.

## **Public Land Development Corporation**

Chapter 171C, HRS, relating to the Public Land Development Corporation, was repealed April 22, 2013, pursuant to Act 38, SLH 2013, sections 1 and 7.

## **Kahoolawe Island Reserve Commission**

In 1993, Senator Daniel K. Inouye of Hawaii sponsored Title X of the Department of Defense Appropriations Act, 1994 (P.L. 103-139), that authorized conveyance of Kahoolawe and its surrounding waters to the State of Hawaii. In 1994, the Hawaii State Legislature established the Kahoolawe Island Reserve under chapter 6K, HRS. The Kahoolawe Island Reserve Commission (KIRC), established under section 6K-5, HRS, manages and oversees restoration of the Kahoolawe Island Reserve--including waters extending seaward two nautical miles from the shoreline--until such time as it may be transferred to a Native Hawaiian entity, recognized by the state and federal governments. Under section 6K-3, HRS, the Kahoolawe Island Reserve must be used solely and exclusively for the following purposes: (1) preservation and practice of all rights customarily and traditionally exercised by Native Hawaiians for cultural, spiritual, and subsistence purposes; (2) preservation and protection of its archaeological, historical, and environmental resources; (3) rehabilitation, revegetation, habitat restoration, and preservation; and (4) education. Commercial uses are strictly prohibited.

The Commission consists of seven members appointed to four-year terms by the Governor with the advice and consent of the Senate: one member of the Protect Kahoolawe Ohana (PKO); two from a list provided by the PKO; one trustee or representative of the Office of Hawaiian Affairs; one county official from a list provided by the Mayor of Maui; one from a list provided by Native Hawaiian organizations; and the Chairperson of the Board of Land and Natural Resources. The Governor appoints the KIRC Chairperson from among commission members.

## **Animal Species Advisory Commission**

The Animal Species Advisory Commission, established under section 197-2, HRS, consists of thirteen members who are appointed to four-year terms by the Governor with the advice and consent of the Senate as follows: the Chairperson of each Aquatic Life and Wildlife Advisory Committee established in each of the counties under section 197-4, HRS; three members of the Department designated by the Chairperson of the Department, one each from the professional fields of aquatic life, wildlife, and conservation and resources enforcement; and six scientists in the fields of botany, mammalogy, ichthyology, entomology, ornithology, and invertebrate zoology. The Commission selects its own Chairperson. The Commission advises the Board of Land and Natural Resources on every proposal by the Department for the deliberate introduction of aquatic life and wildlife into any habitat within the State. The Commission may also advise the Board on any matter affecting the taking and conservation of aquatic life and wildlife, including proposed rules.

## **Endangered Species Recovery Committee**

The Endangered Species Recovery Committee, established under section 195D-25, HRS, consists of six members as follows: two field biologists with expertise in conservation biology, the Chairperson of the Board of Land and Natural Resources, the Ecoregion Director of the U.S. Fish and Wildlife Service, Director of the U.S. Geological Survey, Biological Resources Division, and the Director of the University of Hawaii Environmental Center, or designees of the latter four. Nongovernmental members are appointed to four-year terms by the Governor with the advice and consent of the Senate. Governmental members from the federal agencies are requested but not required to serve on the Committee. The Committee: (1) reviews and recommends to the Board actions to take on all applications and proposals for habitat conservation plans, safe harbor agreements, and incidental take licenses; (2) reviews all habitat conservation plans, safe harbor agreements, and incidental take licenses on an annual basis to ensure compliance with agreed-to activities; (3) considers and recommends appropriate incentives to encourage landowners' involvement in endangered species restoration efforts; (4) performs other duties as needed; (5) consults with persons possessing expertise in endangered species matters as the Committee may deem appropriate and necessary; and (6) conducts annual site visits to properties covered under plans and agreements.

## **Hawaii Historic Places Review Board**

The Hawaii Historic Places Review Board is established under section 6E-5.5, HRS, as a review board for the Hawaii Register of Historic Places and the National Register of Historic Places. The Board consists of ten members who are appointed to four-year terms by the Governor with the advice and consent of the Senate, and includes one professionally qualified member from each of the disciplines of archaeology, architecture, history, and sociology, and one member knowledgeable in traditional Hawaiian society and culture. The Board elects a Chairperson and Vice Chairperson. The Board orders historic properties entered into the Hawaii Register of Historic Places on the basis of their value to Hawaii's heritage; evaluates and recommends the nomination of historic properties to the National Register of Historic Places; reviews the state survey of historic properties and the state historic preservation plan; maintains the Hawaii Register of Historic Places, including all those listed on the National Register of Historic Places, and a program of notification and publication regarding properties on the registers; and develops policies on signage in historic districts.

## **Island Burial Councils**

Five Island Burial Councils, one each for Hawaii, Maui/Lanai, Molokai, Oahu, and Kauai/Niihau, are established under section 6E-43.5, HRS, to implement section 6E-43, HRS (prehistoric and historic burial sites). Each Council consists of nine members, except the Molokai Council, which consists of five members. Each Council consists of no more than three representatives of development and large landowner interests, except that the Molokai Council consists of no more than one representative of development and large landowner interests. The remaining council members represent the geographic regions identified in section 6E-43.5(a),

HRS. At all times, at least two of the regional representatives of each Council shall have been appointed from a list of nominees submitted to the Governor by the Office of Hawaiian Affairs as provided under section 6E-43.5(b), HRS. Pursuant to section 6E-43.5(b), HRS, members are appointed to four-year terms by the Governor with the advice and consent of the Senate, and also in accordance with section 6E-43.5(a), from lists for each Council submitted by DLNR and the Office of Hawaiian Affairs. Regional representatives are selected from the Hawaiian community on the basis of their understanding of the culture, history, burial beliefs, customs, and practices of Native Hawaiians in the region they each represent. The Councils elect a Chairperson for a four-year term who serves for not more than two consecutive terms.

The Councils determine the preservation or relocation of previously identified Native Hawaiian burial sites; assist DLNR in the inventory and identification of Native Hawaiian burial sites; recommend appropriate management, treatment, and protection of Native Hawaiian burial sites; and maintain a list of appropriate Hawaiian organizations, agencies, and offices to notify regarding the discovery of remains.

### **Kokee State Park Advisory Council**

The Kokee State Park Advisory Council, established under section 171-8.5, HRS, consists of: nine voting members who are appointed to three-year terms in equal numbers by the Governor, the Speaker of the House of Representatives, and the President of the Senate; and four ex officio, nonvoting members. The voting members are Kauai residents who possess general knowledge of at least one of four strategic areas: education; cultural resources; the environment; or native plants, animals, and ecosystems. The ex officio, nonvoting members are: (1) a representative of the U.S. Fish and Wildlife Service; (2) a representative of the Department of Land and Natural Resources (DLNR) Forestry and Wildlife Division, as designated by the Chairperson of the Board of Land and Natural Resources (BLNR); (3) a representative of DLNR State Parks Division, as designated by the Chairperson of BLNR; and (4) a representative of the County of Kauai, as designated by the Kauai County Council. A Chairperson is elected annually by the Council from among its voting members. The Council's responsibilities include: reviewing and assisting in updating and revising the Kokee State Park master plan; advising and assisting in the management of the Kokee recreational cabin leases; enhancing community education and cultural awareness of Kokee State Park; participating in the protection and preservation of Kokee State Park's natural and cultural resources; and advising and assisting in the overall implementation of the Kokee State Park master plan.

### **Legacy Land Conservation Commission**

The Legacy Land Conservation Commission, established under section 173A-2.4, HRS, consists of nine members, including at least one member from each of the counties, who are appointed to four-year terms by the Governor with the advice and consent of the Senate. Four members possess scientific qualifications as evidenced by an academic degree in wildlife or marine biology, botany, forestry, ecology, resource management, biogeography, zoology, or geology; one member is a member of an environmental organization organized in the State; one

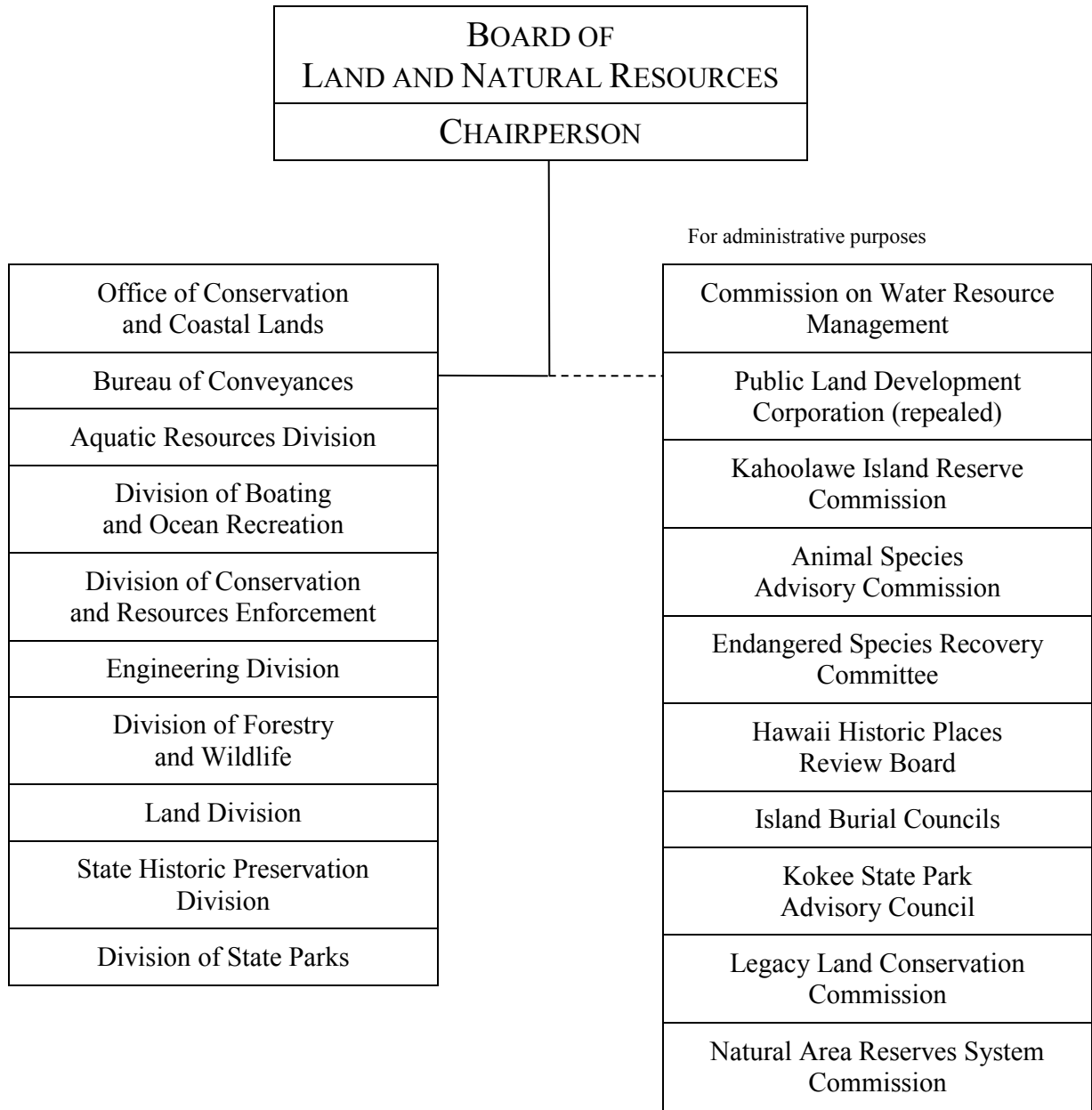


member is a member of a land conservation organization organized in the State; one member is a member of a statewide agricultural association; and one member is knowledgeable about native Hawaiian culture. The Chairperson of the Natural Area Reserves System Commission, or designee, serves as an ex officio, voting member. The members of the Commission elect the Chairperson. The responsibilities of the Commission include advising the Department and the Board on: proposals for the acquisition of any interest or rights in land having value as a resource to the State; and requests for grants from the Land Conservation Fund, established under section 173A-5, HRS, to a qualifying state or county agency or nonprofit land conservation organization for the preservation of lands having value as a resource to the State.

### **Natural Area Reserves System Commission**

The Natural Area Reserves System Commission, established under section 195-6, HRS, consists of thirteen members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. Six members possess qualifications in wildlife or marine biology, botany, forestry, ecology, resource management, biogeography, zoology, or geology; one member is a member of a hiking organization organized in the State; one member is a member of a hunting organization organized in the State, and one member is a person possessing a background in Native Hawaiian traditional and customary practices. The Chairperson of the Board of Land and Natural Resources, Director of the Office of Planning, Chairperson of the Board of Agriculture, and President of the University of Hawaii, or designees, serve as ex officio, voting members. The Governor appoints the Chairperson from among the appointed members. Among its duties, the Commission establishes criteria for determining whether an area is suitable for inclusion within the reserves system; conducts studies of areas for possible inclusion within the reserves system; establishes policies and criteria regarding the management, protection, and permitted uses of areas that are part of the reserves system; and advises the Governor and the Department on matters relating to the preservation of unique natural resources.

# DEPARTMENT OF LAND AND NATURAL RESOURCES



## DEPARTMENT OF PUBLIC SAFETY

<http://dps.hawaii.gov>

The Department of Public Safety, established under section 26-14.6, HRS, is headed by the Director of Public Safety. The Department is responsible for the formulation and implementation of state policies and objectives for correctional, security, law enforcement, and public safety programs and functions, for the administration and maintenance of all public or private correctional facilities and services, for service of process, and for the security of state buildings.

### Administration Division

Through its Administration Division, the Department achieves its mission by planning, evaluating, and monitoring expenditures; planning and implementing capital improvement projects; providing statistical data on inmate populations; managing the procurement of goods and services; administering a statewide training program for uniformed and non-uniformed employees; providing personnel services, management information, and administrative policies and procedures; and enforcing civil rights compliance.

### Law Enforcement Division

Through its Law Enforcement Division, the Department preserves the peace and protects the public in designated areas, including state property and facilities, and enforces specified laws and rules for the prevention and control of crime.

**Narcotics Enforcement Division.** The Narcotics Enforcement Division (NED) is a statewide law enforcement agency that serves and protects the public by enforcing state laws pertaining to controlled substances and regulated chemicals. It is responsible for the registration and control of the manufacture, distribution, prescription, and dispensing of controlled substances and precursor or essential chemicals in the State.

NED is also responsible for ensuring that pharmaceutical controlled substances are used for legitimate medical purposes. It registers and investigates all violations by persons who administer, prescribe, manufacture, or dispense controlled substances in the State, including those who work at methadone clinics.

NED enforces the provisions of the Uniform Controlled Substances Act,<sup>1</sup> including the Medical Use of Marijuana.<sup>2</sup> NED works extensively with county police departments and federal agencies in detecting and apprehending controlled substance and regulated chemical violators. In addition to enforcement, the Division focuses on interdiction, diversion, and

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<sup>1</sup> See chapter 329, HRS, and Title 23, chapters 200-201, HAR.

<sup>2</sup> See chapter 329, part IX, HRS, and Title 23, chapter 202, HAR.

prevention activities. NED is also responsible for Hawaii's Electronic Prescription Accountability System (ePAS), which monitors all prescriptions filled in the State for Schedules II through V controlled substances.

**Sheriff Division.** The Sheriff Division carries out law enforcement services statewide. Its mission is to preserve the peace by protecting all persons and property within premises under the control of the Judiciary and all state facilities; providing execution of court documents; handling detained persons; and providing secure transportation for persons in custody. It also provides law enforcement services at Honolulu International Airport.

Sheriffs are involved at various stages of the criminal justice system. At the initial stage, they arrest, book, and process persons entering the system. At the police cellblock, they secure, escort, and transport detainees. Sheriffs escort, secure, and transport juvenile and adult inmates to intrastate destinations for court appearances. They serve various types of arrest warrants and other documents, and execute writs of possession. They also conduct records verification and background checks.

Additionally, through its specialized canine unit, the Division is responsible for detecting narcotics and explosives in agencies within the Judiciary, the Department's correctional facilities, and other state and county agencies that request such services.

The Division provides executive protection services to the Governor, Lieutenant Governor and, when requested, national and international dignitaries.

## **Corrections Division**

Through its Corrections Division, the Department provides for: the care and custody of all persons committed by the courts or detained pending judicial disposition of criminal charges; the supervision and monitoring of persons released from confinement upon proper authority; and programs and services that enable such persons to acquire skills necessary to function in the community in a law-abiding manner.

**Institutions Division.** The Institutions Division's primary responsibility is to provide an effective offender management and service delivery system commensurate with the needs of offenders, institutions, and public safety. This includes providing a lawful, secure, humane, safe, and constructive environment for custodial care, with meaningful programs and services that are beneficial to offenders. The Division maintains facilities and programs for the detention of adults pending judicial decisions and redirects adults sentenced to incarceration.

**Intake Service Centers Division.** The Intake Service Centers Division (ISCD) is responsible for admission and release screening and pretrial investigations and evaluations of all offenders. ISCD provides supervision to offenders placed in supervised release programs by the courts. The Division also provides social, physical, and mental health screening and assessments of offenders for diversionary purposes and identifies custody and care needs of the offender population.

**Corrections Program Services Division.** The Corrections Program Services Division delivers a range of programs and services that preserves the legal rights of offenders in Hawaii's adult correctional institutions and provides them with opportunities to develop positive skills and attitudes necessary to function in the community as productive, law-abiding members. Current correctional programs and services include academic education, social development, vocational training, work development, substance abuse and sex offender treatment, and religious, library, and food services.

**Health Care Services Division.** The Health Care Services Division provides health care services, in coordination with security and other correctional units, to persons detained in or sentenced to state correctional facilities. These services include medical, mental health, nursing, dental, preventive health, chronic care, and health education. The Division also ensures adherence to contemporary community standards to maintain uniformity of quality of health care delivery, and integration and coordination among health care providers, while remaining fiscally responsible. The Division provides oversight of health care provided to Hawaii inmates in out-of-state facilities, as well as monitoring, auditing, and pre-authorization of services for non-emergency outside provider care.

**Correctional Industries Division.** The Correctional Industries Division provides comprehensive work programs for all qualified, able-bodied inmates. These programs are mandated to: generate revenue to sustain their operations and allow for capital investment; provide specific training skills for offenders that increase their employment prospects when they return to their community; provide a maximum level of work for all qualified, able-bodied inmates; provide an environment for operations similar to those of a private business; encourage cooperative training ventures with the private sector; and provide low-cost construction, renovations, and repairs of facilities for government agencies and nonprofit organizations.

## **ATTACHED FOR ADMINISTRATIVE PURPOSES**

### **Hawaii Paroling Authority**

The Hawaii Paroling Authority, established under section 353-61, HRS, consists of five members appointed to four-year terms by the Governor with the advice and consent of the Senate. Members are nominated by a panel composed of the Chief Justice, Director of Public Safety, President of the Hawaii State Bar Association, a representative designated by the head of Interfaith Alliance Hawaii, a public member appointed by the Governor, and the President of the Hawaii Chapter of the National Association of Social Workers. The panel submits to the Governor the names of not less than three nominees for Chairperson or a member. Nominees are selected on the basis of their qualifications to make decisions that will be compatible with the welfare of the community and of individual offenders, including the background and ability for appraisal of offenders and the circumstances under which offenses were committed. The Chairperson serves on a full-time basis. The other four members serve on a part-time basis.

Pursuant to section 353-62, HRS, the Authority serves as the central paroling authority for the State. It considers all committed persons for parole, except in cases where the penalty of

life imprisonment without parole has been imposed. Among its duties, the Authority determines the time at which parole is granted and conditions of parole; provides continuing custody, control, and supervision of paroled individuals; revokes or suspends parole; discharges an individual from parole when supervision is no longer needed; and recommends to the Legislature sound parole legislation and recommends to the Governor sound parole administration.

### **Crime Victim Compensation Commission**

The Crime Victim Compensation Commission, established under section 351-11, HRS, consists of three members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. The Commission carries out the purpose of chapter 351, HRS, which is to aid victims of certain crimes or dependents of deceased victims and to provide for indemnification of private citizens for personal injury or property damage suffered in the prevention of crime or apprehension of a criminal. Eligibility for compensation to victims or dependents is set forth in section 351-31, HRS, and for compensation to private citizens in section 351-52, HRS.

### **Corrections Population Management Commission**

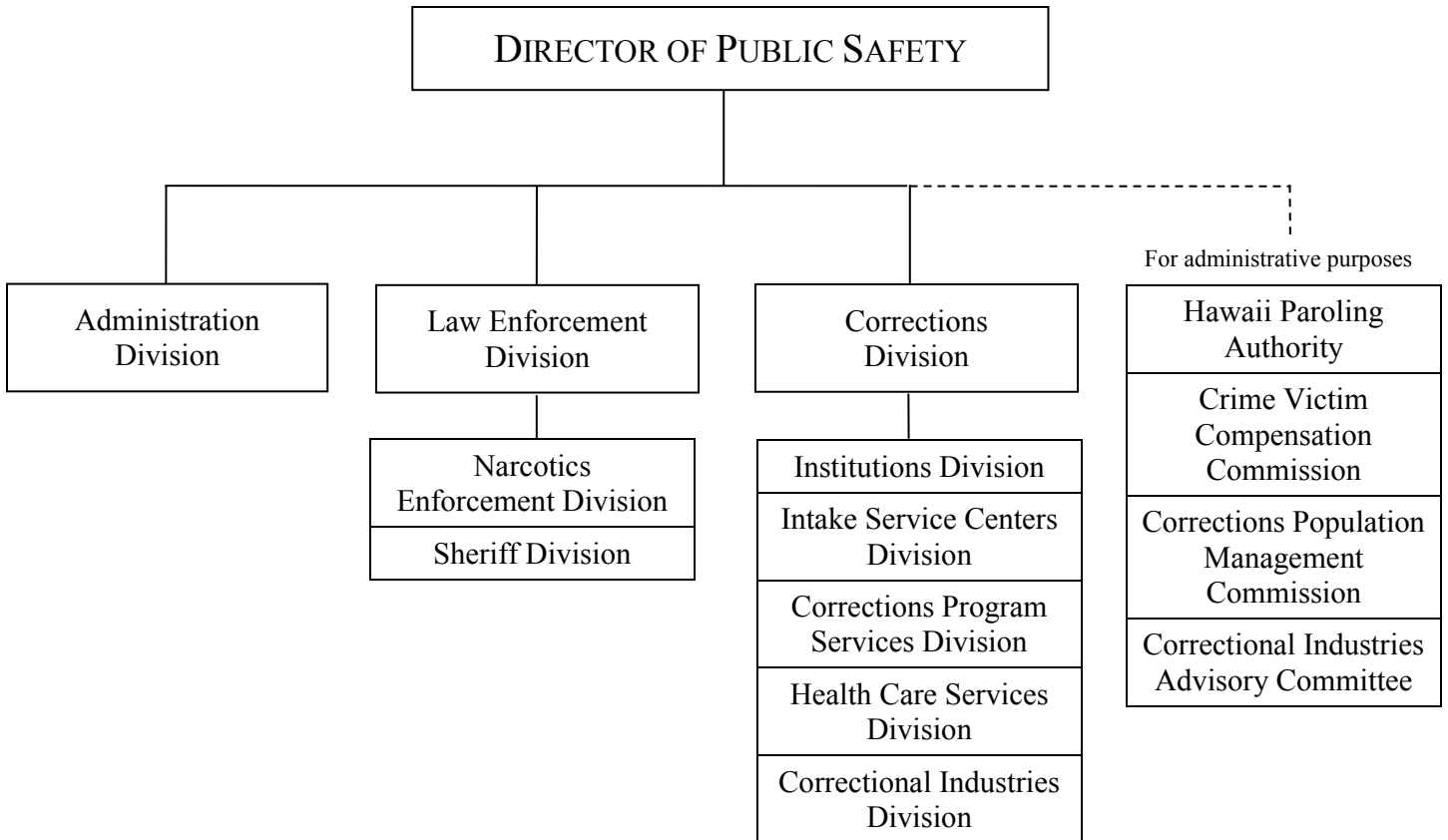
The Corrections Population Management Commission is established under section 353F-1, HRS. Pursuant to section 353F-4, HRS, the Commission consists of thirteen members. The Attorney General, Director of Public Safety, Administrator of the Office of Hawaiian Affairs, a representative of the county departments of the prosecuting attorney to be selected by the prosecuting attorneys, Public Defender, Chairperson of the Hawaii Paroling Authority, President of the Senate, and Speaker of the House of Representatives, or designees, are members. The Chief Justice appoints one judge and one adult probation administrator of the Judiciary as members. The Governor appoints one member from the private sector who is knowledgeable on issues pertaining to reintegrating offenders into the community and one member from the public who is knowledgeable on issues relating to the criminal justice system and has substantial experience or expertise in traditional Native Hawaiian practices. The Chairperson of the Hawaii Paroling Authority appoints one member who is a rehabilitated offender and is knowledgeable on issues pertaining to reintegrating offenders into the community. The Governor appoints the Chairperson from among the members. The objective of the Commission is to establish maximum inmate population limits for each correctional facility and to formulate policies and procedures to prevent the inmate population from exceeding the capacity of each facility.

### **Correctional Industries Advisory Committee**

The Correctional Industries Advisory Committee, established under section 354D-5, HRS, consists of nine members appointed to four-year terms by the Governor with the advice and consent of the Senate. The Governor designates a member as Chairperson and appoints at least two members from private sector businesses and two members from labor unions. The Director of Public Safety, or designee, serves as an ex officio, nonvoting member. The Committee advises the Department on the feasibility of establishing venture agreements with

private sector businesses to utilize the services of qualified, able-bodied inmates pursuant to section 354D-13, HRS.

# DEPARTMENT OF PUBLIC SAFETY





## **DEPARTMENT OF TAXATION**

<http://tax.hawaii.gov>

The Department of Taxation, established under section 26-10, HRS, and whose duties and powers are enumerated under section 231-3, HRS, is headed by the Director of Taxation. The Department is responsible for the administration and enforcement of the tax laws of the State. This includes the assessment of taxes and the collection of tax revenues. It develops tax interpretations, studies the provisions of tax laws, and recommends to the Legislature changes and revisions to those laws. The Department also collects the employment security contributions paid by employers under the unemployment compensation law. Tax appeals are administered by the Tax Appeal Court and the Boards of Taxation Review in the four tax districts.

### **Compliance Division**

The Compliance Division administers a comprehensive and uniform statewide compliance program, conducts and enforces collection of delinquent taxes by appropriate collection procedures, conducts audits, secures nonfiled returns from taxpayers, and conducts investigations to determine compliance with state tax laws.

The Division enforces department policies and procedures; renders guidelines and recommendations; provides coordination and assistance in enforcement activities; participates in resolving complex enforcement cases; recommends goals and objectives; and reviews objectives and accomplishments with operating personnel.

Its functions are carried out by the Oahu Office Audit Branch, Oahu Collections Branch, Field Audit Branch, and the Neighbor Island Districts (Maui, Kauai, and Hawaii).

### **Rules Office**

The Rules Office provides all legal services to the Tax Department, except those legal services reserved to the Attorney General. This includes legislation and rules comprising research, creation, drafting, testimony, legislative history of all tax laws, and rules history, with the Attorney General reserving constitutionality. The Rules Office also assists in establishing internal and external policies and procedures and works with other Department divisions in determining the proper application of tax laws to taxpayers.

### **Information Technology Services Office**

The Information Technology Services Office (ITSO) provides continuous analysis and support of computer systems to automate routine tax processing functions and makes information available for tax planning and the preparation of statistical reports. ITSO assists departmental management and organization studies to achieve greater productivity from those systems and

furnishes data processing operations support for the systems. The Office advises the Department on matters pertaining to information technology, computerization, on-line application, and office automation.

### **Tax Research and Planning Office**

The Tax Research and Planning Office provides information on tax yields and on the revenue effects of proposed and existing tax laws and performs research on economic conditions as they relate to taxes. The Office prepares a variety of reports on taxes and directs the preparation of the annual report. It assists the Director in long-term tax planning and in developing tax legislation proposals. It also provides support for the general fund forecasts of the Council on Revenues and for the Tax Review Commission when it is in session.

### **Administrative Services Office**

The Administrative Services Office assists the Director in administrative matters and provides general internal management for the Department. It coordinates and prepares the annual operating budget of the Department and maintains control over departmental accounts and expenditures. In addition, the Office advises and provides staff services in the areas of capital improvements and facilities management, including renovations, and attends to the personnel services programs of the Department, such as personnel classification, job evaluation, employee relations, labor relations, equal employment opportunity and affirmative action, employee training and development, personnel transactions, and the maintenance of personnel records.

### **Taxpayer Advocate**

The Taxpayer Advocate safeguards taxpayers' rights and provides taxpayers with prompt, courteous, and impartial treatment on concerns that cannot be resolved through normal channels and require coordination to cut across functional responsibilities. The Advocate reports on systemic or procedural problems directly to the Director to ensure independent treatment.

### **Tax Services and Processing Division**

The Tax Services and Processing Division performs all functions relating to the processing and control of documents; receives, secures, deposits, and accounts for tax payments; and renders taxpayer services to the public, including the issuance of general excise tax licenses. These functions are carried out through three branches: Documents Processing, Revenue Accounting, and Taxpayer Services.

**ATTACHED FOR ADMINISTRATIVE PURPOSES****Boards of Review**

There is a Board of Review for each of the four taxation districts, pursuant to section 26-10(d), HRS. Under section 232-6, HRS, each Board consists of five members appointed to four-year terms by the Governor with the advice and consent of the Senate. Furthermore, section 232-6, HRS, authorizes the creation of up to three additional boards of review in a taxation district if the number of disputes within the taxation district is so great that they cannot be reasonably decided within one year. The Governor designates a Chairperson and Vice Chairperson for each Board. Members are required to be residents of the taxation district for which the member is appointed and must have resided in the State for at least three years at the time of appointment. No officer or employee of the State is eligible for appointment to any of the boards. Each Board of Review, under section 232-7, HRS, informally hears all disputes between the assessor and any taxpayer who has filed a notice of appeal. Each Board is empowered to decide all questions of fact and all questions of law, except questions involving the Constitution or laws of the United States. A decision of a Board of Review may be appealed to the Tax Appeal Court, under section 232-17, HRS. Alternatively, any taxpayer may take the matter directly to the Tax Appeal Court, under section 232-16, HRS.

**Council on Revenues**

The Council on Revenues, established under section 37-111, HRS, consists of seven members. Three members are appointed to four-year terms by the Governor. Because cumulative experience and continuity in office are essential to the proper administration of chapter 37, HRS, it is declared to be in the public interest to continue board members in office as long as efficiency is demonstrated, notwithstanding the provision of section 26-34, HRS, which limits the appointment of a member of a board or commission to two terms. Two members each are appointed to an unlimited number of two-year terms by the President of the Senate and the Speaker of the House of Representatives. The members appoint the Chairperson of the Council from their own membership.

The Council prepares revenue estimates of the state government for the fiscal year in progress and for each of the ensuing fiscal years of the six-year state program and financial plan. The Council reports the estimates and revisions thereto to the Governor and the Legislature each June 1, September 10, January 10, and March 15. The Council revises and updates such estimates if it determines that such revisions are necessary or upon request of the Governor or Legislature. Pursuant to section 37-112, HRS, the estimates prepared by the Council are considered by the Governor in preparing the budget, recommending appropriations and revenue measures, projecting revenues, and controlling expenditures. The Legislature considers these estimates in appropriating funds and enacting revenue measures. The Governor and Legislature use the latest council estimate as the base estimate against which their revenue estimates are compared.

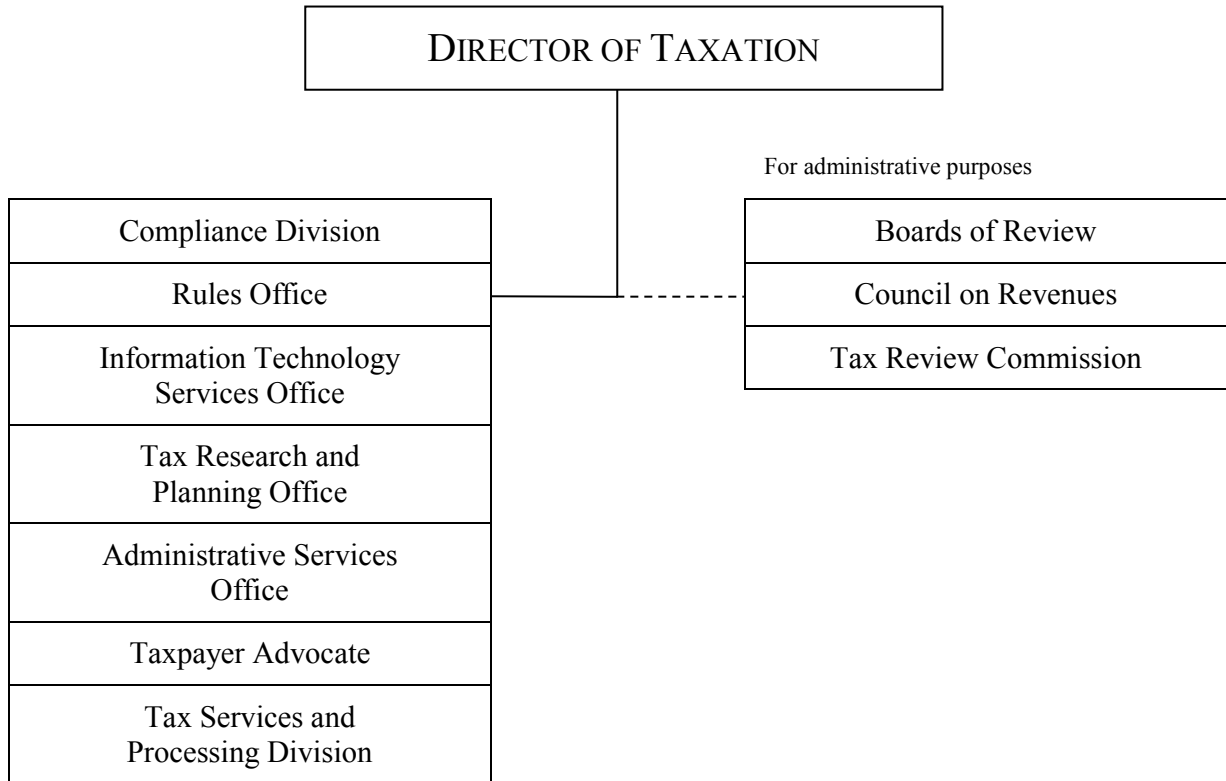
Under section 37-113.1, HRS, the Council also prepares an estimate of the total state personal income for the calendar year in progress and, when necessary, for the next succeeding

calendar year for which such income has not been determined or published and reports the estimate and any revision thereto to the Director of Finance, Governor, Chief Justice, and Legislature each August 5 and November 5.

### **Tax Review Commission**

The Tax Review Commission, established under the State Constitution, Article VII, section 3, and section 232E-1, HRS, consists of seven members who are appointed by the Governor with the advice and consent of the Senate. A Commission was appointed on or before July 1, 1980, and a new Commission is appointed on or before July 1 every five years thereafter. The Commission dissolves upon the adjournment sine die of the Legislature to which it submits the evaluation and recommendations required by section 232E-3, HRS. Under section 232E-3, HRS, the Commission conducts a systematic review of the State's tax structure, using such standards as equity and efficiency. Thirty days prior to the convening of the second regular session of the Legislature after the members of the Commission have been appointed, the Commission submits to the Legislature an evaluation of the State's tax structure and recommends revenue and tax policy, except that for the Commission appointed on or before July 1, 2010, or the successor Commission intended to function prior to the appointment of a new Commission on or before July 1, 2015, the Commission was required to submit the required evaluation and recommendations to the Legislature thirty days prior to the convening of the regular session of 2013.

# DEPARTMENT OF TAXATION



## DEPARTMENT OF TRANSPORTATION

<http://hidot.hawaii.gov>

The Department of Transportation (DOT), established under section 26-19, HRS, is headed by the Director of Transportation. The Department establishes, maintains, and operates transportation facilities of the State, including highways, airports, and harbors, and such other transportation facilities and activities as may be authorized by law.

The Department is a line-staff organization. The line segments are composed of the following divisions:

- Airports Division
- Harbors Division
- Highways Division

The three divisions are decentralized and operate independently under the general supervision of the Director of Transportation to design, construct, maintain, and operate state airports, harbors, and highways.

The staff segments are composed of the following departmental staff offices:

- Staff Services
- Office of Public Affairs
- Office of Special Compliance
- Rail Transit Safety and Security Oversight Office
- Office of Civil Rights
- Statewide Transportation Planning Office

The departmental staff offices are centralized and grouped by functions. Their basic function is to provide advice, guidance, and support to the three divisions.

## Staff Services

Staff Services is composed of the following segments:

**Personnel Office.** The Personnel Office (PER) administers the Department's comprehensive personnel management program, which includes the civil service system and the provisions of collective bargaining. PER also provides direction and assistance in the various functional areas of the program, such as recruitment, training, and the administration of employee benefit programs.

**Business Management Office.** The Business Management Office (BUS) provides financial management services to the Director and the administrative staff offices. BUS also provides departmental staff services in business process improvement and internal control, systems accounting, and federal aid accounting.

**Contracts Office.** The Contracts Office (CON) administers the Department's contracting activities, including soliciting bids, qualifying prospective bidders, processing bids, and awarding and executing contracts in compliance with Hawaii's Procurement Code. CON also establishes contract procedures, develops contract documents, and maintains a complete record of contracts and their current status.

**PPB Management and Analytical Office.** The PPB<sup>1</sup> Management and Analytical Office (PPB) administers the Department's planning, programming, and budgeting activities, as mandated by the Executive Budget Act,<sup>2</sup> which requires PPB to develop and maintain a system of budgetary execution and control procedures. PPB also analyzes and conducts studies to determine the efficacy of the Department's programs, methods, and procedures.

**Computer Systems and Services Office.** The Computer Systems and Services Office (CSS) provides to the Director and the Department full information technology (IT) services, including statewide telecommunication capabilities, comprehensive data center services; technical assistance; and implementation, administration, and maintenance of computer databases and applications. CSS also provides liaison services with the Department of Accounting and General Services' Information and Communication Services Division (DAGS-ICSD), the statewide IT governance committees, other state agencies, the counties, and federal entities.

## Office of Public Affairs

The Office of Public Affairs provides services necessary to implement the Department's program of public information and public relations, including media relations, reference and informational services, public and community relations, intra-departmental communications, and transportation demand management services.

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<sup>1</sup> Planning, Programming, Budgeting.

<sup>2</sup> See Act 185, SLH 1970.

## **Rail Transit Safety and Security Oversight Office**

The Rail Transit Safety and Security Oversight Office oversees the safety and security of the Honolulu rail transit system that is under the jurisdiction of the Honolulu Authority for Rapid Transportation (HART). The responsibilities of the Oversight Office include: developing and implementing a System Safety Program Standard (Program Standard) in accordance with the requirements of Title 49, Code of Federal Regulations (hereafter “CFR”), part 659; requiring, reviewing, and approving the HART system safety program plan; requiring HART to conduct on-going safety and security reviews and submit an annual report to the Oversight Office; conducting on-site visits to HART’s rail transit system every three years to perform a formal safety and security review; requiring HART to report the occurrence of accidents and unacceptable hazardous conditions within a specified period of time; investigating rail transit accidents; and requiring HART to develop action plans to correct accident investigation findings.

## **Office of Special Compliance Programs**

The Office of Special Compliance Programs provides department-wide functional direction for the federal and state regulatory programs relating to environmental compliance and hazardous materials. The Environmental Compliance Program ensures that all divisions, operational areas, and facilities are in compliance with environmental regulations, including the Resource Conservation and Recovery Act, the Clean Air Act, the Clean Water Act, and their state counterparts. The Hazard Material Program develops, administers, and interprets the regulations relating to the transporting of hazardous materials through areas under the Department's control.

## **Office of Civil Rights**

The primary function of the Office of Civil Rights is to ensure that the Department is in full compliance with the Civil Rights Act of 1964<sup>3</sup> and all related rules, directives, and executive orders in all of its programs and activities. In accordance with this and under the authority of the Department, the Office plans, directs, develops, implements, and administers a department-wide comprehensive civil rights program, which includes Titles VI<sup>4</sup> and VII<sup>5</sup> of the Civil Rights Act of 1964, the Disadvantaged Business Enterprise (DBE) program,<sup>6</sup> and the Americans with Disabilities Act of 1990 (ADA).<sup>7</sup>

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<sup>3</sup> See P.L. 88-352; 42 U.S.C. 1981 et seq.

<sup>4</sup> Nondiscrimination in federally assisted programs; 42 U.S.C. 2000d et seq.

<sup>5</sup> Equal employment opportunity; 42 U.S.C. 2000e et seq.

<sup>6</sup> See P.L. 112-141, section 1101(b), 126 Stat. 414; 49 CFR 26.

<sup>7</sup> See P.L. 101-336; 42 U.S.C. 12101 et seq.



## **Statewide Transportation Planning Office**

The Statewide Transportation Planning Office (STP) coordinates the Department's comprehensive multi-modal transportation planning programs. Working closely with DOT's Airport, Harbors, and Highways planning offices, Oahu Metropolitan Planning Organization, city/county planning departments, Federal Highways Administration, and Federal Transit Administration, STP develops and maintains the statewide transportation planning process. STP ensures that these plans are comprehensive, integrated, and publicly accountable. For example, the Statewide Transportation Plan encompasses Hawaii's entire transportation infrastructure, which is essential for delivering critical commodities from overseas, inter-island, and intra-island transports.

STP also administers the Federal Transit Administration's capital assistance program for mass transit, the elderly, and persons with disabilities.

## **AIRPORTS DIVISION**

The Airports Division administers the statewide airports program. The Division encourages, fosters, and assists in the development of aeronautics in the State. It plans, designs, constructs, maintains, and operates public airports and provides airport facilities that accommodate the safe, orderly, and efficient movement of aircraft, vehicles, and air travelers.

In addition to moneys in the Airport Revenue Fund, under section 248-8, HRS, the Division obtains federal aid for eligible airport projects through the Airport and Airway Improvement Act of 1982.<sup>8</sup> Long-range airport master plans are prepared and periodically updated by the Division. It directs the work of consultants in the preparation of plans and the supervision of construction. To operate the system on a financially self-sustaining basis, the Division establishes a program of fees and charges for the use of airports and for concession operations within terminal buildings. It is responsible for the granting of leases, licenses, and permits for persons conducting businesses at airports. To finance the construction of new facilities, airport revenue bonds are issued by the Division. It prepares administrative rules for the management and control of activities at airports. Assistance to state and county planning agencies is provided for land use compatible with aircraft operations through a federally assisted program for noise measurement. The Division also cooperates with state and private tourism agencies in promoting new airlines and routes to Hawaii.

## **Staff Services Office**

The Staff Services Office advises the Airports Administrator and others on administrative issues. It provides administrative support services and guidance for personnel management; budget; property management and land acquisition; methods, standards, and evaluation; and

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<sup>8</sup> See P.L. 97-248, Title V, 96 Stat. 671. This Public Law enacted no currently effective sections.

financial management. The Office also provides coordination and liaison services for legislative matters.

### **Visitor Information Program Office**

The Visitor Information Program Office (VIP) plans, organizes, coordinates, and administers the statewide Visitor Information Program. It provides visitor information services to the Department and its Airports and Harbors divisions; conducts protocol events, rites, and ceremonies; provides hospitality, information, assistance, and a variety of other services to visitors; and serves as liaison with other governmental agencies and private groups on matters relating to the development of tourism in Hawaii.

### **Engineering Branch**

The Engineering Branch advises the Airports Administrator and others on engineering matters. It provides engineering support, services, and guidance through its Programs Management Office and Planning, Design, Construction, Special Maintenance, and Drafting sections.

### **Information Technology Office**

The Information Technology Office develops and maintains a computerized information systems strategy for the Division. It plans, analyzes, designs, implements, and maintains computer systems that are unique to the administration and operations of the Division. The Office also develops and administers divisional information systems policies and procedures.

### **Airports Operations Office**

The Airports Operations Office serves as the primary staff of the Airports Administrator on matters relating to the operations and maintenance of airports. It provides operational staff support, services, and guidance through its Aircraft Rescue and Firefighting; General Aviation; Certification, Security and Safety; and Compliance Management staffs; and provides advice on compliance with applicable laws, rules, regulations, and standards.

### **District Offices**

The Oahu, Maui, Hawaii, and Kauai District Offices manage, operate, and maintain all state airports in their respective counties in conformity with state and federal laws, requirements, and rules, as well as established policies and procedures of the Department and the Division. The Oahu District Office notably maintains the Honolulu International Airport.

The Division has jurisdiction over 15 airports:

Oahu District: Honolulu International Airport, Kalaheo Airport, Dillingham Airfield  
Maui District: Hana Airport, Kalaupapa Airport, Kahului Airport, Kapalua Airport,  
Lanai Airport, Molokai Airport  
Hawaii District: Kona International Airport, Hilo International Airport, Upolu Airport,  
Waimea-Kohala Airport  
Kauai District: Lihue Airport, Port Allen Airport

## **HARBORS DIVISION**

The Harbors Division directs, coordinates, and maintains the operations of the Commercial Harbors Program of the State by providing for, equipping, and regulating the state system of harbors and related facilities.

The Harbors Division plans, designs, constructs, operates, and maintains state facilities for all modes of water transportation. The Division coordinates with other state, county, and federal programs in order to achieve this objective.

The major activities of the Harbors Program are to maintain, repair, and operate the ten commercial harbors that comprise the statewide harbors system; plan, design, and construct harbor facilities; provide program planning and administrative support; manage vessel traffic into, within, and out of harbor facilities; provide for and manage the efficient utilization of harbor facilities and lands; and maintain offices and facilities to conduct maritime business with the public.

As a self-sufficient enterprise, the Water Transportation Facilities and Services Program derives revenues for its operation, maintenance, and capital improvements program from wharfage, rentals, and dockage, port entry, mooring, demurrage, cleaning, and other harbor fees and charges. Wharfage and rentals are the largest sources of revenues.

### **Staff Services Office**

The Staff Services Office advises the Harbors Administrator and furnishes functional guidance to the heads of the organizational components of the Division by advising and assisting in the development, maintenance, and improvement of plans of management embracing organizational structure and methods; develops, implements, and maintains program planning and management control systems; monitors programs and control systems to ensure their continued effectiveness; provides coordinating and liaison services for legislative and administrative matters; reviews and consolidates the Division's budget; and provides property management, fiscal, personnel, and clerical support services, and computer-based information systems.

## **Engineering Branch**

The Engineering Branch is responsible for the planning, design, construction, and maintenance of facilities for the state commercial harbors system.

## **Security and Emergency Disaster Office**

The Security and Emergency Disaster Office plans and coordinates statewide maritime security for all harbor facilities infrastructure under the Department's control to ensure compliance with security requirements under 33 CFR 105. It is responsible for planning, developing, evaluating, and maintaining the overall emergency disaster preparedness, response, and recovery program for the Harbors Division, in coordination and consistent with county, state, and federal civil defense plans.

The Office assists the Deputy Director of Transportation, Harbors Division, and the Harbors Administrator to formulate, coordinate, evaluate, monitor, and audit new or present district harbor facility security plans to ensure statewide consistency and compliance with applicable state and federal laws.

## **District Offices**

The Oahu, Maui, Hawaii, and Kauai District Offices manage commercial harbors and facilities in their respective counties. They provide for the execution of the Commercial Harbor Program as directed by the Harbors Administrator. They plan, direct, control, and coordinate the activities of district personnel in the management, operations, and maintenance of harbors and related facilities in their respective districts. The offices survey and analyze the needs of major tenants and users of the harbors, such as shipping agents and stevedoring contractors. The offices maintain liaison with public and private organizations in their districts on matters concerning the Division. They consult with other state and federal agencies to develop operational practices and procedures to meet safety and security requirement of all harbors in their districts.

As a port of entry into the United States, the Oahu District Office consults with the U.S. Customs and Border Protection, Public Health Service, Coast Guard, and state Department of Agriculture and, in cooperation with such agencies, works out operational practices and procedures to meet the needs of the District. It provides the focal point of contact for the public in all phases of the Commercial Harbors Program.

The Division has jurisdiction over ten harbors:<sup>9</sup>

Oahu District: Honolulu Harbor, Kalaeloa Barbers Point Harbor  
 Maui District: Kahului Harbor, Kaunakakai Harbor, Kaunalapau Harbor,  
 Hana Harbor  
 Hawaii District: Hilo Harbor, Kawaihae Harbor  
 Kauai District: Nawiliwili Harbor, Port Allen Harbor

## **HIGHWAYS DIVISION**

The Highways Division is charged with planning, design, construction, and maintenance of the State Highway System, established under section 264-41, HRS. The Division designates the highways for federal-aid apportionments and submits to the Federal Highway Administration project statements that include planning, design, right-of-way, and construction program information. The Division also negotiates for and supervises engineering consultant contract work. It administers the capital improvements and operation maintenance programs for the State Highway System.

### **Project Coordination and Technical Services Office**

The Project Coordination and Technical Services Office coordinates, facilitates, and monitors the development and delivery of programs and projects for the Division. It assists with the implementation of divisional priorities, balancing competing programmatic needs while ensuring overall division goals are met; oversees and manages the federal Local Public Agency Program, coordinating divisional activities with county public works, planning, and transportation agencies; and coordinates divisional activities with the Federal Highway Administration relating to the federal-aid highway program. The Office also manages the statewide engineering technical services program; coordinates and responds to litigation actions filed against the Division; provides technical engineering support and assistance to the Attorney General; provides divisional guidance on legal issues; and seeks opportunities to reduce the Division's exposure and risk to litigation.

### **Engineering Information Technology Office**

The Engineering Information Technology Office plans, organizes, coordinates, and directs the development, implementation, operation, and maintenance of the Division's computerized data processing systems, including the highway financial accounting system, highway maintenance management system, computer-aided drafting system, engineering design programs, infrastructure management systems, federally mandated planning and statistical systems, network communications and data transfer, and PC-based programs.

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<sup>9</sup> In 2008, Hana Harbor was transferred from the Department of Land and Natural Resources to the Division. In 2009, Kewalo Basin was transferred from the Division to the Hawaii Community Development Authority.

The Office prepares, reviews, and updates a detailed program to systematically achieve the established objectives for computer-based information systems; directs, organizes, and coordinates activities to ensure that the Division is in step with all other parts in a unified effort toward an integrated data, network, and telecommunication system; and takes appropriate action to ensure compliance with policies, procedures, and guidelines to achieve the Department's automated data processing objectives.

The Office serves as the on-site technical advisor to management. It provides analyses, recommendations, and technical supervision on matters relating to divisional computer systems and equipment requirements; acts as the Division's liaison with the Department's Computer Systems and Services Office, corresponding offices of the Airports and Harbors Divisions, and the Department of Accounting and General Services' Information and Communication Services Division (DAGS-ICSD).

### **Staff Services Office**

The Staff Services Office develops and maintains program planning and control systems. It provides coordination and liaison services for federal-aid and legislative matters. The Office also coordinates, reviews, and prepares the Division's budget and provides property management, fiscal, personnel, and clerical support services and public information services.

### **Motor Vehicle Safety Office**

The Motor Vehicle Safety Office directs, coordinates, and administers the State's motor carrier safety programs and highway safety programs, activities, and research to meet the requirements of the Hawaii Strategic Highway Safety Plan and the Federal Highway Administration Safety Program. The Office:

1. Establishes, revises, and updates motor carrier and highway safety standards and regulations, including those for motor carrier vehicles and drivers;
2. Coordinates all non-engineering highway safety programs, activities, and research in the State; reviews all non-engineering highway safety projects, programs, and requests for federal highway safety funds;
3. Recommends and aids in the preparation of proposed legislation to implement state motor carrier safety and highway safety programs;
4. Coordinates all motor carrier safety programs and highway safety programs with county agencies;
5. Recommends proposed legislation to implement the state Highway Safety Plan;
6. Makes guidelines, standards, directives, and other information relating to highway safety available to all concerned agencies and groups in the State;

7. Evaluates highway safety programs and activities in the State and makes recommendations;
8. Provides all required statistical, status, and other informational reports; and
9. Maintains an informational exchange program with other state and federal governments as related to highway safety.

### **Planning Branch**

The Planning Branch develops conceptual highway project plans and coordinates route adoption through advance planning procedures in conformity with long-range planning programs and needs inventories. It manages the Division's traffic data collection to meet information and reporting requirements; conducts field surveys of traffic volumes, traffic characteristics, and physical inventory of the State Highway System; provides statistical reports; and prepares maps under the Special Maps Program and for graphic displays. The Branch also coordinates the Division's portion of the urban and rural transportation planning processes and other planning efforts by state and county agencies; coordinates the Division's review of land use change proposals; manages the Division's innovative financing, transportation enhancement, and scenic byways programs; and formulates and coordinates the establishment or revision of the state and federal-aid highway systems.

### **Design Branch**

The Design Branch prepares construction plans, specifications, and estimates for highway projects; conducts location and right-of-way surveys, including preparation of engineering and subdivision maps; and negotiates project agreements with governmental agencies and public and private utilities. It also provides technical services to other branches and district offices.

### **Right-of-Way Branch**

The Right-of-Way Branch acquires and manages lands, rights-of-way, easements, and other real property interests required for the construction of highways and other transportation projects on a statewide basis. It provides advisory relocation assistance and relocation payments to individuals, families, and businesses, including farm operators and non-profit organizations displaced by DOT projects. The Branch dispenses access rights, easements, and airspace within highway rights-of-way and disposes of highway remnants authorized by the Department of Land and Natural Resources. The Branch also monitors right-of-way activities by political subdivisions involved in county federal-aid projects statewide.

## **Materials Testing and Research Branch**

The Materials Testing and Research Branch manages all testing, quality assurance, research and development, soil engineering and pavement design, and special engineering studies. The Branch provides technical and consultative services relating to materials, foundations, pavements, and environmental quality (air, noise, water, and auto exhaust); tests, accepts, and certifies all testing equipment and materials incorporated into all transportation facilities and related developments; conducts soil engineering studies based on field borings, laboratory tests, and engineering analyses for the evaluation and design of pavements, structural foundations, and soil stability; manages applied engineering research and development programs; conducts technical services inspections and testing functions in all aspects of transportation systems, construction, maintenance, and related fields; and participates in activities of national organizations engaged in research and development.

## **Construction and Maintenance Branch**

The Construction and Maintenance Branch provides review and management services on statewide highway construction and maintenance programs and reviews and consolidates district construction and maintenance budgets. It provides services for the review of maintenance procedures, practices, procurement of supplies and equipment, and budgeting, and it prepares specifications for the purchase of materials. It analyzes unit costs by work items and estimates requirements of personnel, material, and equipment budgets submitted by district engineers. The Branch administers the Division's Equal Opportunity/Affirmative Action Plan (EEO/AA), American with Disabilities Act (ADA), Disadvantaged Business Enterprise (DBE) program, and civil rights programs in conjunction with federal-aid program guidelines.

## **Traffic Branch**

The Traffic Branch plans and designs roadway pavement markings and signs, traffic signals, highway lighting, and operational and safety improvements to promote the safe, orderly, and expeditious movement of traffic on the State Highway System. The Branch administers consultant contracts for traffic projects; manages the Traffic Systems Management, Traffic Accident Surveillance, and Traffic Safety Improvement programs; analyzes and monitors operating characteristics, accident records, and statistical reports; provides new and innovative alternatives for problem resolution; and develops and implements highways demand projects as a means of reducing traffic congestion throughout the State. It reviews environmental impact statements, development plans, applications for permits, pending legislation, and other matters for their impact on traffic operations and safety, and it conducts litigation investigations. The Branch manages the Title II Highway Safety Improvement Program and Minor Capital Improvement Project Program; maintains and publishes traffic and accident statistics; provides technical assistance on safety techniques, state-of-the-art safety equipment, devices, and material to the branches and district offices; and acts as State Highways Traffic liaison to federal, county, and other governmental and private agencies.



## **District Offices**

The Oahu, Maui, Hawaii, and Kauai District Offices perform engineering services and field inspections of highway construction projects for conformance with approved plans and specifications, and maintain, alter, and repair roads, highways, and related structures within the State Highway System in their respective counties.

## **ATTACHED FOR ADMINISTRATIVE PURPOSES**

### **Aloha Tower Development Corporation**

The Aloha Tower Development Corporation, established pursuant to sections 206J-1 and 206J-4(a), HRS, undertakes the redevelopment of the Aloha Tower Complex to strengthen the international economic base of the community in trade activities, to enhance the beautification of the waterfront, and in conjunction with the Department of Transportation, to better serve modern maritime uses and provide for public access and use of the waterfront property.

**Board.** Under section 206J-4(b), HRS, the Corporation consists of a Board of Directors with three voting members: the Director of Business, Economic Development and Tourism, Director of Transportation, and Deputy Director of Transportation, Harbors Division. The Board, by a majority vote, elects a Chairperson from its membership. The Board appoints and sets the salary of a chief executive officer.

### **Commission on Transportation**

The last paragraph of section 26-19, HRS, which established the Commission on Transportation, was deleted by Act 285, SLH 2013, section 1, effective July 9, 2013.

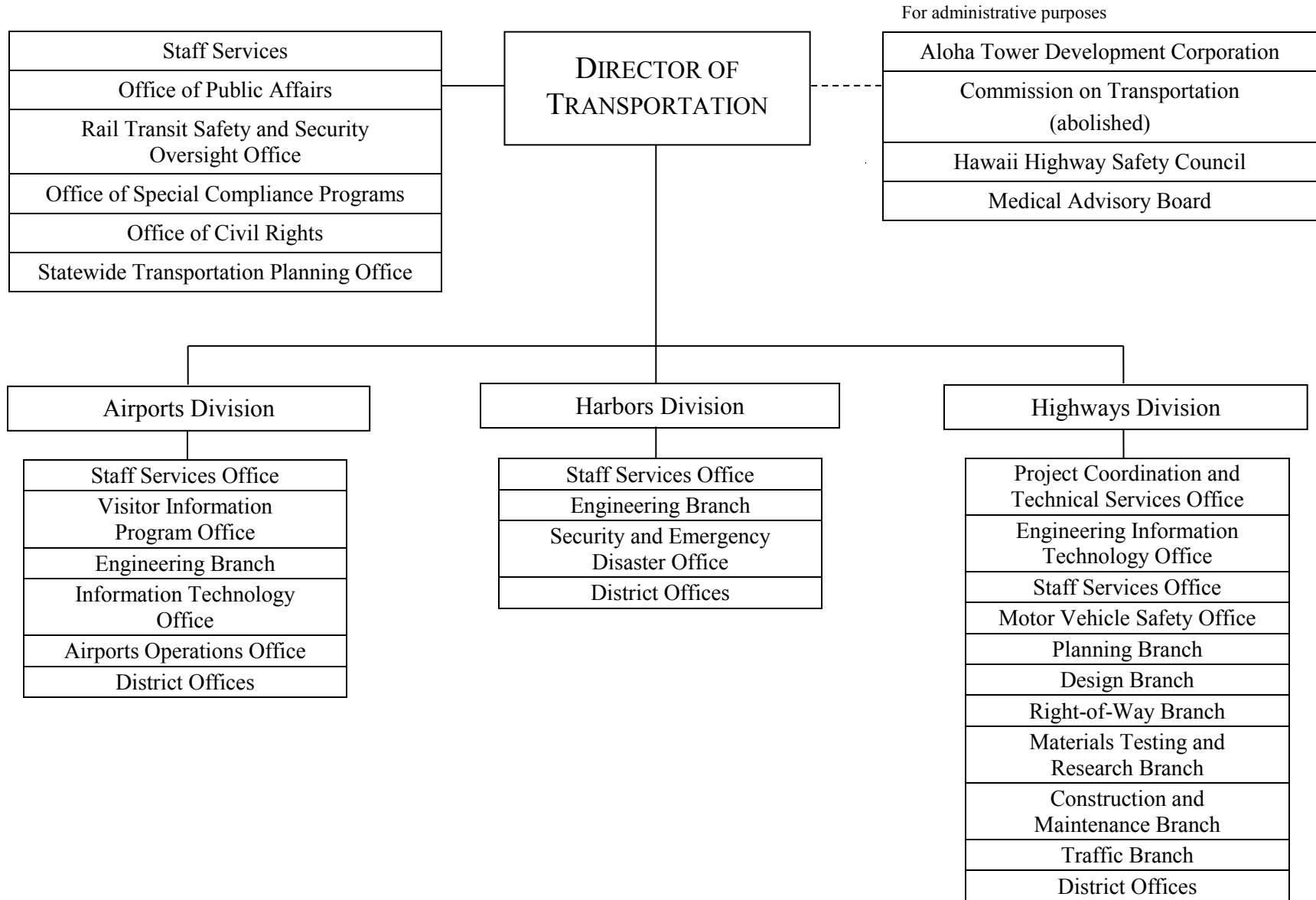
### **Hawaii Highway Safety Council**

The Hawaii Highway Safety Council, established under section 286-5, HRS, consists of the Director of Transportation, who serves as Chairperson, and the following, or designees, as members: the Chief Justice, Attorney General, Director of Health, Superintendent of Education, President of the University of Hawaii, chairperson of each of the county highway safety councils established under section 286-6, HRS, and not more than twenty other persons who are appointed by the Governor on the basis of their interest in highway safety. The Council advises the Governor on matters relating to the programs and activities of the State in the field of highway safety.

## **Medical Advisory Board**

The Medical Advisory Board, established under section 286-4.1, HRS, consists of not fewer than five physicians licensed to practice in the State: one psychiatrist, one neurologist, one orthopedic surgeon, one ophthalmologist or optometrist, and one specialist in cardiovascular disease. The members of the Board are appointed to four-year terms by the Governor with the advice and consent of the Senate. The duties of the Board include: the development of a system for medically evaluating persons who an examiner of drivers has reason to believe may have mental or physical conditions that might impair their driving ability; and the furnishing of advice to examiners of drivers respecting medical criteria and vision standards for motor vehicle drivers.

# DEPARTMENT OF TRANSPORTATION



# OAHU METROPOLITAN PLANNING ORGANIZATION

<http://oahumpo.org>

The Oahu Metropolitan Planning Organization (OahuMPO), established under section 279E-2, HRS, is an advisory body responsible for coordinating the comprehensive, continuing, and cooperative transportation planning process for the island of Oahu. These responsibilities include: updating Oahu's regional transportation plan; developing an island-wide work program of transportation studies; conducting, administering, and assisting in transportation studies; and programming transportation projects to ensure federal funding.

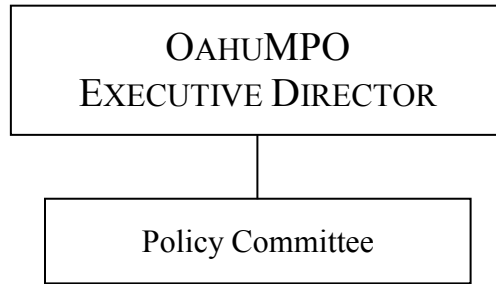
## Policy Committee

The Policy Committee, the decision-making body of OahuMPO established under section 279E-3, HRS, consists of fourteen members as follows: five members of the legislative body of the City and County of Honolulu, three members of the Senate, three members of the House of Representatives, the Director of Transportation, the city Director of Transportation Services, and the Director of the authority for rapid or mass transportation (Honolulu Authority for Rapid Transportation), or a successor agency that operates public transportation on Oahu. The Policy Committee is supported by two advisory committees: the Technical Advisory Committee (TAC) and the Citizen Advisory Committee (CAC).

**Technical Advisory Committee.** TAC provides technical input to OahuMPO's planning process, acts as the technical liaison between the Policy Committee and the OahuMPO Executive Director, provides advice to the Policy Committee and the OahuMPO Executive Director on technical matters, and ensures the technical competence of the planning process. TAC membership consists of two staff representatives from each of the city and state planning and transportation departments. The staff representatives from the state Department of Business, Economic Development and Tourism include one staff member from the Office of Planning. In addition, one staff representative each from the Federal Highway Administration, Federal Transit Administration, and Federal Aviation Administration; the Managing Director of the Hawaii Transportation Association; and a faculty member of the University of Hawaii (with a background in transportation or city planning) attend TAC meetings as nonvoting members.

**Citizen Advisory Committee.** CAC is a volunteer group consisting of representatives from community organizations, professional associations, neighborhood boards, and the private sector. It provides an avenue for obtaining public input for Policy Committee deliberations on transportation issues. Besides providing input directly to the Policy Committee, CAC assists in developing public involvement programs to solicit general public input for the Policy Committee. Comments received from CAC members and non-members are treated equally. CAC meets about once a month. These meetings are open to the public and provide an opportunity for interested parties to hear and discuss transportation issues with the appropriate project administrators or decision-makers.

# OAHU METROPOLITAN PLANNING ORGANIZATION



# UNIVERSITY OF HAWAII

<http://hawaii.edu>

The University of Hawaii, established under the State Constitution, Article X, section 5, as the state university, and also under section 304A-101, HRS, is the only public institution of higher education in the State. The University began in 1907 as a land-grant College of Agriculture and Mechanic Arts, also known as the College of Hawaii.<sup>1</sup> In 1919 it was established as the University of Hawaii.<sup>2</sup> The fundamental mission of the University is to provide all qualified people in Hawaii with equal opportunity for quality college and university education. The University comprises one comprehensive university campus, two comprehensive bachelor's degree-granting institutions, and a system of seven community colleges.

## BOARD OF REGENTS

The State Constitution, Article X, section 6, establishes the Board of Regents of the University of Hawaii; empowers the Board to formulate policy and to exercise control over the University through its executive officer, the President of the University, who is appointed by the Board; and gives the Board exclusive jurisdiction over the internal structure, management, and operation of the University but does not limit the power of the Legislature to enact laws of statewide concern.

Appointment and qualifications of Board members are provided for under sections 26-11 and 304A-104, HRS. The Board consists of fifteen members, at least one of whom is a University of Hawaii student at the time of initial appointment. Members are appointed to five-year terms by the Governor with the advice and consent of the Senate, except that the student member is appointed to a two-year term. At least twelve members, except for the student member, represent and reside in specified geographic areas: two from the County of Hawaii; two from the County of Maui; one from the County of Kauai; and seven from the City and County of Honolulu. Pursuant to section 304A-104.6, HRS, members are nominated by the Governor from lists of qualified candidates presented by the Candidate Advisory Council.<sup>3</sup>

The Board of Regents also serves as the State Board for Career and Technical Education (see below) and, with four additional members, as the State Post-Secondary Education Commission.<sup>4</sup>

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<sup>1</sup> See Act 24, SLH 1907.

<sup>2</sup> See Act 203, SLH 1919.

<sup>3</sup> See page 177.

<sup>4</sup> See page 175.

## **State Board for Career and Technical Education**

Pursuant to section 304A-301, HRS, the Board of Regents is designated as the State Board for Career and Technical Education (Board). The federal Carl D. Perkins Career and Technical Education Improvement Act of 2006<sup>5</sup> (Perkins IV) authorizes each state to receive a grant from the U.S. Department of Education. Each state must have a receiving entity, and the Board is the eligible agency in Hawaii. The Board's purpose is to carry out the provisions of Perkins IV, which include: state planning for career and technical education; disbursement of funds; program evaluation; and required reporting. The President of the University serves as the administrative officer of the Board.

## **President of the University**

The President of the University, who is appointed by the Board of Regents, serves as the executive officer of the Board and administers its policies. In this role, the President is responsible for the educational leadership, administration, and research and service missions of the entire University System.

## **Campuses of the University of Hawaii System**

The University of Hawaii comprises a system of ten separately accredited campuses. These include a major research university, the University of Hawaii at Manoa; two four-year colleges, the University of Hawaii at Hilo and University of Hawaii-West Oahu; and seven community colleges, four of which are located on Oahu and one each on the islands of Hawaii, Kauai, and Maui. Each campus provides student and academic support services, including student advising, student activities, libraries, learning resource centers, and computer centers. Most campuses also house health service and food service facilities. Faculty at each campus is engaged in community service in addition to teaching responsibilities. In addition, engaging in research is an expectation of all faculty at UH-Manoa, UH-Hilo, and UH-West Oahu, and is undertaken by some community college faculty as well.

In addition to on-campus instructional programs, the University of Hawaii offers courses at three University Centers, several outreach sites, and via interactive television, cable television, and the Internet to students throughout the State and, increasingly, to students outside Hawaii.

## **University of Hawaii at Manoa: Colleges and Schools**

The University of Hawaii at Manoa, under the direction of a Chancellor, offers bachelor's, master's, and doctoral degrees, professional degrees in law, medicine, and architecture, and a number of certificates. Colleges and schools form the structure that provides

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<sup>5</sup> See P.L. 109-270; 20 U.S.C. 2301 et seq.

instruction to non-vocational, professional, and graduate students at the Manoa campus. These colleges and schools and their programs are as follows:

- Colleges of Arts and Sciences provide comprehensive knowledge of major areas of learning for all undergraduate degree students and offer certificates and BA, BS, BFA, BMus, MA, MS, MFA, MMus, MURP, and PhD degrees in liberal arts and sciences through the following colleges:

College of Arts and Humanities  
College of Languages, Linguistics, and Literature  
College of Natural Sciences  
College of Social Sciences

- Shidler College of Business offers BBA, MBA, MAcc, MHRM, and PhD degrees.
- College of Education offers certificates and BS, BEd, MEd, MEdT (in teaching), MS, and PhD degrees, and the Professional Diploma in Education.
- College of Engineering offers certificates and BS, MS, and PhD degrees.
- College of Tropical Agriculture and Human Resources offers BS, MS, and PhD degrees.
- School of Architecture offers the ArchD degree.
- Hawai'iuniakea School of Hawaiian Knowledge offers BA and MA degrees.
- School of Pacific and Asian Studies offers BA and MA degrees, as well as certificates in area studies.
- John A. Burns School of Medicine offers the MD as well as BS, MS, PhD, and MPH degrees in the biological sciences, speech pathology and audiology, medical technology, and public health.
- William S. Richardson School of Law provides programs leading to JD and LLM degrees.
- School of Nursing and Dental Hygiene offers BS, MS, and PhD degrees.
- School of Ocean and Earth Science and Technology offers BA, BS, MS, and PhD degrees.
- Myron B. Thompson School of Social Work offers BSW, MSW, and PhD degrees.
- School of Travel Industry Management offers BS and MS degrees.



- Outreach College does not offer degrees but provides credit courses to persons who cannot attend regular day sessions, summer session classes, and non-credit courses, lectures, and programs of general or specialized interest.

### **University of Hawaii at Manoa: Organized Research**

In addition to providing instruction in numerous areas of learning prescribed by the Board of Regents, one of the purposes of the University is to conduct research. The University houses twelve major research units:

- Harold L. Lyon Arboretum encourages and conducts research and instruction in flora-related matters.
- Institute for Astronomy conducts research in astronomy and astrophysics and assists in graduate training.
- University of Hawaii Cancer Center coordinates and supports cancer research and evaluation programs within the State.
- Hawaii Institute of Geophysics and Planetology conducts research in oceanography, geography, geochemistry, geophysics, and other earth and planetary sciences.
- Hawaii Institute of Marine Biology performs research in the marine biological sciences and operates facilities on Coconut Island and at Kewalo Basin.
- Hawaii Natural Energy Institute undertakes and coordinates research and development of Hawaii's abundant renewable energy resources: solar radiation, geothermal heat and fluids, warm surface/cold deep ocean water, tradewinds, and biomass.
- Industrial Relations Center serves to facilitate University research and instruction in areas related to industrial relations and labor force development.
- Pacific Biosciences Research Center conducts research in cell structure and function, regulatory and behavioral biology, neurobiology, and pesticides.
- Sea Grant College Program develops and administers a multidisciplinary institutional program related to the marine environment and its resources, comprised of education, public service, and research.
- Social Sciences Research Institute conducts research in social sciences and linguistics. Among its programs are the Center for Oral History, Center for Youth Research, and the University of Hawaii Economic Research Organization (UHERO).

- Water Resources Research Center conducts research related to Hawaii's water resources. The Environmental Center, a sub-unit of the Water Resources Research Center, is responsible for coordinating research, education, and services related to ecology, natural resources, and environmental quality with a view toward human needs and social institutions, especially in Hawaii.

### **University of Hawaii at Hilo**

The University of Hawaii at Hilo (UH-Hilo), located on the island of Hawaii and administered by a Chancellor, offers certificate programs and bachelor's, master's, and doctoral degrees through six colleges:

- College of Agriculture, Forestry, and Natural Resource Management
- College of Arts and Sciences
- College of Business and Economics
- Ka Haka 'Ula O Ke'elikōlani, College of Hawaiian Language
- College of Continuing Education and Community Service
- College of Pharmacy

UH-Hilo also operates several education, research, and service centers, including:

- Na Pua No'eau, Center for Gifted and Talented Children
- Center for Global Education and Exchange
- Center for the Study of Active Volcanoes
- Hawaii Small Business Development Center
- 'Imiloa Astronomy Center of Hawaii
- North Hawaii Education and Research Center, Honokaa
- Office of Mauna Kea Management
- Pacific Aquaculture and Coastal Resources Center

## **University of Hawaii–West Oahu**

The University of Hawaii–West Oahu (UHWO) began as an upper division bachelor's degree-granting program when it opened in 1976. In fall 2007, UHWO became a full four-year bachelor's degree program offering the following degrees: Bachelor of Arts in Business Administration; Bachelor of Arts in Humanities; Bachelor of Arts in Public Administration; Bachelor of Arts in Social Sciences; Bachelor of Education; and Bachelor of Elementary Education. The campus was located on the grounds of Leeward Community College in Pearl City, Oahu, and opened a new campus in Kapolei in fall 2012. UHWO provides distributed learning programs to residents on neighbor islands, allowing students to attend courses and interact with professors via interactive television or online using WebCT. The Center for Labor Education and Research (CLEAR) is housed at UHWO.

## **University of Hawaii Community Colleges**

The University of Hawaii Community Colleges (UHCC) is a statewide system of seven separately accredited institutions within the University of Hawaii System. A Vice President for Community Colleges provides leadership and administrative coordination of the UHCC System, while each campus is led by a Chancellor.

There are four campuses on Oahu: Honolulu Community College, Kapiolani Community College, Leeward Community College, and Windward Community College; and one campus each on the islands of Hawaii, Kauai, and Maui. To ensure further access, there are three University Centers and over eight education/satellite centers throughout the State.

The seven community colleges all provide a two-year Associate in Arts (AA) undergraduate degree in liberal arts and a two-year Associate of Arts in Hawaiian Studies. They may also offer an Associate in Science Degree in Natural Science (ASNS) for students interested in pursuing studies in STEM disciplines and/or an Associate of Arts in Teaching. In addition, the colleges offer a variety of Associate of Science (AS), Associate of Applied Science (AAS), Associate in Technical Studies (ATS), Certificate of Achievement (CA), and Certificate of Completion (CC) in various technical, occupational, and professional fields. UH Maui College also offers a Bachelor of Applied Science (BAS) in Applied Business and Information Technology, in Engineering Technology, and in Sustainable Sciences.

Each college offers continuing education programs in areas of general interest, short-term career-oriented training programs, in-service training programs for business and government, and customized contract training. Services, activities, and support for international education are also provided.

UHCC serves a substantial portion of the State's population as the result of an "open admission" policy that permits any high school graduate or adult age 18 or older to enroll, providing maximum educational opportunities to the residents of Hawaii. More than half of all students enrolled in the UH System are community college students.

The seven community colleges are as follows:

- Hawaii Community College, located in Hilo on the island of Hawaii, currently shares the campus of UH-Hilo but also maintains its own facilities on the Manono campus and satellite sites in Waimea/Kohala, Honokaa, and Kau/Naalehu. Hawaii CC also administers the UH Center at West Hawaii, located in Kona. As UH's second oldest campus, Hawaii CC offers more than 46 associate degree, certificate, and noncredit programs ranging from health services and hotel operations to business and trade.
- Honolulu Community College, located in downtown Honolulu, offers a strong liberal arts program in addition to the largest number of technical workforce development programs in Hawaii. With additional off-campus facilities for aeronautics, marine, automotive, and heavy equipment programs, Honolulu CC serves as the primary technical center in the Pacific region for transportation and industrial trades and information technology.
- Kapiolani Community College, located on the slopes of Diamond Head on Oahu, is known for its quality liberal arts programs, as well as 21<sup>st</sup>-century career and emerging technical, occupational, and professional programs. It has won national recognition for its Culinary Institute of the Pacific, health career programs in nursing, emergency medical services, respiratory care, and radiologic technology, as well as its service-learning and community engagement activities. Kapiolani CC is also home to the Honda International Center that supports international education activities at all seven UH community colleges.
- Kauai Community College, the only college serving Kauai residents, offers business, technology, hospitality, health, early childhood education, and liberal arts programs. It administers the UH Center on Kauai, which provides students an opportunity to obtain bachelor's and graduate degrees and certificates from other institutions within the UH System. The College also serves as a center of cultural activity for residents and visitors with the Performing Arts Center and culinary arts program, regularly hosting events that attract the entire community.
- Leeward Community College, overlooking Pearl Harbor on the island of Oahu, is both a multi-cultural environment for academic learning and a center of cultural life for Leeward residents. The College offers diverse and comprehensive opportunities in academic and technical fields on its main campus, through its satellite location in Waianae, and via distance education technologies. In addition to its strong liberal arts program that prepares students for transfer to four-year universities, Leeward CC also offers automotive technology, television production, culinary arts, digital media, information and computer science, and business technology courses.
- Maui College serves the educational needs of residents on Maui and at satellite centers on Molokai, Lanai, and Hana, Maui. It also administers the UH Center on Maui, which provides students an opportunity to obtain baccalaureate and graduate degrees and certificates from other institutions within the UH System. Maui

pioneered the delivery of courses by distance technology, serving as a model for the entire University System. It is also the first UH community college to grant a bachelor's degree, the Bachelor of Applied Science in applied business and information technology.

- Windward Community College in Kaneohe, Oahu, provides a nurturing environment in which students may pursue liberal arts, science, and vocational studies. It is primarily a liberal arts transfer institution offering concentrations in business, art, Hawaiian studies, psychosocial development, plant biotechnology and bio-resource management, plant landscaping, and agricultural technology. Windward CC is also home to the Employment Training Center where students with special needs master an array of occupations, including auto body repair, culinary arts, facilities maintenance and construction, nurse's aide, and office skills. As the youngest campus in the System, Windward CC students benefit from new facilities, including a new science complex with a state-of-the-art Imaginarium, a humanities and arts complex, and a new campus center.

## **University of Hawaii Centers**

University Centers on the islands of Maui and Kauai and in West Hawaii establish a University of Hawaii presence in communities that otherwise lack access to baccalaureate and higher degree programs and certificates offered elsewhere in the University of Hawaii System. University Centers are system entities that are assigned for administrative purposes to their island's community college. The courses and credentials offered at these Centers are those of the existing accredited UH campuses.

## **ATTACHED FOR ADMINISTRATIVE PURPOSES**

### **State Post-Secondary Education Commission**

The State Post-Secondary Education Commission, established under section 304A-3151, HRS, consists of the members of the Board of Regents and four other members who are broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of post-secondary education in the State. Members are appointed to four-year terms by the Governor with the advice and consent of the Senate. The President of the University serves as Chief Administrative Officer of the Commission.

Pursuant to section 304A-3152, HRS, the Commission may cooperate with the federal government to qualify the State to receive funds made available under the Higher Education Act of 1965<sup>6</sup> and in addition may serve as the state agency for the receipt of federal funds when federal legislation dealing with higher education or post-secondary education requires, as a condition of state receipt of such funds, the designation of a state agency that is broadly

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<sup>6</sup> See P.L. 89-329; 20 U.S.C. 1001 et seq.

representative of the general public and of post-secondary education in the State and when agencies other than the Commission may not qualify.

### **Western Interstate Commission for Higher Education**

The Western Interstate Commission for Higher Education (WICHE) was created by the Western Regional Education Compact, adopted in the 1950s by Western states, which the Legislature approved in 1959.<sup>7</sup> Fifteen western states comprise WICHE. The members, listed in chronological order of membership, are: New Mexico, Montana, Arizona, Utah, Oregon, Colorado, Wyoming, Idaho, Alaska, Washington, California, Nevada, Hawaii, North Dakota, and South Dakota. WICHE began operations in 1953 in Eugene, Oregon, moving to its present location in Boulder, Colorado, in 1965. WICHE is governed by three gubernatorially-appointed commissioners from each state. Under terms of the Compact, each state commits to support WICHE's basic operations through annual dues established by the Commission. WICHE was created to facilitate resource sharing among the higher education systems of the West. It implements a number of activities to accomplish its objectives. Member states participate in the Professional Student Exchange Program, Western Regional Graduate Program, and Western Undergraduate Program. WICHE also sponsors, with non-state funds, many educational conferences, symposia, and related projects.

### **Research Corporation of the University of Hawaii**

The Research Corporation of the University of Hawaii (RCUH), established under section 304A-3001, HRS, promotes educational, scientific, and literary pursuits by: (1) encouraging, initiating, aiding, developing, and conducting training, research, and study in the physical, biological, and social sciences, humanities, and all other branches of learning; (2) encouraging and aiding in the education and training of persons for the conduct of the training, investigations, research, and study; (3) furnishing of means, methods, and agencies by which the training, investigation, research, and study may be conducted; (4) assisting in the dissemination of knowledge by establishing, aiding, and maintaining professorships or other staff positions, fellowships, scholarships, publications, and lectures; (5) engaging in other means of making the benefits of training, investigations, research, and study available to the public; and (6) taking any and all other actions reasonably designed to promote these purposes in the interest of promoting the general welfare of the people of the State.

**Board.** Under section 304A-3002, HRS, RCUH is governed by an eight-person Board of Directors. Two members of the Board of Regents are selected by the Board of Regents for terms to be determined by the Board of Regents, but no term extends beyond the term as a member of the Board of Regents. Three members are appointed to four-year terms by the Governor with the advice and consent of the Senate, provided that one member is a University of Hawaii System research faculty member, one is from the business sector, and one is a representative of a non-University of Hawaii research organization. One member is appointed by the President of the

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<sup>7</sup> See Act 253, SLH 1959; section 304A-3201, HRS.

Senate, and one member is appointed by the Speaker of the House of Representatives. The Vice President for Research of the University of Hawaii System is an ex officio, nonvoting member. The members elect the Chairperson of the Board.

### **Regents Candidate Advisory Council**

Section 304A-104.5, HRS, which established the Regents Candidate Advisory Council, was repealed by Act 72, SLH 2013, section 4. This Council was replaced by the Candidate Advisory Council (see below).

### **Candidate Advisory Council**

The Candidate Advisory Council for the Board of Regents was established by Act 72, SLH 2013, section 2, and codified as section 304A-104.6, HRS. The Council consists of seven voting members who are appointed without regard to section 26-34, HRS, as follows: (1) one member who is appointed by the President of the Senate; (2) one member who is appointed by the Speaker of the House of Representatives; and (3) five members who are appointed by the Governor. A member of the Association of Emeritus Regents of the University of Hawaii, who is appointed by the Chair of the Association of Emeritus Regents of the University of Hawaii, serves as an ex officio, nonvoting member of the Council for a term not to exceed two years, with the appointment running concurrently with the term of the appointing Chair. The Chairperson of the Candidate Advisory Council is elected by a majority of the voting members of the Council. Those appointed by the President of the Senate and Speaker of the House of Representatives serve four-year terms; and those appointed by the Governor serve four-year terms, provided that such appointments run concurrently with the term of the appointing Governor. The Council recruits, evaluates, and presents a list of at least three candidates to the Governor for nomination and appointment for each vacant seat on the Board of Regents.

### **Medical Education Council**

The Medical Education Council, established under 304A-1703, HRS, consists of thirteen members as follows: (1) Dean of the School of Medicine at the University of Hawaii, who chairs the Council; (2) Dean of the School of Nursing and Dental Hygiene at the University of Hawaii; (3) Vice Dean for Academic Affairs at the School of Medicine who represents graduate medical education at the University of Hawaii; (4) Director of Health, or designee; (5) Director of the University of Hawaii Cancer Center; and (6) eight persons appointed by the Governor as follows: three persons, each of whom represents a different hospital at which accredited graduate medical education programs are conducted; three persons, each of whom represents the health professions community; one person who represents the federal healthcare sector; and one person from the general public. The Dean of the School of Medicine, Dean of the School of Nursing and Dental Hygiene, Vice Dean for Academic Affairs of the School of Medicine, and the Director of Health, or designee, are permanent ex officio members of the Council, and the remaining nonpermanent council members are appointed to four-year terms.

Among its duties, the Council: conducts a comprehensive analysis of the healthcare workforce requirements of the State for the present and the future, focusing in particular on the State's need for physicians; conducts a comprehensive assessment of the State's healthcare training programs, focusing in particular on graduate medical education programs; recommends to the Legislature and Board of Regents changes in or additions to the healthcare training programs in the State, as identified by the Council's assessment; develops a plan to ensure the adequate funding of healthcare training programs in the State, with an emphasis on graduate medical education programs; and after consultation with the Legislature and the Board of Regents, implements this plan.

### **Center for Nursing Advisory Board**

The Center for Nursing Advisory Board, established under section 304A-1404, HRS, consists of fifteen members who are appointed to four-year terms by the Governor with the advice and consent of the Senate, as follows: five members from the business and labor community, five members from the nursing profession, two members from among the State's nurse educators, and three members from community agencies or consumer groups with an interest in healthcare. Among its duties, the Board seeks input from individuals and community groups interested in the issue of nursing shortages; implements the major functions of the Center for Nursing; and seeks and accepts nonstate funds for carrying out the mission of the Center for Nursing.

### **Commission for National and Community Service**

The Commission for National and Community Service, established under section 90D-2, HRS, consists of not fewer than fifteen and not more than twenty-five members appointed to three-year terms by the Governor on a bipartisan basis with the advice and consent of the Senate. Not more than fifty per cent of the Commission plus one member may be from the same political party. To the extent possible, the Commission is balanced according to race, ethnicity, age, disability, and gender. Pursuant to section 90D-3, HRS, the Commission includes: (1) an individual with expertise in the educational, training, and developmental needs of youths, particularly disadvantaged youths; (2) an individual with experience in promoting the involvement of older adults in service and volunteerism; (3) a representative of community-based agencies or community-based organizations within the State; (4) the Superintendent of Education or designee; (5) a representative of county governments; (6) a representative of local labor organizations in the State; (7) a representative of business; (8) an individual between the ages of sixteen and twenty-five who is a participant or supervisor in a volunteer or service program; and (9) a representative of a national service program described in 42 U.S.C. 12572(a), as amended, as an ex officio, nonvoting member. Not more than twenty-five per cent of commission members may be employees of state government.

The purposes of the Commission are to: encourage community service and volunteer participation as a means of community and state problem-solving; promote and support voluntary citizen involvement in government and private programs throughout the State; develop



a long-term, comprehensive vision and plan for action for community service initiatives in Hawaii; and serve as the State's liaison to national and state organizations that support its mission.

### **State Approving Agency for Veterans' Training**

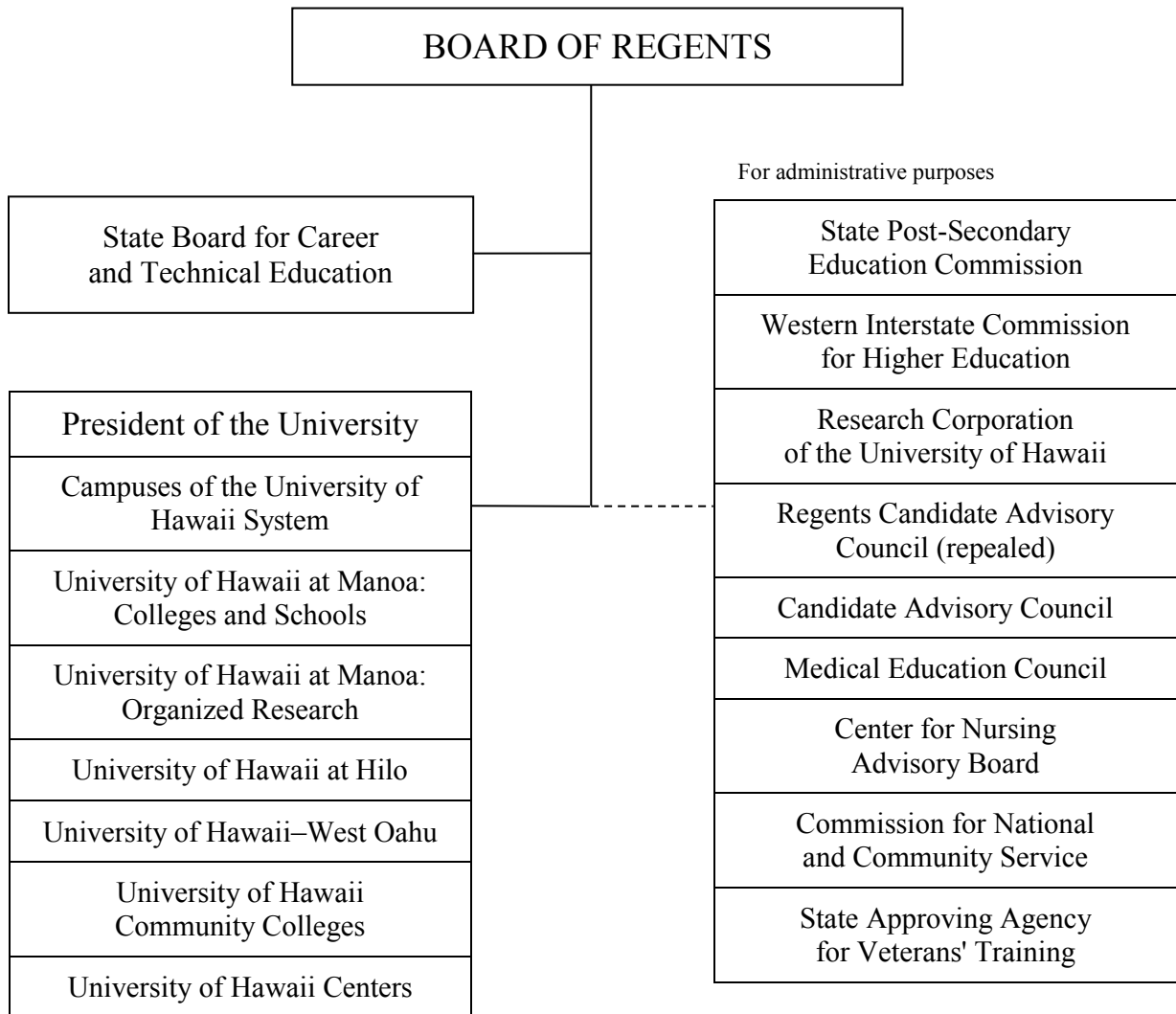
Under the Veterans' Readjustment Benefits Act of 1966,<sup>8</sup> the chief executive of each state is requested to create or designate a state department or agency as the "State Approving Agency" (SAA) for the administration of veterans' educational benefits. The SAA approves courses of education offered by educational institutions in the state for veterans or eligible persons<sup>9</sup> to receive educational assistance. The University of Hawaii is the SAA for Hawaii. The SAA is supported through funding under contract from the Department of Veterans Affairs and Congress.

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<sup>8</sup> See P.L. 89-358, sec. 3(a)(5); 38 U.S.C. 3670 et seq.

<sup>9</sup> The law also covers children and spouses of veterans who died of service-connected disabilities or who have a total disability, permanent in nature, resulting from a service-connected disability. See P.L. 90-631; 38 U.S.C. 3500 et seq.

# UNIVERSITY OF HAWAII



## **EAST-WEST CENTER**

<http://eastwestcenter.org>

The East-West Center was established by the United States Congress in 1960 with a mandate “to promote better relations and understanding between the United States and the nations of Asia and the Pacific through cooperative study, training, and research.”<sup>1</sup>

For more than fifty years, the East-West Center has served as a resource for information and analysis on critical issues of common concern, bringing people together to exchange views, build expertise, and develop policy options. Officially known as the Center for Cultural and Technical Interchange between East and West, the Center is a U.S.-based (Hawaii) independent, public, nonprofit institution for public diplomacy with an international Board of Governors, staff, students, and participants. More than 60,000 people have participated in Center programs since its founding.

Funding for the East-West Center comes from the U.S. government, international organizations, foundations, and individuals.

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<sup>1</sup> See P.L. 86-472, chapter VII; 22 U.S.C. 2054 et seq.

## THE JUDICIARY

<http://www.courts.state.hi.us>

The State Constitution, Article VI, section 1, states that the judicial power of the State is vested in one Supreme Court, one Intermediate Appellate Court, Circuit Courts, District Courts, and in such other courts as the Legislature may establish. In 1965, a system of Family Courts was created under chapter 571, HRS. The Land Court, established under section 501-1, HRS, was originally established in 1903 (Act 56, SLH 1903, section 2). The Tax Appeal Court, established under section 232-11, HRS, was originally established in 1932 (Act 40, SLH 1932, 2<sup>nd</sup> Special Session, section 43).

The State Constitution, Article VI, section 3, provides that the Governor, with the consent of the Senate, fills a vacancy in the office of the Chief Justice, Supreme Court, Intermediate Appellate Court, and Circuit Courts by appointing a person from a list of not less than four, and not more than six, nominees for the vacancy, presented by the Judicial Selection Commission. For District Courts, the Chief Justice, with the consent of the Senate, fills a vacancy by appointing a person from a list of not less than six nominees presented by the Judicial Selection Commission.

Justices and judges must be residents and citizens of the State and of the United States and licensed to practice law by the State Supreme Court. Justices of the Supreme Court and judges of the Intermediate Appellate Court and Circuit Courts shall have been so licensed for a period of not less than ten years preceding nomination. District Court judges shall have been so licensed for a period of not less than five years preceding nomination.

The term of office of justices and judges of the Supreme Court, Intermediate Appellate Court, and Circuit Courts is ten years. District Court judges serve for six-year terms, pursuant to section 604-2(a), HRS. At least six months prior to the expiration of a justice's or judge's term of office, every justice and judge must petition the Judicial Selection Commission to be retained in office or inform the Commission of an intention to retire. If the Commission determines that the justice or judge should be retained in office, the Commission renews the term of office of the justice or judge for the period provided by the State Constitution, Article VI, section 3, or by law. Justices and judges must retire upon attaining the age of seventy years.

The State Constitution, Article VI, section 5, empowers the Supreme Court to create a Commission on Judicial Discipline and to reprimand, discipline, suspend with or without salary, retire, or remove from office any justice or judge for misconduct or disability.

## SUPREME COURT

The Hawaii Supreme Court consists of the Chief Justice and four associate justices. Statutory provisions relating to the Supreme Court are set forth in chapter 602, part I, HRS.

Under the State Constitution, Article VI, section 6, and section 601-2, HRS, the Chief Justice is the administrative head of the courts. The Chief Justice may assign judges from one circuit court to another; prescribes a uniform system of keeping and reporting court statistics; exercises exclusive authority over the judiciary budget; and does all other acts necessary for the administration of the Judiciary.

Under section 602-5, HRS, included in the jurisdiction and powers of the Supreme Court are: (1) to hear and determine all questions of law, or of mixed law and fact, which are properly brought before it by application for a writ of certiorari to the Intermediate Appellate Court or by transfer as provided in chapter 602, HRS; (2) to answer, in its discretion, any question of law reserved by a Circuit Court, the Land Court, or the Tax Appeal Court, or any question or proposition of law certified to it by a federal District or Appellate Court if the Supreme Court shall so provide by rule; and (3) to exercise original jurisdiction in all questions arising under writs directed to courts of inferior jurisdiction and returnable before the Supreme Court, or if the Supreme Court consents to receive the case arising under writs of mandamus directed to public officers to compel them to fulfill the duties of their offices; and such other original jurisdiction as may be expressly conferred by law.

### **Administrative Director of the Courts**

Under the State Constitution, Article VI, section 6, and section 601-3, HRS, the Chief Justice appoints an Administrative Director to assist in directing the administration of the Judiciary. The Administrative Director's functions include: (1) examining the administrative methods of the courts and making recommendations to the Chief Justice for their improvement; (2) collecting, analyzing, and reporting to the Chief Justice statistical and other data concerning the business of the courts; and (3) assisting the Chief Justice in the preparation of the budget, the six-year program and financial plan, the variance report, and any other reports requested by the Legislature.

The Office of the Administrative Director is divided into three divisions: Support Services Division, Policy and Planning Division, and Intergovernmental and Community Relations Divisions. Services and programs within the Divisions include: Budget and Statistics, Fiscal and Support Services, Office on Equality and Access to the Courts, Internal Audit, Law Library, Personnel, Planning, Public Affairs, Staff Attorneys, Telecommunications and Information Services, Administrative Driver's License Revocation Office, Center for Alternative Dispute Resolution, Children's Justice Program, and the Judiciary History Center.

## **Administrative Driver's License Revocation Office**

The Administrative Driver's License Revocation Office promotes public safety on the roadway by expeditiously revoking the driving privileges of impaired drivers. The Administrative Revocation Process, pursuant to chapter 291E, part III, HRS, establishes the procedure for revoking driving privileges of impaired drivers while safeguarding their due process rights. This civil administrative process revokes driver licenses and motor vehicle registrations and is separate from criminal charges of: (1) Operating a vehicle under the influence of an intoxicant (OVUII), section 291E-61, HRS, and (2) Habitually operating a vehicle under the influence of an intoxicant, section 291E-61.5, HRS. OVUII charges may be brought by the Prosecuting Attorney in each county.

## **Center for Alternative Dispute Resolution**

The Center for Alternative Dispute Resolution, established within the Judiciary, is governed by chapter 613, HRS. The Center serves to facilitate the effective, timely, and voluntary resolution of disputes and thereby help reduce public and private costs of litigation and increase satisfaction with the justice system. It is administratively maintained by the Chief Justice who appoints the Center's Director.

**Board.** Pursuant to section 613-3, HRS, the Chief Justice appoints a Board of Advisors consisting of nine members as follows: two representatives from the Executive Branch, two from the legal community, two from the Hawaii State Association of Counties, and three from the public at large. The Board may add ex officio members deemed beneficial or desirable to help achieve the Center's purposes. The Board advises the Chief Justice and staff of the Center regarding the use of alternative dispute resolution methods.

## **Children's Justice Program**

The mission of the Children's Justice Program, established under section 588-1, HRS, is to provide for the special needs of children as witnesses in child sex abuse and serious physical child abuses cases by promoting coordination for appropriate investigation, treatment, and legal processes, thereby reducing and preventing unnecessary trauma to children and ensuring justice for children and their families. Children's Justice Centers have been created to provide homelike and child-friendly settings where children can feel comfortable and safe while being interviewed and where children and families interact with specially-trained professionals who address their physical, mental, and emotional needs. Children's Centers are geographically dispersed to meet the needs of children statewide, with locations on Oahu, Maui, and Kauai, and in East Hawaii and West Hawaii.

## **Office of the Public Guardian**

The Office of the Public Guardian is governed by chapter 551A, HRS. The Public Guardian, who is appointed by the Chief Justice, serves as guardian, limited guardian, testamentary guardian, or temporary guardian of an incapacitated person when so appointed by the Family Court or Circuit Court. The Public Guardian advises and assists persons, corporations, and agencies that are seeking appointment as a guardian for an incapacitated person and also provides advice, information, and guidance to the persons, corporations, or agencies who have been appointed as guardian to assist them in the discharge of their duties.

## **Jury Pool Offices**

Juries are governed by chapters 612 (Jurors) and 635 (Trials), HRS. Each year the Judiciary obtains names from voter registration, driver's license, and state income tax lists. Individuals are randomly selected to receive questionnaires which must be completed and returned to the court for review and qualification. The court may summon individuals who qualify for service. There is a jury pool office in each circuit. Each office is responsible for providing trial judges in its circuit with juries and for processing and assisting citizens who are summoned for jury duty. On Oahu, about 700 jurors are summoned each week, or nearly 36,000 a year.

## **Adult Client Services Branch – First Circuit Court**

The Adult Client Services Branch of the First Circuit Court prepares presentence reports and provides supervision of convicted offenders placed on probation and of mentally ill individuals acquitted of crimes, or as directed by the courts.

### **Intake/Presentence Investigation Section**

**Circuit Court and District Court Units.** For Circuit Courts, this Section completes comprehensive investigative and diagnostic reports on all adult offenders referred by the court who have been convicted of a crime (primarily felony offenses) and makes sentencing recommendations to the court that are congruent with the interest of the community while considering the rehabilitative and/or restraining needs of the defendant. For District Courts, this Section performs the same general functions as the Circuit Court Units, except that the offenders are generally convicted of misdemeanor offenses.

**Adult/Juvenile Community Service and Restitution Unit.** This Unit interviews clients from all courts to determine appropriate placements for court-ordered community service work and monitors clients' compliance and/or noncompliance on community service work and restitution.

## **Supervision Section I**

**Circuit Court and District Court Units.** For Circuit Courts, this Section manages, supervises, and controls adult felons placed on probation or court-ordered supervision for Oahu, and a limited number from the neighbor islands and the mainland. The intensity of the supervision is determined by the level of classification in two assessed areas: the risk of reoffending and the needs of the probationer. For District Courts, this Section performs the same general functions as the Circuit Court Units, except that the offenders are generally convicted of misdemeanor offenses.

## **Supervision Section II**

**Adult Services Criminal Misdemeanor Probation Units.** These units perform the same general functions as Supervision Section I, except that the offenders are generally convicted of both felony and misdemeanor offenses involving domestic violence issues or other charges such as criminal property damage, harassment, and terroristic threatening.

**Temporary Restraining Order (TRO)/Domestic Violence Unit.** This Unit provides the community a means to access the court system without the assistance of an attorney and to expeditiously obtain protective orders in domestic violence situations. Court officers in this Unit assist petitioners in processing the necessary documents.

## **Integrated Community Sanctions Section**

**Sex Offender Unit.** This Unit conducts comprehensive investigations of all sex abuse cases referred by the court. Supervision is intensive, with offenders subject to mandatory sex offender treatment, polygraph testing, curfew, electronic monitoring, unannounced home visits, and restrictions on employment and leisure time activities.

In 2004, Hawaii's Opportunity for Probation with Enforcement (HOPE) was implemented in the Unit to reduce the use of cost-prohibitive prison sentences for probation violations. Probationers in HOPE receive immediate sanctions – typically several days in jail – by the courts in response to violations.

**Drug Units.** Two probation units divert high risk, substance abusing offenders from imprisonment through responsive intervention approaches and structured sanctioning. In collaboration with the Department of Health, targeted offenders with substance abuse issues are offered a continuum of treatment interventions. Offenders in each of the units participate in HOPE. Those offenders requiring more structured programming are referred to the Hawaii Drug Court Program.



## **Hawaii Drug Court Program**

The mission of the Hawaii Drug Court Program is to channel eligible offenders, who would otherwise be incarcerated in Hawaii's correctional system, into a comprehensive and integrated system of judicial and treatment services. The intent is to have a single judge handle the cases from the time they are referred for drug rehabilitation to the conclusion of the program. Defendants are placed in rehabilitation programs with frequent monitoring and treatment requirements with regular status review by the court.

## **Commission on Judicial Conduct**

The State Constitution, Article VI, section 5, empowers the Supreme Court to create a Commission on Judicial Discipline to carry out the Court's power to reprimand, discipline, suspend, retire, or remove from office any justice or judge for misconduct or disability. The Commission has the authority to investigate and conduct hearings concerning allegations of misconduct or disability and make recommendations to the Court concerning reprimand, discipline, suspension, retirement, or removal. Pursuant to Rule 8.1, Rules of the Supreme Court, the Commission on Judicial Conduct is composed of seven members appointed by the Supreme Court to three-year terms. Three members, including the Chairperson, are attorneys licensed to practice law in the State; four members, including the Vice Chairperson, are citizens who are not active or retired judges or attorneys. Under Rule 8.3, Rules of the Supreme Court, commission members and special counsel appointed by the Supreme Court are immune from suit for all conduct in the course of their official duties.

## **Board of Examiners**

The Supreme Court appoints a Board of Examiners to administer the process of admission to the Bar of the State, under Rule 1, Rules of the Supreme Court. However, nothing in Rule 1 alters or limits the ultimate authority of the Supreme Court to oversee and control the privilege of the practice of law in the State. Board members are appointed to three-year terms from nominations submitted by the Nominating Committee of the Supreme Court. The Supreme Court appoints a Chairperson and Vice Chairperson of the Board from its members. The Supreme Court also determines the number of members who serve on the Board.<sup>1</sup> The Board administers semiannual state bar examinations.

## **Disciplinary Board**

Pursuant to Rule 2.4, Rules of the Supreme Court, the Supreme Court appoints a Disciplinary Board consisting of eighteen members, each of whom is nominated and appointed from a list of nominees submitted by the Nominating Committee of the Supreme Court to three-

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<sup>1</sup> See Hawaii Board of Bar Examiners, Rules of Procedure, section 1.5. Fifteen board members constitute a quorum, *id.*, section 1.8. As of August 2013, there were 36 members on the Board.

year terms. The Board appoints a Chief Disciplinary Counsel and such Assistant Disciplinary Counsel and staff as required to investigate and dispose of all matters involving alleged misconduct in violation of the Rules of Professional Conduct, pursuant to Rule 2, Rules of the Supreme Court.

## INTERMEDIATE COURT OF APPEALS

The Intermediate Court of Appeals (ICA) is governed by chapter 602, part II, HRS. Pursuant to section 602-51, HRS, the ICA is composed of a chief judge and five associate judges who sit in panels of three.

Under section 602-57, HRS, the ICA has jurisdiction, subject to transfer as provided in section 602-58 or review as provided in section 602-59, HRS, to: hear and determine appeals from any court or agency when appeals are allowed by law; and entertain, in its discretion, any case submitted without suit when there is a question of law that could be the subject of a civil action or proceeding in the Circuit Court or Tax Appeal Court, and the parties agree upon the facts of the controversy.

Under section 602-58(a), HRS, the Supreme Court must grant an application to transfer any case within the jurisdiction of the ICA to the Supreme Court upon the grounds that the case involves: a question of imperative or fundamental public importance; an appeal from a decision of any court or agency when appeals are allowed by law; or a sentence of life imprisonment without the possibility of parole. Under section 602-58(b), HRS, the Supreme Court may grant an application to transfer any case from the ICA to the Supreme Court upon the grounds that the case involves: a question of first impression or a novel legal question; or issues upon which there is an inconsistency in the decisions of the ICA or the Supreme Court.

Under section 602-59, HRS, after issuance of the ICA's judgment or dismissal order, a party may seek review of the ICA's judgment or dismissal order only by application to the Supreme Court for a writ of certiorari, the acceptance or rejection of which is discretionary upon the Supreme Court.

## CIRCUIT COURTS

The State is divided into four judicial circuits, pursuant to section 603-1, HRS, as follows: (1) the First Judicial Circuit, consisting of the island of Oahu, and all other islands of the State not in any other circuit, has twenty-three Circuit Court judges; (2) the Second Judicial Circuit, comprised of the islands of Maui, Molokai, Lanai, Kahoolawe, and Molokini, has four Circuit Court judges; (3) the Third Judicial Circuit, the island of Hawaii, has four Circuit Court judges; and (4) the Fifth Judicial Circuit, consisting of the islands of Kauai and Niihau, is served by two Circuit Court judges.<sup>2</sup>

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<sup>2</sup> There is no Fourth Judicial Circuit. It was eliminated in 1943 when the Fourth Circuit (part of the island of Hawaii) merged into the Third, and the designation was dropped altogether.

The jurisdiction of the Circuit Courts, set forth under chapter 603, part III, HRS, includes: criminal offenses; actions for penalties and forfeitures; civil actions and proceedings; concurrent jurisdiction with family courts; probate; and injunction of violation of laws and ordinances.

## FAMILY COURTS

Chapter 571, HRS, governs the system of Family Courts. Family Courts consist of Circuit and District Family judges and are administered as divisions of the Circuit Courts. In the First Judicial Circuit, the Chief Justice designates one Circuit Court judge to act as the Senior Family Court judge. In the other circuits, the Chief Justice assigns the functions of the Senior Family Court judge to the Administrative Judge of the Circuit Court. Section 571-8, HRS, provides for the establishment of a District Family Court in each of the judicial circuits. The geographical jurisdictions are the same as those of the District Courts. Judges of the District Family Courts are entitled District Family Court judges and must have the same qualifications as District Court judges.

Pursuant to section 571-1, HRS, the policy and purpose of Family Courts is to promote the reconciliation of distressed juveniles with their families, foster the rehabilitation of juveniles in difficulty, render appropriate punishment to offenders, and reduce juvenile delinquency. Family Courts conduct all proceedings to the end that no adjudication of the status of any child under chapter 571, HRS, will be deemed a conviction; no such adjudication will impose any civil disability ordinarily resulting from conviction; no child will be found guilty or be deemed a criminal by reason of such adjudication; no child will be charged with crime or be convicted in any court except as otherwise provided in chapter 571, HRS; and all children found responsible for offenses will receive dispositions that provide incentive for reform or deterrence from further misconduct, or both. The disposition made of a child or any evidence given in court will not operate to disqualify the child in any civil service or military application or appointment.

Under section 571-11, HRS, Family Courts have exclusive original jurisdiction relating to children in proceedings that include, in addition to adjudications referred to above: adoption (chapter 578, HRS), termination of parental rights (sections 571-61 through 571-63, HRS), and the Child Protective Act (chapter 587A, HRS).

Under section 571-14, HRS, Family Courts also have exclusive original jurisdiction relating to adults in proceedings that include: offenses committed against a child by the child's parent or guardian or violations of certain sections of chapter 707 (Offenses Against the Person), 709 (Offenses Against the Family and Against Incompetents), or section 302A-1135 (school absenteeism); chapter 580 (Annulment, Divorce, and Separation), chapter 584 (Uniform Parentage Act), chapter 575 (Uniform Desertion and Nonsupport Act), and chapter 576B (Uniform Interstate Family Support Act); chapter 586 (Domestic Abuse Protective Orders); and chapter 346, part X (Adult Protective Services), HRS.

## **Board of Family Court Judges**

The Board of Family Court Judges, established under section 571-5, HRS, consists of all the State's Family Court and District Family Court judges. The principal function of the Board is to establish general policies for the conduct of Family Courts. All actions by the Board are subject to the regulatory supervision of the Chief Justice.

## **LAND COURT**

The Land Court, established under section 501-1, HRS, has exclusive original jurisdiction over all applications for the registration of title to land and easements or rights in land held and possessed in fee simple within the State, with power to hear and determine all questions arising upon such applications. It also has jurisdiction over other questions brought forth under chapter 501, HRS, Land Court Registration. Pursuant to section 501-2, HRS, the Administrative Judge of the First Circuit Court, subject to the direction of the Chief Justice, assigns all Land Court matters to a judge or judges of the First Circuit Court.

## **TAX APPEAL COURT**

The Tax Appeal Court is established under section 232-11, HRS. Under section 232-13, HRS, its jurisdiction is limited to the amount of valuation or taxes in dispute. The Court hears appeals regarding: tax refund claims under section 232-14.5, HRS; tax assessments under section 232-16, HRS; and decisions of a state or county Board of Review under section 232-17, HRS. Pursuant to section 232-8, HRS, the Administrative Judge of the First Circuit Court, subject to the direction of the Chief Justice, assigns all Tax Appeal Court matters to a judge or judges of the First Circuit Court.

## **DISTRICT COURTS**

Chapter 604, HRS, governs District Courts. Under section 604-1, HRS, a District Court is established in each of the judicial circuits of the State. Civil jurisdiction of District Courts, as set forth in section 604-5, HRS, is generally limited to claims that do not exceed \$25,000. Under section 604-8, HRS, criminal jurisdiction is limited to criminal offenses punishable by fine or by imprisonment not exceeding one year, whether with or without a fine. District Courts also hear actions for ejection (section 604-6, HRS); petitions for relief from harassment (section 604-10.5, HRS); and violations of county ordinances (section 604-11, HRS).

Under section 604-2(b), HRS, the Chief Justice appoints District Court judges to serve on a per diem basis to provide auxiliary judicial functions.

## ATTACHED FOR ADMINISTRATIVE PURPOSES

### **Judicial Selection Commission**

The State Constitution, Article VI, section 4, provides for a Judicial Selection Commission consisting of nine members, who are appointed as follows: two by the Governor, no more than one of whom is a licensed attorney; two each by the President of the Senate and Speaker of the House of Representatives; one by the Chief Justice; and members in good standing of the State Bar elect two of their number in an election conducted by the Supreme Court or its delegate. No more than four members are licensed attorneys. At all times, at least one member of the Commission is a resident of a county other than the City and County of Honolulu. Terms are for six years. The Commission selects one of its members as Chairperson.

The Commission is selected and operates in a wholly nonpartisan manner. Commission members are prohibited from taking active roles in political management or campaigns and are ineligible for appointment to judicial office for the duration of their term on the Commission and for three years thereafter.

### **Judicial Council**

The Judicial Council, established under section 601-4, HRS, and Rule 4, Rules of the Supreme Court, consists of the Chief Justice, who is Chairperson, and not more than fifteen other members appointed by the Supreme Court to serve in an advisory capacity on the administration of justice in the courts of the State. Council members include laypersons as well as judges and lawyers.

### **Judiciary History Center**

The Judiciary History Center is established within the Office of the Administrative Director of the Courts under section 6F-2, HRS. Essentially educational in purpose, the Center owns and utilizes tangible objects of service, history, and art and cares for and exhibits them to the public on a regular schedule. The Center is located on the ground floor of the Aliioli Hale Building.

**Board.** The Executive Board of the Judiciary History Center, established under section 6F-3, HRS, consists of five members who are appointed by the Chief Justice to four-year terms; three of the members are selected from a list of seven candidates submitted by the Friends of the Judiciary History Center. The Board elects from its own members a Chairperson and Vice Chairperson. Among the Board's duties, under section 6F-5, HRS, are: (1) managing and opening the Center to the general public for educational, historical, and cultural purposes; (2) collecting, preserving, displaying, and interpreting objects and documents that are representative of our judicial heritage; (3) cooperating with and providing technical assistance to the Judiciary and other public and private agencies involved in developing and implementing programs in historic preservation activities related to the Judiciary; (4) conducting research in the

field of Hawaiian judicial history and making the benefits of the research and study available to the public; (5) stimulating and promoting public interest and awareness of Hawaiian judicial history by providing interpretive and information services for use in the schools of the State that will aid in a better understanding of the history of the Judiciary; and (6) selecting an Executive Director to supervise the Center's activities.

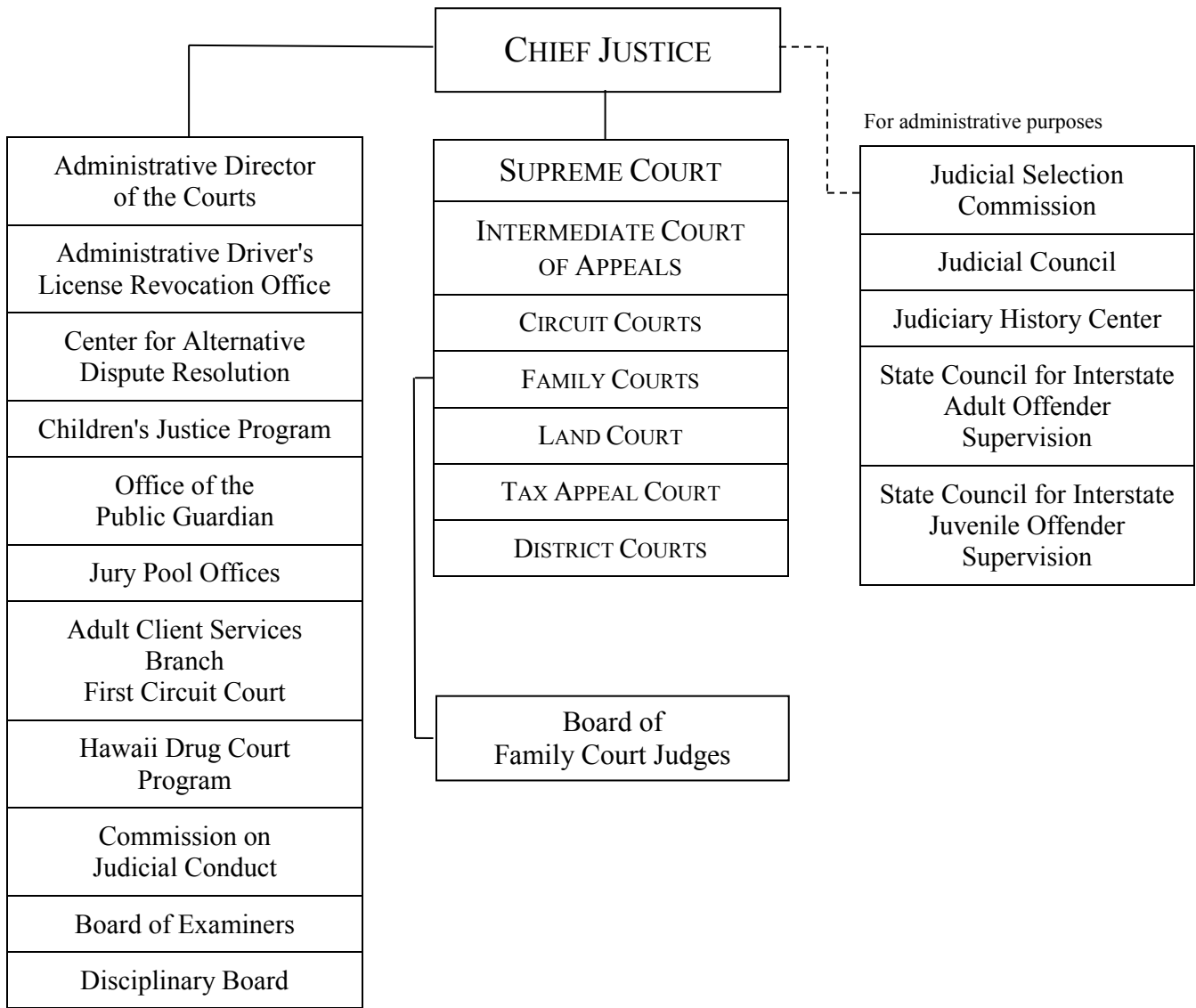
### **State Council for Interstate Adult Offender Supervision**

The State Council for Interstate Adult Offender Supervision, established under section 353B-3, HRS, consists of nine members as follows: (1) one member of the House of Representatives appointed by the Speaker of the House of Representatives; (2) one member of the Senate appointed by the Senate President; (3) one member of the Judiciary appointed by the Chief Justice; (4) the Director of Public Safety or designee; (5) one member from the general public representing victims groups appointed by the Governor; (6) the Prosecuting Attorney of the City and County of Honolulu, or designee; (7) the Attorney General or designee; (8) the State Public Defender or designee; and (9) the Compact Administrator, appointed by the Governor with the advice and consent of the Senate and Chief Justice. With the exception of the Director of Public Safety or designee, and the Compact Administrator, the terms of all members are for four years. The Council exercises oversight and advocacy concerning its participation in activities of the Interstate Commission for Adult Offender Supervision under section 353B-1, HRS, Article VII, and other duties as may be determined by the Council, including development of policy concerning operations and procedures of the Interstate Compact for the Supervision of Adult Offenders within the State.

### **State Council for Interstate Juvenile Offender Supervision**

The State Council for Juvenile Offender Supervision, established under section 582D-1, HRS, Article IX, consists of nine members as follows: (1) one member of the House of Representatives appointed by the Speaker of the House of Representatives; (2) one member of the Senate appointed by the Senate President; (3) one member of the Judiciary appointed by the Chief Justice; (4) the Executive Director of the Office of Youth Services or designee; (5) one member from the general public representing victims' groups, appointed by the Governor with the advice and consent of the Senate; (6) a prosecuting attorney or designee; provided that this appointment rotates every four years among the several counties, as follows: Honolulu, Hawaii, Maui, and Kauai; (7) the Attorney General or designee; (8) the State Public Defender or designee; and (9) the Compact Administrator, appointed by the Governor with the advice and consent of the Senate and Chief Justice. With the exception of the members designated in paragraphs (4), (6), (7), (8), and (9), the terms of all members are for four years. The Council exercises oversight and advocacy concerning its participation in activities of the Interstate Commission for Juveniles under section 582D-1, HRS, Article VII, and other duties that may be determined by the Council, including development of policy concerning operations and procedures of the Interstate Compact for Juveniles within the State.

# THE JUDICIARY



## **OFFICE OF HAWAIIAN AFFAIRS**

<http://oha.org>

The Office of Hawaiian Affairs (OHA) was established in 1978 by amendment to the State Constitution, Article XII, section 5, and implemented by chapter 10, HRS, in 1979. As a government agency with a high degree of autonomy, OHA advocates for the overall well-being of Native Hawaiians. OHA brings new attention, needed resources, and a strong voice to issues important to Native Hawaiians.

### **OHA Strategic Plan**

OHA takes a strategic approach to helping provide opportunities for a better life and future for all Hawaiians. OHA's Strategic Plan calls for creating broad, lasting change that will continue to benefit future generations of Native Hawaiians. The Plan focuses on six strategic priorities:

1. 'Āina (Land and Water): To maintain the connection to the past and a viable land base, Native Hawaiians will participate in and benefit from responsible stewardship of Ka Pae 'Āina o Hawaii.
2. Mo'omeheu (Culture): To strengthen identity, Native Hawaiians will preserve, practice and perpetuate their culture.
3. Ea (Governance): To restore pono and ea, Native Hawaiians will achieve self-governance, after which the assets of OHA will be transferred to the new governing entity.
4. Ho'okahua Waiwai (Economic Self-Sufficiency): To have choices and a sustainable future, Native Hawaiians will progress towards greater economic self-sufficiency.
5. Ho'ona'auao (Education): To maximize choices of life and work, Native Hawaiians will gain knowledge and excel in educational opportunities at all levels.
6. Maui Ola (Health): To improve the quality and longevity of life, Native Hawaiians will enjoy healthy lifestyles and experience reduced onset of chronic diseases.

### **BOARD OF TRUSTEES**

Guiding OHA's efforts is an elected nine-member Board of Trustees, established by the State Constitution, Article XII, section 5, and governed by chapter 13D, HRS. Board members must be Hawaiians. Four of the nine positions on the Board are designated at-large seats representing the State as a whole, while the other five trustees each reside on one of the following islands: Hawaii, Maui, Molokai, Kauai, or Oahu. While there are residency



requirements for candidates seeking district seats, all State of Hawaii voters may participate in their election. Board members are elected to four-year terms and may be reelected without restriction as to the number of terms. The Board selects a Chairperson from its members.

The Board of Trustees is responsible for setting OHA policy and managing the agency's trust. The Board meets regularly at OHA's headquarters in Honolulu and at least once annually on each of the major islands.

Each trustee sits on the Board's two standing committees: the Committee on Asset and Resource Management (ARM) and the Committee on Beneficiary Advocacy and Empowerment (BAE). The ARM Committee recommends policies for managing the agency's investment portfolio and other OHA fiscal and budgetary matters. In addition, it recommends policies relating to land use, native rights, and natural and cultural resources. The BAE Committee focuses on the agency's legislative and advocacy efforts, as well as OHA programs that address issues relating to health, human services, education, housing, land use, environment, and natural resources. Both Committees convene regularly, and their actions and recommendations are considered by the full Board for final approval.

## **OHA Administration**

### **Chief Executive Officer: Ka Pouhana**

OHA's Chief Executive Officer, also referred to as Ka Pouhana, meaning the middle, main post of a house, is the administrative leader of the OHA structure.<sup>1</sup> Ka Pouhana manages the internal operations of OHA by providing leadership, guidance, direction, and oversight. Implementing the policies, rules, and directives adopted by the Board of Trustees, Ka Pouhana leads the organization's operations. Additionally, Ka Pouhana works with other agencies, both government and private, that also serve Hawaiians. Ka Pouhana reports to the Board on OHA's finances, initiatives, and programs. This includes developing and overseeing organizational structures and procedures; securing, supervising, and inspiring employees to deliver the best results they are capable of for OHA; and guiding the implementation of OHA's strategic vision.

OHA is organized across five lines of business: Executive Offices, Resource Management, Advocacy, Research, and Community Engagement.

### **Executive Offices**

The day-to-day operations of the Executive Offices are overseen by the Chief Operating Officer (COO). Among the COO's main responsibilities is managing the Kakaako Makai property deeded to OHA by the State of Hawaii as settlement for past due revenues from ceded

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<sup>1</sup> Among the powers and duties of the Board of Trustees is delegating to the Administrator, its officers and employees such powers and duties as may be proper for the performance of the powers and duties vested in the Board. See section 10-5(6), HRS. "Administrator" means the administrator of the Office of Hawaiian Affairs. See section 10-2, HRS.

lands. The COO also provides guidance and resources needed to directors and programs in four lines of business, described below, to effectively execute OHA strategies:

## **Resource Management**

The Resource Management line of business manages and reports on the organization's finances and investments, as well as maintains the organization's information systems and records. Other key components of Resource Management are analyzing and maximizing opportunities as well as creating value for OHA beneficiaries. The six programs under Resource Management are:

- *Investment Transactions* – responsible for developing financial plans aligned with OHA's policy statements regarding spending and investment to safeguard assets and maximizing return on OHA's financial assets.
- *Transitional Assistance* – responsible for ensuring OHA's grants and loans programs address OHA strategic plan priorities.
- *Information Systems and Records Management* – responsible for managing and maintaining OHA's local and statewide computer information network.
- *Administrative Services* – responsible for day-to-day processing and auditing of accounting transactions, as well as maintaining the general ledger and producing accurate financial reports.
- *Land and Property Management* – responsible for managing OHA's land holdings, as well as helping OHA demonstrate effective control and management of lands by optimizing cultural, environmental, and economic returns.
- *Halawa Luluku Interpretive Development Project* – created as a result of the H-3 Memorandum of Agreement. The Agreement requires development with community consultation to address the mitigation of land areas affected by the construction of the H-3 Freeway, and preserves, interprets, and perpetuates Native Hawaiian history, traditions, and culture.

## **Advocacy**

The Advocacy line of business plays a leading role in OHA's efforts to address important issues facing the Native Hawaiian community. This Division is responsible for pursuing laws, policies, and practices that have broad implications for OHA priorities and for monitoring legislation to identify harmful policies and laws. The three programs that make up this Division are:

- *Public Policy* – responsible for shaping, anticipating, and influencing state or federal legislation, rules, regulations, guidelines and court decisions that are important to Native Hawaiians.
- *Compliance* – responsible for reviewing and assessing laws or policies that may undermine Hawaiian values and recommending ways to remedy culturally-sensitive matters.
- *Washington, D.C., Office* – responsible for educating Congress and the Executive Branch on issues important to Native Hawaiians and securing passage of favorable legislation at the national level.

## Research

The Research line of business is essential to OHA’s ability to gather evidence needed to help make sound decisions that allow the organization to engage policy makers in its work, create public awareness, and build community support. Research is largely about gathering data and ensuring that OHA’s initiatives are based on hard facts. The four programs under Research are:

- *Demography* – responsible for informing public-policy decisions with up-to-date, accurate demographic information about Native Hawaiians.
- *Land, Culture and History* – responsible for informing public-policy decisions with accurate, relevant historical analyses about the Native Hawaiian people, their relationship to the land and environment, and their cultural traditions and practices.
- *Program Improvement* – responsible for evaluating service contracts that have been awarded by OHA and making recommendations about performance.
- *Special Projects* – responsible for researching trends and issues that would allow the CEO, COO, and OHA managers to make informed decisions about initiatives, policies, or programs.

## Community Engagement

The Community Engagement line of business is critical to OHA’s ability to initiate and maintain two-way communications with OHA staff, beneficiaries, collaborative partners, the media, and policy makers. The three programs under Community Engagement are:

- *Community Outreach* – responsible for helping OHA establish and maintain mutually beneficial relationships with beneficiaries and other valued stakeholders. Duties include sharing with beneficiaries how to access OHA’s programs and services,

raising public awareness of OHA's efforts, and building collaborative relationships with a wide array of partners to achieve OHA's strategic goals.

- *Communications* – responsible for providing timely and relevant information to employees, beneficiaries, stakeholders, and the media. Communication pieces focus on forwarding OHA's strategic priorities.
- *Digital Media* – responsible for digital communications, including the internal OHA staff intranet site, OHA's general website (<http://oha.org>), and OHA's issues-based website (<http://kamakakoi.com>).

## ATTACHED FOR ADMINISTRATIVE PURPOSES

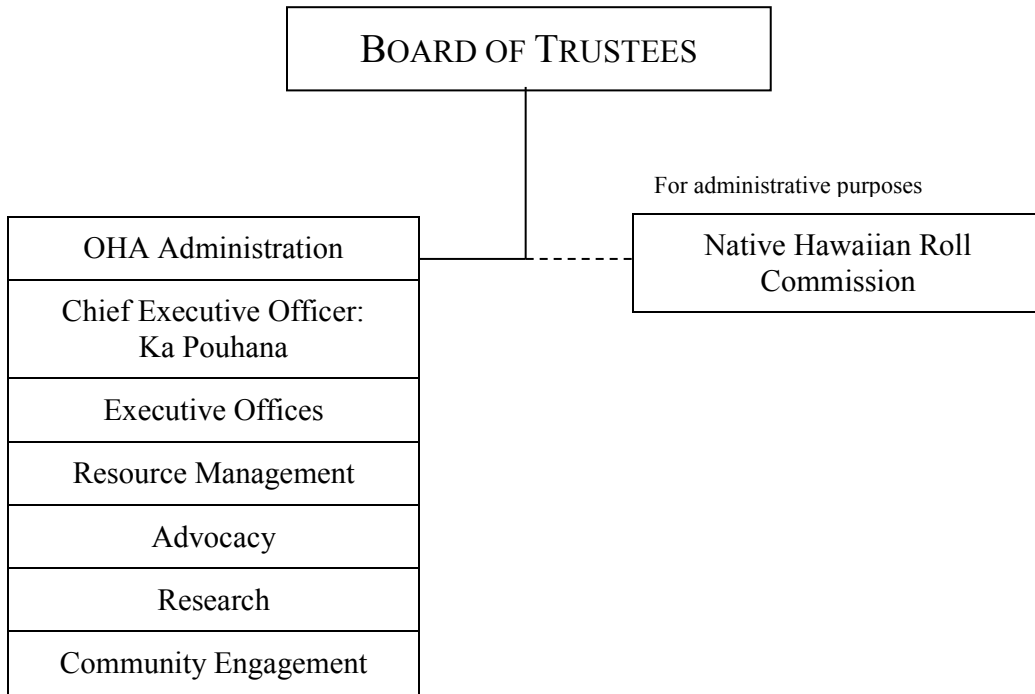
### Native Hawaiian Roll Commission

The Native Hawaiian Roll Commission, established under section 10H-3, HRS, consists of five members and is responsible for:

- (1) Preparing and maintaining a roll of qualified Native Hawaiians;
- (2) Certifying that the individuals on the roll of qualified Native Hawaiians meet the definition of qualified Native Hawaiians. A "qualified Native Hawaiian" is an individual who the Commission determines has satisfied the following criteria and who makes a written statement certifying that the individual:
  - (A) is:
    - (i) an individual who is a descendant of the aboriginal peoples who, prior to 1778, occupied and exercised sovereignty in the Hawaiian islands, the area that now constitutes the State of Hawaii; or
    - (ii) an individual who is one of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act, 1920, or a direct lineal descendant of that individual;
  - (B) has maintained a significant cultural, social, or civic connection to the Native Hawaiian community and wishes to participate in the organization of the Native Hawaiian governing entity; and
  - (C) is eighteen years of age or older; and
- (3) Receiving and maintaining documents from individuals seeking to be included in the roll of qualified Native Hawaiians that verify ancestry; cultural, social, or civic connection to the Native Hawaiian community; and age. These verification documents are deemed confidential by law.

The Governor appoints the members of the Commission from nominations submitted by qualified Native Hawaiians and qualified Native Hawaiian organizations. One member each resides in the City and County of Honolulu and the counties of Hawaii, Kauai, and Maui, and one member serves at large.

# OFFICE OF HAWAIIAN AFFAIRS



# CITY AND COUNTY OF HONOLULU

<http://honolulu.gov>

The City and County of Honolulu, a political and corporate body, consists of the island of Oahu, all other islands not included in any other county, and adjacent waters thereto, and is vested with all powers authorized by the State Constitution, the laws of the State of Hawaii, and the Revised Charter of the City and County of Honolulu.

## LEGISLATIVE BRANCH

<http://honolulu.gov/council>

### CITY COUNCIL

Except as otherwise provided by the Charter, legislative powers are vested in and exercised by the City Council which consists of nine nonpartisan members elected to four-year terms. No council member may serve for more than two consecutive full terms. Each member represents distinct districts that are reapportioned every ten years. Members must be duly qualified electors of the districts they represent.

The City Council is the lawmaking body of the City and County of Honolulu and determines policies and programs for the City. The Council is responsible for the enactment of ordinances affecting city law and the adoption of resolutions setting public and county policy. Among its powers are the determination and declaration of the necessity of eminent domain; adoption of a general plan setting forth the City's broad policies for the long-range development of Oahu; enactment of the annual legislative and executive budget ordinances and their balancing through the enactment of revenue producing resolutions and/or ordinances where necessary; adoption of a pay plan; authorization for the issuance and repayment of general obligation and revenue bonds; authorization of the issuance of improvement bonds to finance assessable public improvements; temporary borrowing of moneys on anticipated revenues; creation of semiautonomous agencies; provision of an independent financial and performance audit after each fiscal year; and investigations of the operation of any city agency or function and any matter subject to legislation by the Council.

**City Clerk.** The Council appoints the City Clerk who serves as the Clerk of the Council. The City Clerk is responsible for materials filed in the City Clerk's office; has custody of the city seal that is used to authenticate all official papers and instruments requiring execution or certification by the City Clerk; conducts all elections held in the City and County and performs voter registration functions as provided by the Charter or state law; and performs other functions pursuant to the Charter or state law.

**Office of Council Services.** The Office of Council Services assists the Council in the exercise of its legislative powers. Staff members, who are appointed by and serve under the direction of the presiding officer of the Council, conduct research, draft proposed ordinances, and provide other advisory and staff services to members of the Council.

**Office of the City Auditor.** The Office of the City Auditor is headed by a City Auditor who is appointed by the City Council and serves for a term of six years. The Council, by a two-thirds vote, may remove the Auditor at any time for cause. The Auditor conducts or causes to be conducted: the annual financial audit of the City; performance audits of the funds, programs, and operations of any agency or operation of the City as requested by the Council; performance and financial audits of the funds, programs, and operations of any agency or operation of the City, as determined by the Auditor to be warranted; and follow-up audits and monitoring of compliance with audit recommendations by audited entities.

### **Charter Commission**

Section 15-105 of the Charter provides for mandatory review of the Charter. After November 1 of every year ending in “4,” but before the immediate following February 1, the Mayor and the presiding officer of the Council appoint a Charter Commission consisting of thirteen members to study and review the operation of the government of the City under the Charter. The Mayor appoints six members; the presiding officer of the Council, with the approval of the Council, appoints six members; and the thirteenth member is appointed by the Mayor and confirmed by the Council. The Commission elects a Chair from among its members. The Commission may propose amendments to the existing Charter or a draft of a revised charter, which is submitted to the City Clerk at any time prior to September 1 of the year ending in “6” that immediately follows the appointment of the Commission. Upon receipt of the amendments or revised charter, together with ballot language prepared by the Commission, the Clerk provides for the submission of such amendments or revised charter to the electors of the City at the next general election.

### **Council Reapportionment Commission**

Under section 3-103 of the Charter, the year 1991 and every tenth year thereafter are reapportionment years. A Council Reapportionment Commission of nine members is constituted on or before July 1 of every reapportionment year and whenever reapportionment is required by court order. Members are appointed by the presiding officer of the Council with the approval of the Council. No more than a majority of the members may be from the same political party. The Commission elects a Chair from among its members. In effecting reapportionment, the Commission must be guided by the following criteria: (a) no district shall be so drawn as to unduly favor a person or political faction; (b) districts, insofar as practicable, shall be contiguous and compact; and (c) district lines shall, where possible, follow permanent and easily recognized features, and, when practicable, shall coincide with census tract boundaries. On or before January 2 of the year following appointment, the Commission files with the City Clerk a reapportionment plan that is applicable to the next succeeding election at which council members are elected to regular terms.



## **Salary Commission**

An independent Salary Commission, under section 3-122 of the Charter, establishes the salaries of all elected City and County officials, including the Mayor, council members, and Prosecuting Attorney, and the following appointed officials: Managing Director, Deputy Managing Director, department heads and their deputies, Royal Hawaiian Band Director, and deputies of the Corporation Counsel and Prosecuting Attorney. The Commission consists of seven members appointed to five-year terms: three by the Mayor, three by the Council, and one by the Mayor and confirmed by the Council. The Commission elects a Chair from among its members. The Commission convenes annually no later than February 1 and, after public hearing, establishes salaries and salary schedules no later than May 1 to take effect July 1, the first day of the fiscal year subsequent to their adoption by the Commission.

## **EXECUTIVE BRANCH**

<http://honolulu.gov>

## **MAYOR**

The Mayor is elected to a term of four years and may not be elected to more than two consecutive full terms. The Mayor must be a duly qualified elector of the City not less than thirty years of age. The Mayor serves as the chief executive officer of the City and County government and exercises direct supervision over agencies when such arrangement is provided in the Charter or deemed desirable. The Mayor also exercises supervision, through the Managing Director, of other agencies; appoints necessary staff for which appropriations have been made by the City Council; creates or abolishes positions within the executive branch and makes monthly reports on such actions to the Council; makes temporary inter- and intra-departmental transfers of employees; recommends a pay plan for all persons employed in the executive branch to the Council; may appoint a personal representative who is subject to the Mayor's direction; submits annual operating and capital programs and budgets and necessary proposed budget ordinances to the Council; signs instruments requiring execution, except when other persons are authorized to sign by the Charter, ordinance, or resolution; presents information or messages to the Council; makes annual and periodic reports informing the public of city policies, programs, and operations; calls special sessions of the Council; may veto Council-passed bills, resolutions authorizing proceedings in eminent domain, and resolutions adopting or amending the city general plan; has a voice, but no vote, in proceedings of boards created by the Charter or ordinances; enforces provisions of the Charter, ordinances, and all applicable laws; and exercises other powers and performs other duties as prescribed by the Charter or ordinances.

## AGENCIES UNDER THE MAYOR

### Office of the Managing Director

**Managing Director.** The Managing Director is appointed and may be removed by the Mayor. The Managing Director must have had at least five years of such training and experience, either in public service or private business, as shall qualify the Managing Director to perform the executive duties of the office. As the principal management aide of the Mayor, the Managing Director supervises the heads of all executive departments and agencies under the Managing Director's assignment; evaluates the performance of those agencies; prescribes standards of administrative practice to be followed by those agencies; attends meetings on the Mayor's behalf, including those of the City Council, its committees, and of any board, commission, or committee, when requested; and performs all other duties required by the Charter or assigned in writing by the Mayor.

### Department of the Corporation Counsel

The Department of the Corporation Counsel is headed by a Corporation Counsel who is appointed by the Mayor, with the approval of the Council, and may be removed by the Mayor. The Corporation Counsel must be an attorney licensed to practice law and in good standing before the Hawaii Supreme Court and who has engaged in the practice of law for at least five years. The Corporation Counsel serves as the chief legal advisor and legal representative of all agencies, the Council, and all officers and employees in matters relating to their official powers and duties; represents the City in all legal proceedings, except as otherwise provided in the Charter; and performs all other services incident to the office as may be required by the Charter or by law.

### ATTACHED FOR ADMINISTRATIVE PURPOSES

**Ethics Commission.** The Ethics Commission consists of seven members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Ethics Commission determines whether there have been any violations of the standards of conduct provisions of the City Charter or ordinances by any officer or employee of the City and County of Honolulu. It recommends disciplinary action through advisory opinions to the appointing authority.

## AGENCIES UNDER THE MANAGING DIRECTOR

### Department of Budget and Fiscal Services

The Department of Budget and Fiscal Services (BFS) is headed by a Director of Budget and Fiscal Services who is appointed and may be removed by the Mayor. Under the Director, the Department's responsibilities include: budgeting, purchasing, and treasury functions; real property assessment; real property tax billing and collection; managing the City's risk management program; performing long-range financial planning; maintaining inventories of lands and equipment controlled by the City; and maintaining the integrity of the City's revenue and disbursement activities and financial records. The Director, who is the chief accounting officer of the City, must have had a minimum of five years of training and experience in a public or private financial position, including at least three in a responsible administrative capacity

#### ATTACHED FOR ADMINISTRATIVE PURPOSES

**Liquor Commission.** The Liquor Commission consists of five members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Commission issues liquor licenses and oversees the activities of licensees according to state law and its own rules. The Commission appoints and may remove a Liquor Administrator who serves as the administrative head of the commission staff.

**Real Property Boards of Review I, II, and III.** The Boards of Review consist of five members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Boards are independent bodies that hear property tax disputes between the Director of Budget and Fiscal Services and taxpayers.

### Department of Community Services

The Department of Community Services consists of a Director of Community Services, who is appointed and may be removed by the Mayor, and necessary staff. Under the Director, the Department develops and administers projects, programs, and plans of action for human resources and human services programs; develops and administers projects, programs, and plans of action designed to achieve sound community development, provided that such projects, programs, and plans of action conform to and implement the general plan and development plans; administers grants awarded from the grants-in-aid fund; and acts as the local public officer for the purpose of implementing federally-aided and state-aided human resources, human services, housing, urban renewal, and community development programs.

#### ATTACHED FOR ADMINISTRATIVE PURPOSES

**Honolulu Committee on Aging.** Membership size of the Honolulu Committee on Aging is not fixed by law, and terms are coterminous with the Mayor. The Committee includes one elected official and one ex officio liaison member from the State Policy and Advisory Board on Elderly Affairs. The Committee advises the Mayor and the Elderly Affairs Division, Department

of Community Services, on issues, problems, and needs of older people in the community. Subcommittees on Advocacy, Planning, and Senior Recognition assist with policy and program development.

**Mayor's Advisory Committee on Disabilities.** Membership size of the Mayor's Advisory Committee on Disabilities is not fixed by law, and terms are coterminous with the Mayor. The Committee makes recommendations on modifications to public facilities, such as curb ramps and TheBus operations, and generally advocates, promotes, and advises on how the special needs of the disabled community can be better served and interwoven with those of the general community.

**Honolulu County Committee on the Status of Women.** Membership size of the Honolulu County Committee on the Status of Women is not fixed by law, and appointments are for four-year terms. The Committee advises the Mayor and the State Commission on the Status of Women on matters of concern to Oahu's women. Its duties include public recognition of women's contributions, assessment of changes in women's status, and promotion of equality for both sexes.

**Oahu Workforce Investment Board.** Federal law mandates that 51 percent of the members of the Oahu Workforce Investment Board (OWIB) are from the private sector per specific membership categories. Members are appointed by the Mayor. OWIB was established under the federal Workforce Investment Act of 1998 (WIA).<sup>1</sup> WIA established business-led boards of directors to oversee local workforce one-stop centers. These one-stop centers provide federally funded employer and jobseeker services. OWIB develops the local strategic workforce investment plan, selects training providers that meet federal requirements, and works with private sector employers to support their workforce needs.

## **Department of Customer Services**

The Department of Customer Services is headed by a Director of Customer Services who is appointed and may be removed by the Mayor. Under the Director, the Department receives complaints and inquiries concerning city policies, programs, and operations, and promptly answers those complaints or inquiries; fulfills the research and information needs of the City, coordinates a city government records management program, and supervises the city archive of documents and materials; performs motor vehicle driver licensing, commercial driver's licensing, and licensing of businesses, bicycles, mopeds, and dogs; conducts inspection of vehicles and reconstructed vehicles; and administers the motor vehicle registration program, abandoned vehicle program, and motor vehicle financial responsibility program.

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<sup>1</sup> See P.L. 105-220; 29 U.S.C. 2801 et seq.

## **Department of Design and Construction**

The Department of Design and Construction is headed by a Director of Design and Construction who is appointed and may be removed by the Mayor. Under the Director, the Department performs the planning, engineering, design, construction, and improvement of public buildings; performs the planning, engineering, design, and construction of public streets, roads, bridges and walkways, and drainage and flood improvements; and in consultation with the respective departments, performs the planning, engineering, design, and construction of wastewater facilities, parks and recreational facilities, and transportation systems. The Director must be a registered architect or registered professional engineer with a minimum of five years of training and experience in an architectural or engineering position, including at least three in a responsible administrative capacity.

## **Department of Emergency Management**

The Department of Emergency Management is headed by a Director of Emergency Management who is appointed and may be removed by the Mayor. Under the Director, the Department develops, prepares, and, in disaster or emergency situations, assists in the implementation of civil defense plans and programs to protect and promote the public health, safety, and welfare of the people of the City; and coordinates the civil defense and emergency preparedness activities and functions of the City with those of the state and federal governments and other public or private organizations for civil defense within the State.

### **ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Citizens Advisory Commission on Civil Defense.** The Citizens Advisory Commission on Civil Defense consists of five members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Commission advises the Mayor, Council, and Director of Emergency Management on matters pertaining to civil defense and emergency management, and the promotion of community understanding and interest in such matters.

## **Emergency Services Department**

The Emergency Services Department is headed by a Director of Emergency Services who is appointed and may be removed by the Mayor. Under the Director, the Department, as to medical services: is the primary provider of emergency medical care; develops programs and provides training and educational programs related to emergency medical services and injury prevention; is responsible for medical matters relating to public health and welfare; and is responsible for the administration of the City's health services programs and medical evaluations of current and prospective city employees. As to ocean safety, the Department is the primary responder to emergencies arising on the beach and in near shore waters, and is responsible for ocean safety training, educational, and risk reduction programs relating to ocean safety. The Director must have had a minimum of five years of training and experience in emergency medical services, including at least three in a responsible administrative capacity.

## **Department of Enterprise Services**

The Department of Enterprise Services is headed by a Director of Enterprise Services who is appointed and may be removed by the Mayor. Under the Director, the Department operates and maintains the Neal S. Blaisdell Center, Waikiki Shell, Honolulu Zoo, six municipal golf courses, and any other auditorium or cultural or entertainment facilities assigned to the Department; and coordinates the preparation, administration, and enforcement of citywide concession contracts.

## **Department of Environmental Services**

The Department of Environmental Services is headed by a Director who is a registered engineer with a background in sanitary engineering who is appointed and may be removed by the Mayor. Under the Director, the Department advises the Director of Design and Construction concerning the planning and design of wastewater facilities; oversees the operation and maintenance of sewer lines, treatment plants, and pumping stations; monitors the collection, treatment, and disposal of wastewater; provides chemical treatment and pumping of defective cesspools; and develops and administers solid waste collection, processing, and disposal systems, including a comprehensive curbside recycling system. The Director must have had a minimum of five years of engineering experience, including three in sanitary engineering, and three of administrative experience, not necessarily related to sanitary engineering.

## **Department of Facility Maintenance**

The Department of Facility Maintenance is headed by a Chief Engineer who is appointed and may be removed by the Mayor. Under the Chief Engineer, the Department maintains public buildings and their adjoining parking facilities, except as otherwise provided by law; maintains public streets, roads, bridges, traffic medians, triangles, circles, other traffic calming appurtenances and walkways, and drainage and flood control systems; and installs and maintains street lighting systems. The Chief Engineer must be a registered professional engineer and have had a minimum of five years of training and experience in an engineering position, including at least three in a responsible administrative capacity.

## **Department of Human Resources**

The Department of Human Resources consists of a Director of Human Resources, Civil Service Commission, and necessary staff. The Director is appointed and may be removed by the Mayor only for cause. Under the Director, the Department is responsible for the execution of the personnel program prescribed in the Charter and in the ordinances and rules authorized by the Charter. The Director must have had a minimum of five years of training and experience in personnel administration, either in public service or private business or both, including at least three years in a responsible administrative capacity, and must be in sympathy with the principles of the merit system.

**Civil Service Commission.** The Civil Service Commission consists of five members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Commission advises the Mayor and Director of Human Resources on problems concerning personnel administration; advises and assists the Director in fostering the interest of institutions of learning and civic, professional, and employee organizations in the improvement of personnel standards; makes any investigation which it may consider desirable concerning personnel administration; hears appeals; and prescribes rules.

### **Department of Information Technology**

The Department of Information Technology is headed by a Director of Information Technology who is appointed and may be removed by the Mayor. Under the Director, the Department operates and maintains information technology and telecommunications systems for the city government, excluding those systems maintained by the Board of Water Supply and any other semi-autonomous agencies created by ordinance; provides technical expertise and support in information technology and telecommunication technology to the city government; assists the Managing Director in information technology and telecommunication technology analyses and evaluation; and advises the Mayor on information technology and telecommunication technology matters.

### **Department of the Medical Examiner**

The Department of the Medical Examiner is headed by a Medical Examiner who is appointed by the Mayor and may be removed only for cause. Under the Medical Examiner, the Department performs medical investigation services to establish the cause of any unattended death in the City in order to protect the rights of individuals and contribute legal evidence to the justice system; and exercises the power vested in the Coroner of the City by law, where not in conflict with the provisions of the Charter. The Medical Examiner and any Deputy Medical Examiner must be pathologists and licensed physicians and possess such additional licenses and certifications as state law may from time to time prescribe as qualifications for the performance of autopsies.

### **Department of Parks and Recreation**

The Department of Parks and Recreation consists of a Director of Parks and Recreation, Board of Parks and Recreation, and necessary staff. The Director is appointed and may be removed by the Mayor. Under the Director, the Department advises the Director of Design and Construction on the planning and design of the parks and recreational facilities of the City, and maintains and operates all such facilities; develops and implements programs for cultural, recreational, and other leisure-time activities for the people of the City; beautifies the public parks, facilities, and streets of the City, including, but not limited to, the planting, trimming, and maintenance of all shade trees, hedges, and shrubs on such city parks, facilities, and streets, except hedges and shrubs on traffic medians, triangles, circles, and other traffic calming

appurtenances; and processes permit applications to use city parks and recreational facilities for free or affordable child day care programs for consideration by the Council, pursuant to the Charter. The Director must have had a minimum of five years of training and experience in a parks and recreation position or related fields, including at least three in a responsible administrative capacity.

**Board of Parks and Recreation.** The Board of Parks and Recreation consists of nine members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Board advises the Mayor, Council, and Director on matters relating to the recreational, cultural, and entertainment activities and facilities of the City and on the beautification of such facilities and public streets of the City.

#### ATTACHED FOR ADMINISTRATIVE PURPOSES

**Honolulu County Arborist Advisory Committee.** The Honolulu County Arborist Advisory Committee consists of nine members: eight who are appointed by the Mayor and one ex officio member, the Director of the Department of Planning and Permitting, whose terms are coterminous with the Mayor. The Committee researches and recommends to the City Council exceptional trees to be protected by ordinance; advises property owners on the preservation and enhancement of exceptional trees; reviews all actions deemed by the Council to endanger exceptional trees; and recommends to the Council appropriate protective ordinances, regulations, and procedures.

### Department of Planning and Permitting

The Department of Planning and Permitting consists of a Director of Planning and Permitting, Planning Commission, Zoning Board of Appeals, and necessary staff. The Director is appointed and may be removed by the Mayor. Under the Director, the Department prepares a General Plan and Development Plans, and their revisions; establishes procedures for adopting and revising the General Plan and Development Plans and amending state land use district boundaries; and is responsible for the City's long-range planning and community planning efforts, the administration and enforcement of ordinances and rules governing the development and use of land, various codes pertaining to the construction of buildings, and city standards pertaining to infrastructure requirements. The Director must have had a minimum of five years of training and experience in a responsible planning position, including at least three in a responsible administrative capacity in charge of major land utilization activities.

**Planning Commission.** The Planning Commission consists of nine members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Commission advises the Mayor, Council, and Director on planning programs; holds public hearings and makes recommendations on revisions and amendments to the General Plan, Development Plans, and zoning ordinances; and performs such other related duties as necessary to fulfill its responsibilities under the Charter or as may be assigned by the Mayor or Council.



**Zoning Board of Appeals.** The Zoning Board of Appeals consists of five members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Board hears and determines appeals regarding decisions of the Director of Planning and Permitting in the administration of zoning and subdivision ordinances and related rules.

**ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Building Board of Appeals.** The Building Board of Appeals consists of nine members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Board hears and determines appeals regarding decisions of officials of the Department of Planning and Permitting in the administration of building, electrical, plumbing, housing, and fire codes, and Building Energy Efficiency Standards. The Board also hears and determines requests for code variances.

**Department of Transportation Services**

The Department of Transportation Services (DTS) consists of a Director of Transportation Services, Transportation Commission, and necessary staff. The Director of Transportation Services is appointed by the Mayor, subject to Council confirmation, and may be removed by the Mayor without necessity of Council action. Under the Director, the Department plans, operates, and maintains transportation systems, including bikeways, except for activities relating to the City's fixed guideway mass transit system, to meet public transportation needs, in accordance with the general plan and development plans, and advises on the design plans and construction thereof; locates, selects, installs, and maintains traffic control facilities and devices; provides educational programs to promote traffic safety; and establishes a steel wheel on steel rail transit system but is not precluded from utilizing technologies other than steel wheel on steel rail technology to complement or extend the rail transit system. The Director has no power, duty, or function relating to transportation systems, facilities, or programs under the jurisdiction of the Public Transit Authority (Honolulu Authority for Rapid Transportation).

**Transportation Commission.** The Transportation Commission consists of seven members as follows: three are appointed by the Mayor, three by the Council, and one member, nominated by the Mayor and confirmed by the Council, is Chair of the Commission. Members are appointed to five-year terms. The Commission annually evaluates the performance of the Director of Transportation Services, and reviews and makes recommendations on rules concerning the administration and operation of the Department, the Department's annual budget, changes to the public transit fare structure when deemed necessary, and the performance of public transit and other transportation system contractors under the jurisdiction of the Department. The Commission does not interfere with the administrative affairs of the Department.

**ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Mayor's Advisory Committee on Bicycling.** The Mayor's Advisory Committee on Bicycling presently consists of eight members whose terms are coterminous with the Mayor. The number of members is not limited. The Committee advises the Mayor on the City's planned and existing bikeways, promotes safety and education programs for bicyclists, and seeks to improve communication and interactions between public and private agencies concerned with bicycling.

**Mayor's Office of Culture and the Arts**

The Mayor's Office of Culture and the Arts (MOCA), headed by an Executive Director, promotes the value of arts and culture throughout communities in the City and County. As the liaison between the Mayor and the Commission on Culture and the Arts, MOCA works as a partner and catalyst for increasing opportunities, awareness, and involvement in cultural activities for the benefit of all. MOCA administers the Art in City Buildings Program, culture and arts programs, and collaborative programming.

**Commission on Culture and the Arts.** The Commission on Culture and the Arts consists of eleven members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Commission assists the City in attaining national preeminence in culture and the arts and in the preservation of the artistic and cultural heritages of all its people; promotes a community environment that provides equal and abundant opportunity for exposure to culture and the arts in all its forms; and encourages and provides equal opportunity for the development of cultural and artistic talents of the people of Honolulu. The Commission decides on and purchases specific works of art to be acquired under the Art in City Buildings Program and the acceptability of works of art offered as gifts to the City.

**Office of Economic Development**

The Office of Economic Development (OED), headed by an Executive Director, works in partnership with Oahu's businesses, non-profit groups, and communities to support economic growth and enhance the quality of life in the City and County of Honolulu. As the level of government closest to the people, the City's role in economic development is at the community level and OED's programs are driven by the needs expressed by Oahu's communities. The Office works to provide a more nurturing, business-friendly environment for businesses and community organizations. OED also coordinates with city agencies and programs on the economic development implications of their activities and works with city organizations, community groups, and other government entities to stimulate economic development opportunities. OED focuses in areas where the City can build effective public-private partnerships to address needs and make a positive difference for Oahu's communities and businesses.

## **Office of Housing**

The Office of Housing is headed by an Executive for Housing who is appointed and may be removed by the Mayor. Under the Executive for Housing, the Office oversees, coordinates, and directs the development, preparation, and implementation of plans and programs relating to affordable housing, senior housing, special needs housing, and homelessness, for the benefit of the people of the City; oversees, coordinates, and directs the activities and functions of the City relating to affordable housing, senior housing, homelessness, and special needs housing; coordinates city activities and programs relating to affordable housing, senior housing, homelessness, and special needs housing with those of the state and federal governments and those of public or private housing organizations within the State. The Executive for Housing must have had a minimum of three years of experience in the administration of affordable housing programs or projects or programs for low-income, homeless, or special needs populations.

## **Neighborhood Commission Office**

The Neighborhood Commission Office provides administrative and technical staff to support the mandated functions of the Neighborhood Commission.

**Neighborhood Commission.** The Neighborhood Commission consists of nine members who serve five-year terms. The Mayor appoints four members; the presiding officer of the Council, with the approval of the Council, appoints four members; and the ninth member is appointed by the Mayor and confirmed by the Council. The Neighborhood Commission develops, after public hearings, a neighborhood plan that is effective upon filing with the City Clerk; reviews and evaluates the effectiveness of the neighborhood plan and neighborhood boards and reports thereon; and assists areas of the City in the formation and operation of their neighborhoods and neighborhood boards, upon their request.

## **Royal Hawaiian Band**

The Royal Hawaiian Band serves as the official band of the City and County of Honolulu and has the distinction of being the only full-time municipal band in the nation and the only band in the United States established by a royal kingdom. With cultural roots dating back to the era of the Hawaiian monarchy, the mission of the Royal Hawaiian Band is to promote and foster music, both current and historic, to preserve the Hawaiian musical culture, inspire young musicians, and ultimately enrich the lives of the people and visitors of Hawaii. The Bandmaster is appointed and may be removed by the Mayor. The Bandmaster is charged with the supervision, direction, and control of the Royal Hawaiian Band, and keeps a permanent and accurate inventory of the musical instruments and other related equipment and fixtures assigned to or used by the Band.

## DEPARTMENTS UNDER COMMISSION

### Fire Department

The Fire Department consists of a Fire Chief, Fire Commission, and necessary staff. The Fire Chief is appointed and may be removed by the Fire Commission. Under the Fire Chief, the Department performs firefighting and rescue work to save lives, property, and the environment from fires; responds to emergencies arising on hazardous terrain and on the sea and hazardous material incidents; provides emergency medical care; trains, equips, maintains, and supervises firefighters and rescue personnel; monitors the construction and occupancy standards of buildings for fire prevention purposes; and provides educational programs related to fire prevention. The Fire Chief must have had a minimum of five years of training and experience in a fire department, including at least three in a responsible administrative capacity.

**Fire Commission.** The Fire Commission consists of five members who are appointed to five year-terms by the Mayor and confirmed by the Council. The Commission reviews and makes recommendations to the Mayor and Council on the annual budget of the Fire Department prepared by the Fire Chief; reviews the Department's operations, as deemed necessary, to recommend improvements to the Fire Chief; evaluates at least annually the performance of the Fire Chief and submits a report to the Mayor and Council; reviews personnel actions within the Department for conformance with the policies of recruitment, promotion, and training; hears complaints of citizens concerning the Department or its personnel and, if deemed necessary, makes recommendations to the Fire Chief on appropriate corrective actions; and submits an annual report to the Mayor and Council on its activities. The Commission does not interfere with the administrative affairs of the Department.

### Police Department

The Honolulu Police Department (HPD) serves as the primary law enforcement agency for the City and County. HPD consists of a Chief of Police, Police Commission, and necessary staff. The Chief of Police is appointed and may be removed by the Police Commission. Under the Chief, HPD is responsible for the following: preservation of the public peace; protection of the rights of persons and property; prevention of crime; detection and arrest of offenders against the law; enforcement and prevention of violations of state laws and city ordinances; and service of process and notices in civil and criminal proceedings. The Chief of Police is appointed to a five-year term and must have had a minimum of five years of training and experience in law enforcement, including at least three in a responsible administrative capacity.

**Police Commission.** The Police Commission consists of seven members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Commission adopts rules and for the administration of the Police Department; reviews the annual budget prepared by the Chief of Police and may make recommendations thereon to the Mayor; receives, considers, and investigates charges brought by the public against the conduct of the Police Department or any of its members and submits a written report of its findings to the Chief; and

evaluates at least annually the performance of the Chief. The Commission does not interfere with the administrative affairs of the Department.

## **SEMI-AUTONOMOUS AGENCIES**

### **Honolulu Authority for Rapid Transportation**

The Public Transit Authority, known as the Honolulu Authority for Rapid Transportation (HART), and established under Article XVII of the Charter, consists of a Board of Directors, Executive Director, and necessary staff. HART has the authority to develop, operate, maintain, and expand the city fixed guideway system. The Executive Director administers all affairs of the Authority, including the rules and standards adopted by the Board, and must have at least five years of fixed guideway system experience.

**Board of Directors.** The Board of Directors consists of ten members: nine voting members and one nonvoting member. All members serve part time for five-year terms, except for ex officio members. Of the nine voting members, three are appointed by the Mayor, three by the Council, two are ex officio members (state Director of Transportation and city Director of Transportation Services), and the ninth member is appointed by a majority vote of the other voting members. The city Director of Planning and Permitting, the tenth member of the Board, is the nonvoting member. The Board is a policy-making body responsible for establishing policies for the development, operation, and maintenance of the fixed guideway system. The Board determines reasonable rates and charges so that the revenues derived, in conjunction with revenues received from the general excise and use tax surcharge, from the federal government, and from the revenue-generating properties of the Authority, are sufficient or as nearly sufficient as possible, to support the fixed guideway system and the Authority.

### **Board of Water Supply**

The Department of Water, known as the Board of Water Supply, and established under Article VII of the Charter, consists of a Board of Water Supply, Manager and Chief Engineer of the Board of Water Supply, and necessary staff. The Manager and Chief Engineer is appointed and removed by the Board of Water Supply. The Department controls all water systems of the City, including water rights and water sources, together with all materials, supplies, and equipment, and all real and personal property used or useful in connection with those water systems. The Department has full and complete authority to manage, control, and operate the water systems and related properties. The Manager and Chief Engineer must be a registered engineer with a minimum of five years of training and experience in waterworks activities or related fields, including at least three in a responsible administrative capacity.

**Board of Water Supply.** The Board of Water Supply consists of seven members: five who are appointed to five-year terms by the Mayor and confirmed by the Council, and two ex officio members, the Chief Engineer of the City Department of Facility Maintenance and the State Director of Transportation. The Board sets policies and prescribes rules for the

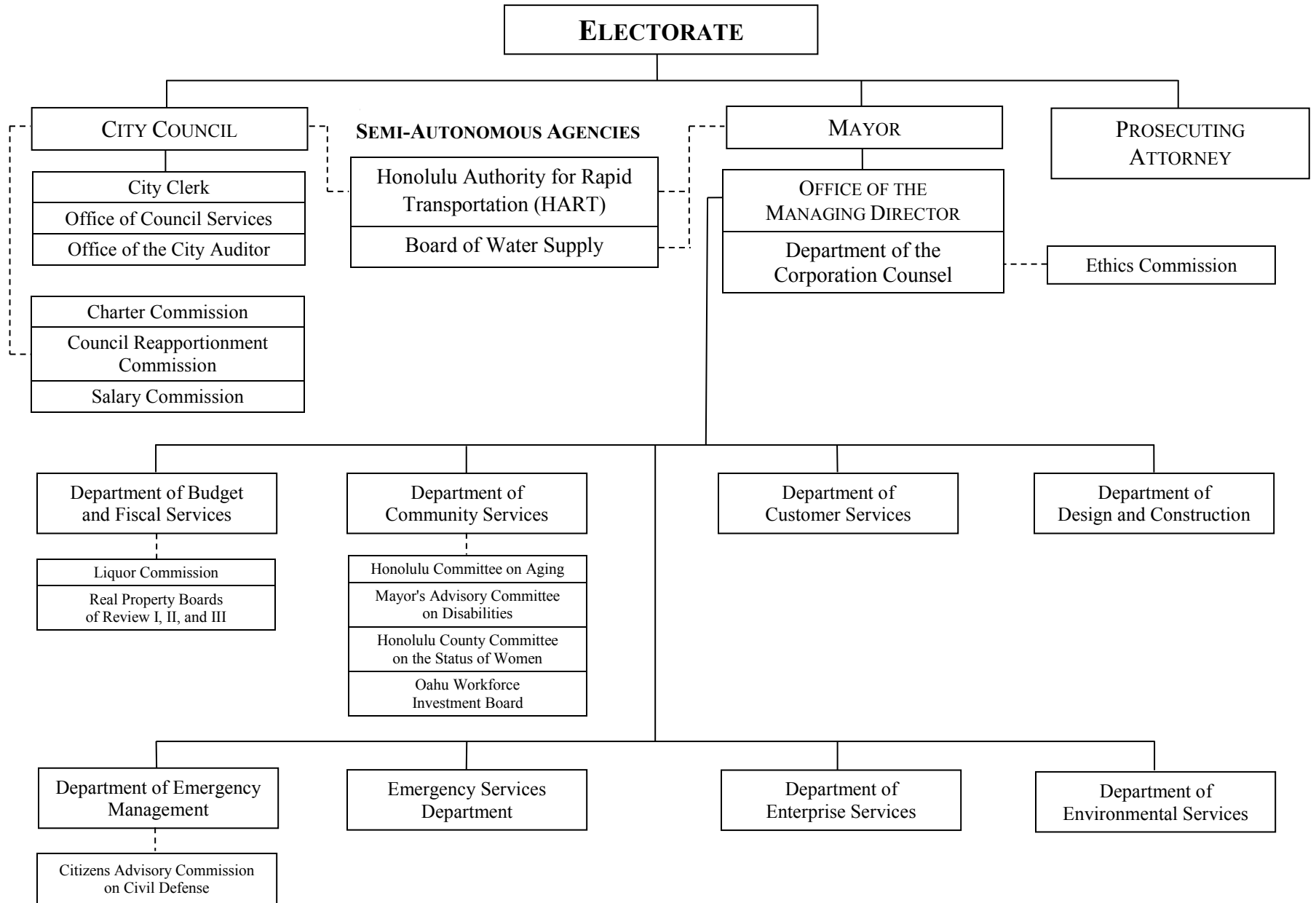
management, control, and operation of the public water systems on Oahu and related properties, and fixes and adjusts reasonable rates and charges for the furnishing of water and water services so that the revenues derived are sufficient to make the Department self-supporting.

**DEPARTMENT OF THE PROSECUTING ATTORNEY**

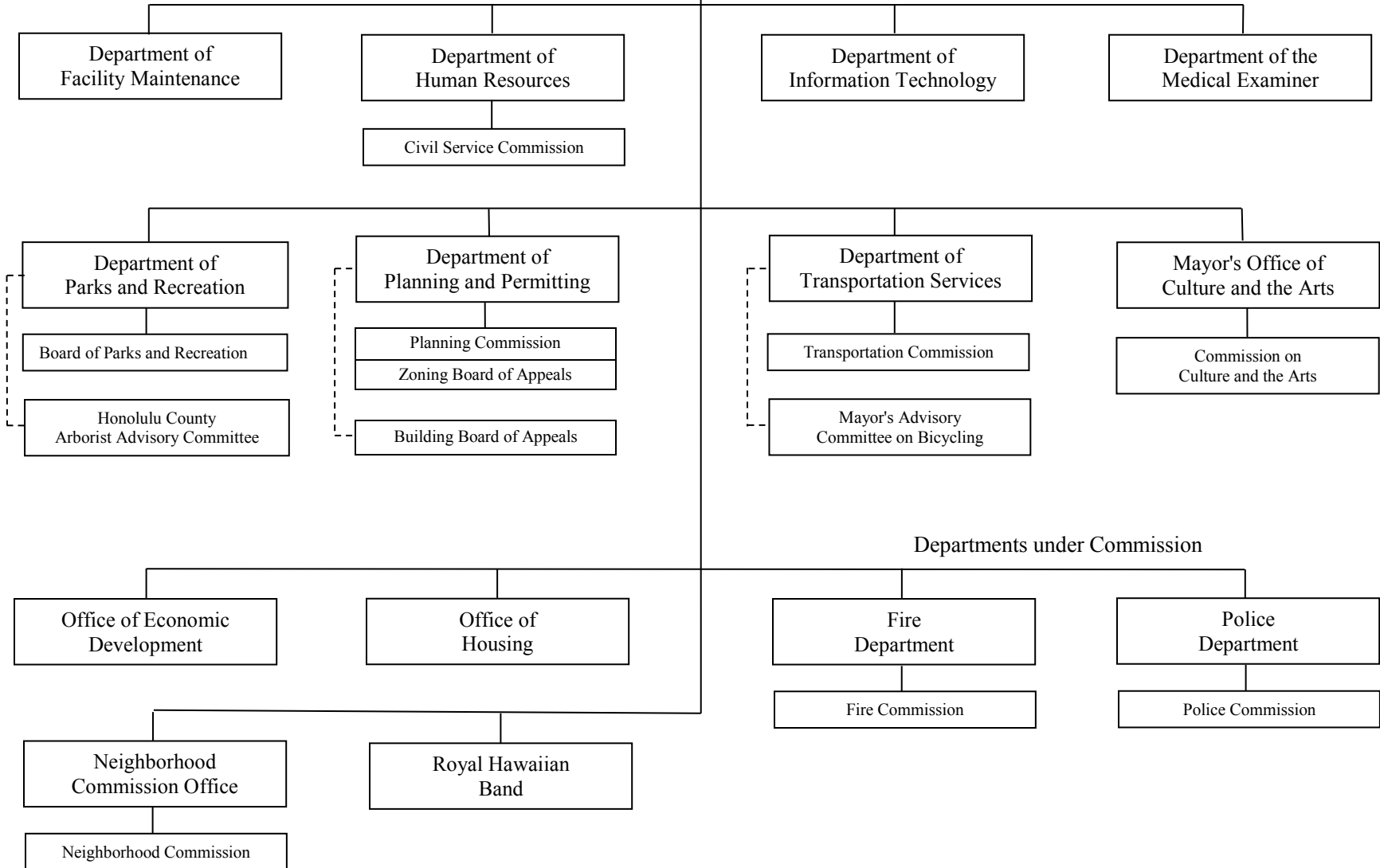
<http://www1.honolulu.gov/prosecuting>

The Department of the Prosecuting Attorney is headed by a Prosecuting Attorney who is elected to a four-year term and is not subject to term limits. The Prosecuting Attorney must be an attorney licensed to practice law and in good standing before the Hawaii Supreme Court, must have engaged in the practice of law for at least five years, and have been actively involved with criminal cases for at least three of the ten years preceding election to office. The Prosecuting Attorney has authority to appoint deputy prosecutors, administrative or executive assistants, and other necessary staff, including investigators who have all the powers and privileges of a police officer of the City. The Prosecuting Attorney attends all courts in the City and conducts, on behalf of the people, all prosecutions therein for offenses against the laws of the State and the ordinances and rules of the City.

# CITY AND COUNTY OF HONOLULU



OFFICE OF THE MANAGING DIRECTOR





## COUNTY OF HAWAII

<http://hawaiicounty.gov>

The County of Hawaii consists of the island of Hawaii and all other islands within three nautical miles of its shores, and the adjacent waters thereto. The County is a corporate body with all powers authorized by the State Constitution, the laws of the State of Hawaii, and the Hawaii County Charter.

### LEGISLATIVE BRANCH

<http://hawaiicounty.gov/lb-council-home>

The Legislative Branch is made up of three divisions: County Council, County Clerk, and Legislative Auditor.

**County Council.** The County Council consists of the nine-member Hawaii County Council and the member-appointed employees who assist the members with district concerns and outreach. Members are elected from single-member districts for two-year terms. Each member must qualify under the Charter's district residency requirements and as such must reside in the respective district for at least 90 days prior to the election.

The Council's primary function is formulating public policy through legislation, as distinct and separate from the executive branch of county government. In this process, through the adoption of laws, the Council enacts and amends the general plan, which provides policy guidelines for the long-range comprehensive physical development of the County; adopts the annual operating and capital budgets, and six-year capital improvement program; and sets the County's real property tax rates.

**County Clerk.** The County Clerk is appointed by the Council. The Clerk serves as the custodian of the county seal, maintains public records, is chief parliamentarian to the County Council, and provides clerical and stenographic services to the Council and its committees. The Clerk is also the Chief Elections Officer of the County. With the approval of the Council, the Clerk appoints the Deputy County Clerk. The Clerk appoints necessary staff as appropriated by the County Council, subject to civil service laws and classification, to perform the functions required to carry out the operations of the Office of the County Clerk.

**Legislative Auditor.** The Legislative Auditor is appointed by the County Council and serves for a period of six years, and thereafter, until a successor is appointed. The Legislative Auditor appoints the necessary staff to perform required functions. The Legislative Auditor: (1) conducts, or causes to be conducted, the annual financial audit of the County, and (2) performs financial and/or performance audits and follow-up audits as set forth in an annual audit plan transmitted to the Council and the Mayor and filed with the County Clerk as public records. Audit findings and recommendations are transmitted to the Council and the Mayor via written reports, and filed with the County Clerk as public records.

## EXECUTIVE BRANCH

<http://hawaiicounty.gov>

The Executive Branch of the County of Hawaii is comprised of the Office of the Mayor and all other executive departments and agencies of the County created by the Charter or ordinance. Executive departments are under the general administrative supervision of the Mayor or supervision of the Managing Director or commissions. The Prosecuting Attorney, an elected officer, is within the Executive Branch.

## MAYOR

The Mayor is elected to a term of four years and may serve for more than two terms but not more than two consecutive full terms. The Mayor must be a United States citizen who has been a duly qualified elector of the County for at least one year immediately preceding election. The Mayor as the chief executive officer of the County is vested with all the executive powers of the County, except as otherwise provided by the Charter. The Mayor, through the Managing Director, supervises and coordinates all executive agencies of the County, except as otherwise provided by the Charter; appoints necessary staff for which appropriations have been made by the Council, such staff being exempt from civil service laws and classifications; creates positions, including the position of deputy or assistant to each head of an agency where such position has not been created by the Charter, for which appropriations have been made by the Council, and abolish positions with the consent of the Council; transfers positions between agencies or between subdivisions of agencies subject to applicable civil service regulations; recommends to the Council a pay plan for all officers and employees of the County or any of its boards and commissions, except those whose pay is otherwise provided for, provided that the salary of any employee who is exempt from the civil service laws is subject to approval by the Council and the Mayor; and submits an operating budget, an operating program, a capital budget, and a capital program annually to the Council.

### ATTACHED FOR ADMINISTRATIVE PURPOSES

**Game Management Advisory Commission.** The Game Management Advisory Commission consists of nine members who are appointed to five-year terms by the Mayor and confirmed by the Council. One member is a resident of each council district. The Commission advises county, state, and federal agencies on matters related to the preservation of subsistence hunting and fishing and the protection of traditional and cultural gathering rights. The Commission may also advise county, state, and federal agencies on matters affecting the taking and conservation of aquatic life and wildlife, including proposed rules, and communicates its findings and recommendations to these agencies. The Commission makes recommendations to conserve and protect the natural and cultural resources of Hawaii in furtherance of the self-sufficiency and long-term subsistence sustainability of aquatic life and wildlife in the County. The Commission provides reports or legislative recommendations to the Council as necessary, or at least quarterly.

## **Managing Director**

The Managing Director is appointed by the Mayor, confirmed by the Council, and may be removed by the Mayor. The Managing Director must have had five years of experience in an administrative capacity and possess demonstrable education and/or professional experience as required of the office. The Managing Director acts as the principal management aide to the Mayor; supervises the administrative functioning of all agencies, departments, boards, and commissions; recommends to the Mayor the annual operating and capital improvement budgets; evaluates the management and performance of each executive agency and reports to the Mayor and the Council on the findings and recommendations of such evaluation, or reports to the responsible commission whenever an evaluation is performed on a department or agency under a commission; prescribes standards of administrative practice to be followed by all agencies under the Managing Director's supervision; attends meetings of the Council or of any board or committee, when requested by the Mayor; attends meetings of the Council and its committees upon request and makes available such information as they may require; and performs all other duties required by the Charter or assigned by the Mayor.

## **AGENCIES UNDER THE MANAGING DIRECTOR**

### **Office of Aging**

The Hawaii County Office of Aging, an Area Agency on Aging, is responsible for developing a comprehensive system of services for older person in the County. Staff conducts needs assessments, write grants, administer contracts, develop training programs, manage a senior citizen database, and perform advocacy functions. The administrative head is the County Executive on Aging.

### **Civil Defense Agency**

The Civil Defense Agency performs civil defense functions within the County and conducts functions outside the County as may be required pursuant to section 128-12, HRS. The head of the Civil Defense Agency is the Deputy Director who is appointed by the Director of the State Civil Defense Agency with the approval of the Council and may be removed by the State Director. Under the Deputy Director, the Agency is responsible for the organization, administration, and operation of the Agency in the County. The Agency coordinates the activities of all organizations for civil defense within the County, public or private, and maintains liaison with and cooperates to the fullest extent with the State Director to insure that the plans and programs of the County for the relief and general welfare of the people in the event of a disaster or emergency are fully integrated with the plans and programs of the state and federal governments. The plans and programs are prepared by the Deputy Director and transmitted to the Council for approval and reviewed by the Deputy Director and resubmitted to the Council for approval before March 31 of each year.

## **Department of the Corporation Counsel**

The Department of the Corporation Counsel consists of a Corporation Counsel, Assistant Corporation Counsel, and necessary staff. The Corporation Counsel is appointed by the Mayor, confirmed by the Council, may be removed by the Mayor with the approval of the Council, and must be an attorney licensed to practice law and in good standing before the Hawaii Supreme Court. The Corporation Counsel is the chief legal advisor and legal representative of all agencies, the Council, and all other officers and employees in matters related to their official powers and duties. The Corporation Counsel represents the County in all civil legal proceedings and performs all other services incident to the Office as may be required by law. The Corporation Counsel is, however, prohibited from representing any elected officer in impeachment proceedings.

### **ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Board of Ethics.** The Board of Ethics consists of five members who are appointed to five-year terms by the Mayor with the approval of the Council. The Board interprets the Code of Ethics for both county officials and the public and on its own may initiate and render opinions with respect thereto; renders advisory opinions to county officers and employees with respect to the Code of Ethics pursuant to written requests by officers and employees; receives and initiates complaints of violations of the Code of Ethics and transmits such complaints to the Council or the appropriate appointing authority, along with any pertinent advisory opinions thereto; holds hearings or conducts investigations concerning application of the Code of Ethics and makes public such violations of the Code that come to its attention; publishes advisory opinions with such deletions as may be necessary to prevent disclosure of identity of persons involved; and proposes revisions to the Code of Ethics where not inconsistent with the Charter.

## **Department of Environmental Management**

The Department of Environmental Management consists of a Director of Environmental Management, Environmental Management Commission, and necessary staff. The Department protects, preserves, and enhances the County's environment; manages the solid waste, wastewater, and recycling programs of the County; and exercises other functions as prescribed by the Mayor or by ordinance. The Director of Environmental Management is appointed by the Mayor, confirmed by the Council, and may be removed by the Mayor. The Director must have had a minimum of five years of administrative experience in a related field and an engineering degree or a degree in a related field.

**Environmental Management Commission.** The Environmental Management Commission consists of nine members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Commission must have at least one resident of each council district in its membership. The Commission advises the Department on waste reduction strategies, recycling, litter control, community involvement, and other issues related to the functions of the Department, and exercises any other powers related to the functions of the

Department that may be delegated to it by ordinance. The Commission hears and determines appeals from decisions of the Director, including orders and denials of variances.

## **Department of Finance**

The Department of Finance consists of a Director of Finance and necessary staff. The Director is appointed by the Mayor, confirmed by the Council, and may be removed by the Mayor. Under the Director, the Department assists the Mayor in preparing and executing the operating and capital budgets; collects special assessments; negotiates loans and the issuance and sale of bonds and notes; maintains records of county indebtedness; has custody of all public funds under the control of the County; examines all contracts, orders, and other documents by which financial obligations are incurred; prepares and issues warrants, prepares payrolls and pension rolls and disburses all funds in the county treasury; maintains a general accounting system for the County; submits to the Council through the Mayor at the end of each fiscal year a complete statement of the financial condition of the County; and maintains a perpetual inventory of all land and equipment owned or controlled by the County. The Director, who is the finance officer of the County, performs the duties of the purchasing agent, treasurer, and auditor of the County as provided by law. The Director must have had a minimum of five years of training and experience in budgeting or related fields, including at least three in a responsible supervisory capacity.

### **ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Board of Review.** The Board of Review consists of five members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Board hears all real property tax disputes between the Director and any taxpayer in all cases in which appeals have been duly taken, and the fact that a notice of appeal has been duly filed by a taxpayer is conclusive evidence of the existence of a dispute.

**Pension Board.** The Pension Board consists of five members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Board assumes the duties and functions of the pension board of the County and the Board of Trustees of the Police Officers, Firefighters, and Band Members.

**Public Access, Open Space, and Natural Resources Preservation Commission.** The Public Access, Open Space, and Natural Resources Preservation Commission consists of nine members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Commission is charged with developing and maintaining a prioritized list of qualifying lands within the County worthy of preservation, and making annual recommendations to the Mayor, who submits the list to the Council with comments and recommendations. The Council, by resolution, selects the land or lands to be preserved.

## **Office of Housing and Community Development**

The Office of Housing and Community Development is headed by a Housing Administrator. The Office is responsible for the planning, administration, and operation of the County's housing programs. Its overall goal is to provide for the development of viable communities in the County by providing decent housing, suitable living environments, and expanding economic opportunities.

## **Department of Information Technology**

The Department of Information Technology consists of a Director of Information Technology and necessary staff. The Director is appointed by the Mayor, confirmed by the Council, and may be removed by the Mayor. Under the Director, the Department operates the central data processing system and coordinates and oversees the operations of departmental data processing systems, except for those systems maintained by the Department of Water Supply; provides technical expertise in data processing and telecommunication to applicable departments and agencies of the County; assists in the development of management information; and advises the Mayor on matters relating to data processing and telecommunication. The Director must have had a minimum of five years of experience in the field of electronic data processing, telecommunications networking, and the development, implementation, and operation of business-oriented applications, including at least three years in an administrative and managerial capacity in a computer system environment at least comparable to that of the County's system.

## **Mass Transit Agency**

To provide mass transit service in the County, the Mass Transit Agency was created to implement chapter 51, HRS (Mass Transit). The Agency is responsible for the administration and operation of county mass transit service, whether such service is provided directly, jointly, or under contract with private parties. The Agency is headed by the Mass Transit Administrator, whose position is filled through civil service recruitment procedures based on merit. The Administrator is under the supervision of the Managing Director and has the authority to staff the Agency with necessary personnel to carry out its purposes.

## **Department of Parks and Recreation**

The Department of Parks and Recreation consists of a Parks and Recreation Director and necessary staff. The Director is appointed by the Mayor, confirmed by the Council, and may be removed by the Mayor. Under the Director, the Department is responsible for all public parks, recreational facilities, and playgrounds in the County, together with all equipment, supplies, and paraphernalia used in connection with them. The Department cares for recreational needs in the County and provides such organized and supervised games and recreation as may be conducive to the mental, physical, and moral development of the people of the County. The Director must have had a minimum of five years of experience in an administrative capacity.

**ATTACHED FOR ADMINISTRATIVE PURPOSES**

**County Bands.** Bandmasters are appointed and may be removed by the Mayor. Members of the bands and other employees connected therewith are appointed and may be removed by Bandmasters with the approval of the Managing Director, and all positions in the bands are exempt from civil service laws and classifications.

**Planning Department**

The Planning Department consists of a Planning Director, Windward Planning Commission, Leeward Planning Commission, and necessary staff. The Director is appointed by the Mayor, confirmed by the Council, and may be removed by the Mayor. Under the Planning Director, the Department advises the Mayor, Windward Planning Commission, Leeward Planning Commission, and the Council on all planning and land use matters; prepares a general plan and proposed zoning and subdivision ordinances, zoning maps and regulations; reviews lists of proposed capital improvements contemplated by county agencies and recommends the order of their priority; administers subdivision and zoning ordinances and regulations adopted thereunder; renders decisions on proposed subdivision plans pursuant to law; makes recommendations on rezoning applications, special exceptions, and other similar requests; and renders decisions on proposed variances. The Director, who is the chief planning officer of the County, must have had a minimum of five years of training and experience in a responsible planning position, or a degree in planning, engineering, architecture, geography, or another planning-related field, and three years of experience in a responsible planning position, with no less than three years of experience in an administrative capacity.

**Windward and Leeward Planning Commissions.** The Windward and Leeward Planning Commissions each consist of seven members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Windward Planning Commission has jurisdiction over Puna, South Hilo, North Hilo, Hamakua, and Kau. The Leeward Planning Commission has jurisdiction over North Kohala, South Kohala, North Kona, and South Kona. Both Commissions advise the Mayor, Council, and Planning Director on planning and land use matters; review the general plan and proposed subdivision and zoning ordinances and make recommendations through the Mayor to the Council for consideration and action; and conduct public hearings prior to action on any matter on which the Commission is required to act.

**ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Board of Appeals.** The Board of Appeals consists of seven members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Board hears and determines appeals from final decisions of the Planning Director or Director of Public Works regarding matters within their respective jurisdictions.

**Kailua Village Design Commission.** The Kailua Village Design Commission consists of nine members who are appointed to three-year terms by the Mayor with the approval of the Council. Members are representative of the Kona district, provided that a majority must have

lived or worked in Kailua Village for a minimum of two years prior to appointment. Members include two design professionals (registered architects and/or landscape architects), two members with backgrounds in building construction and/or engineering, two members with knowledge about historic Kona, its cultural values and resources, and the remaining three members representing local business or property owners. The purpose of the Design Commission is to advise the Planning Director in matters concerning the design of buildings and structures and all public and private improvements within Kailua Village.

### **Department of Public Works**

The Department of Public Works consists of a Director of Public Works and necessary staff. The Director is appointed by the Mayor, confirmed by the Council, and may be removed by the Mayor. Under the Director, the Department is responsible for the performance of all matters relating to engineering; public and private building construction and inspection; public improvements; construction, inspection, and maintenance of public highways, bridges, streets, and sidewalks; acquisition of public and private property for public purposes; design and maintenance of a system of traffic control and devices; and construction and inspection of all other county projects, except for matters relating to the Department of Water Supply. The Director must be a registered professional engineer and have had a minimum of five years of experience in an administrative capacity.

### **Department of Research and Development**

The Department of Research and Development consists of a Director of Research and Development and necessary staff. The Director is appointed by the Mayor, confirmed by the Council, and may be removed by the Mayor. Under the Director, the Department collects and develops data necessary for managerial and legislative decision-making, and program and policy-making; provides staff leadership for public and private development programs, enterprises, and plans, including economic, social, and cultural proposals, which enhance and improve the county community; and coordinates informational and regulatory knowledge of all federal and state grant-in-aid participation programs that affect the County.

## **DEPARTMENTS UNDER BOARD OR COMMISSION**

### **Department of Human Resources**

The Department of Human Resources consists of a Director of Human Resources, Merit Appeals Board, and necessary staff. The Director is appointed and may be removed by the Merit Appeals Board. Under the Director, the Department is responsible for the personnel management program of the County with two distinct categories of duties. Major duties are in the areas of equal employment opportunities, personnel development, personnel deployment, personnel relations and personnel welfare, including employee safety and workers'



compensation. Secondary duties are in the administration of the civil service system and maintenance of the aims and mechanics prescribed by statute.

**Merit Appeals Board.** The Merit Appeals Board consists of five members who are appointed to five-year terms by the Mayor and confirmed by the Council. Members are representative of the community and must be in sympathy with and believe in the principles of the merit system in public employment.

#### **ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Salary Commission.** The Salary Commission consists of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. One member is a resident of each council district. The Director of Human Resources and Deputy Director of Human Resources serve as ex officio members in an advisory capacity. The salaries of all county elected officials and appointed directors and deputy directors of departments and executive agencies are established by the Salary Commission.

### **Fire Department**

The Fire Department consists of a Fire Commission, Fire Chief, Deputy Fire Chief, and necessary staff. The Fire Chief, who is appointed and may be removed by the Fire Commission, must have had a minimum of five years of training and experience in fire control, including at least three in a responsible administrative capacity.

**Fire Commission.** The Fire Commission consists of nine members who are appointed to five-year terms by the Mayor and confirmed by the Council. One member is a resident of each council district. The Commission's duties include: adopting rules necessary for the conduct of its business and reviewing rules of the Department; reviewing the annual budget prepared by the Fire Chief; reviewing the Department's operations; evaluating annually the performance of the Fire Chief; reviewing personnel actions within the Department; hearing complaints of citizens concerning the Department or its personnel; and submitting an annual report to the Mayor, Managing Director, and the Council.

### **Department of Liquor Control**

The Department of Liquor Control consists of a Liquor Commission, Liquor Control Adjudication Board, Director of Liquor Control, and necessary staff. The Director is appointed and may be removed by the Liquor Commission. Under the Director, the Department provides clerical and administrative services for the Liquor Commission and the Liquor Control Adjudication Board, including submitting a budget for the Department; and investigates complaints regarding violations of the liquor control laws of the State or rules established by the Liquor Commission, and reports such violations to the Prosecuting Attorney of the County.

**Liquor Commission.** The Liquor Commission consists of nine members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Commission must have at least one resident of each council district in its membership. The Liquor Commission adopts rules for the administration of liquor control in the County and to carry out the liquor control laws of the State; and grants, renews, or refuses applications for licenses to manufacture, import, or sell liquor in the County.

**Liquor Control Adjudication Board.** The Liquor Control Adjudication Board consists of five members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Board hears and determines complaints regarding violations of the liquor control laws of the State or rules of the Liquor Commission, and imposes fines or penalties as provided by law.

## **Police Department**

The Police Department consists of a Police Commission, Chief of Police, Deputy Chief of Police, and necessary staff. The Chief of Police is appointed and may be removed by the Police Commission. The Deputy Chief is appointed by the Chief of Police with the confirmation of the Police Commission and may be removed by the Chief with the approval of the Commission, without cause being stated. The Chief of Police must have had a minimum of five years of training and experience in law enforcement work.

**Police Commission.** The Police Commission consists of nine members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Commission must have at least one resident of each council district in its membership. The Commission's duties include: adopting rules necessary for the conduct of its business and reviewing rules of the Department; reviewing the annual budget prepared by the Chief of Police; submitting an annual report to the Mayor, Managing Director, and the Council; receiving, considering, and investigating charges brought by the public against the conduct of the Department; advising the Chief of Police on police-community relations; reviewing the Department's operations; evaluating annually the performance of the Chief of Police; and hiring personnel necessary to carry out its functions.

## **Department of Water Supply**

The Department of Water Supply is semi-autonomous and consists of a Water Board, Manager-Chief Engineer, and necessary staff. The Department comes under the general supervision and control of the Mayor, through the Managing Director. The Manager-Chief Engineer, who is appointed and may be removed by the Water Board, must be a registered engineer and have had a minimum of five years of experience in an administrative capacity.

**Water Board.** The Water Board consists of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. The Board must have at least one resident of each council district in its membership. The Manager-Chief Engineer, Planning

Director, and Director of Public Works, or designees, serve as ex officio, nonvoting members. The Water Board manages, controls, and operates the waterworks of the County and all related property; adopts rules necessary for the performance of these functions; adopts an annual operating and capital budget; and is empowered to acquire and dispose of real property and issue revenue bonds.

### **PROSECUTING ATTORNEY**

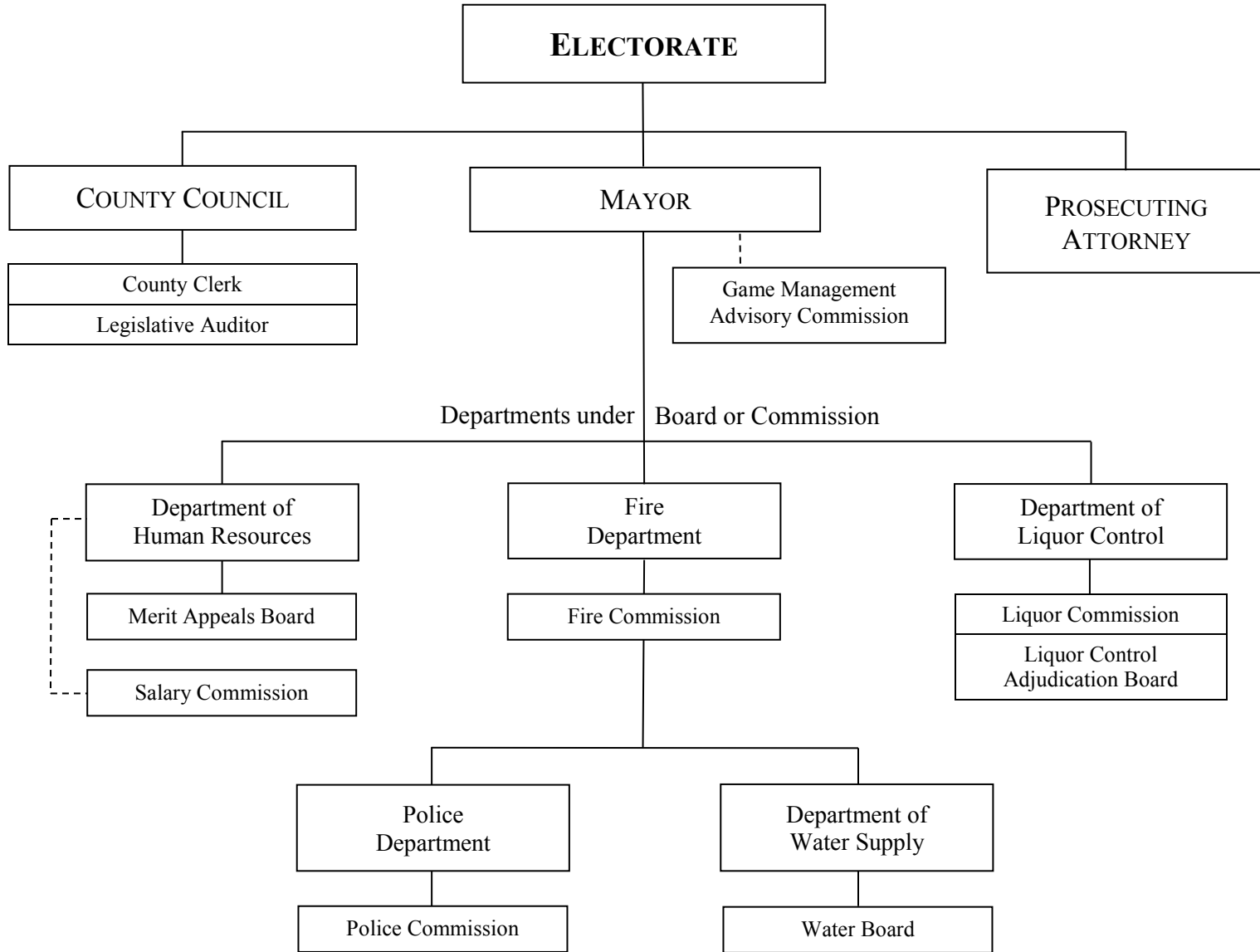
<http://hawaiicounty.gov/prosecuting-attorney>

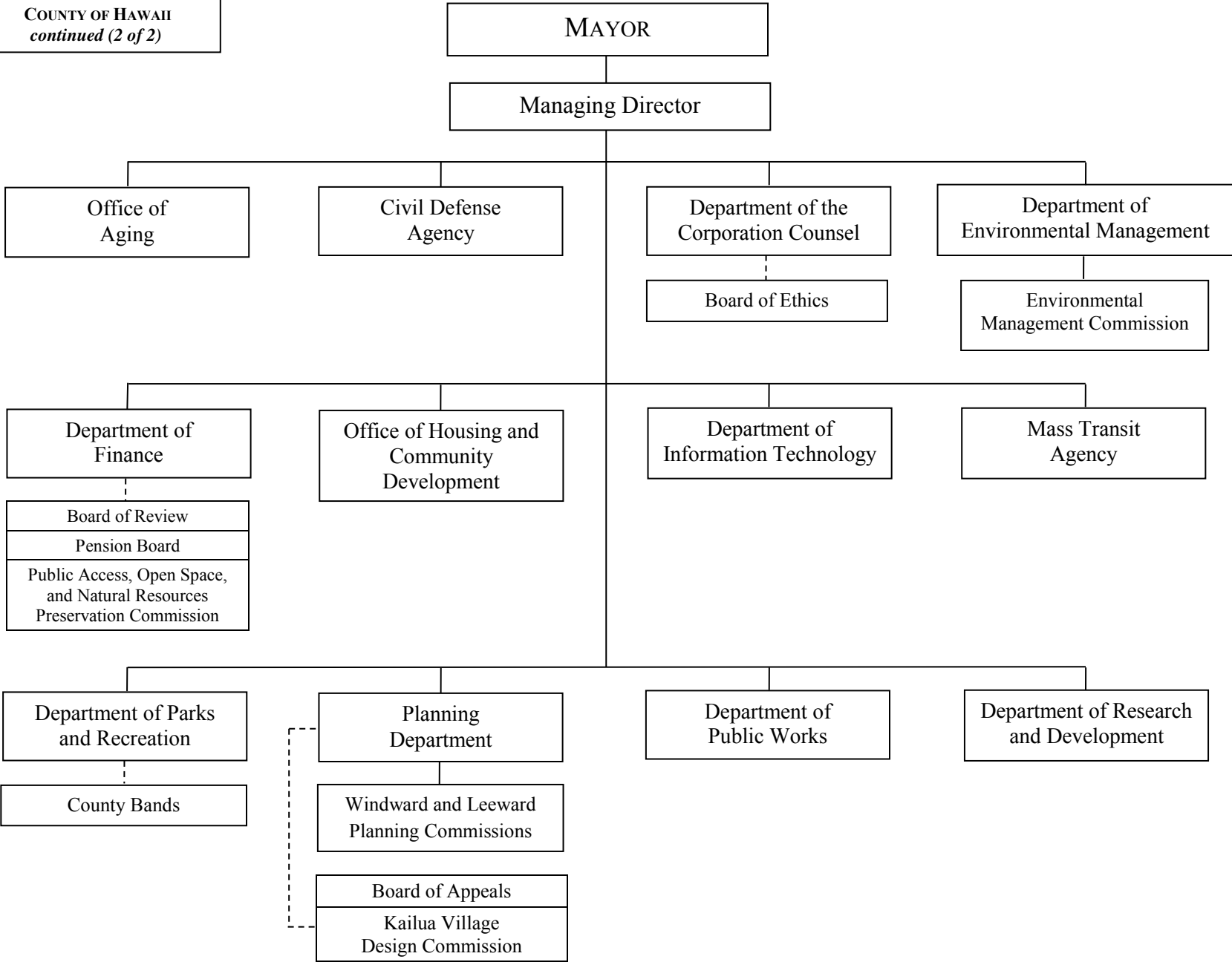
The Prosecuting Attorney is elected to a term of four years. The Prosecuting Attorney must be an attorney licensed to practice law and in good standing before the Hawaii Supreme Court, a citizen of the United States, and a duly qualified elector of the County for at least one year immediately preceding election.

The Prosecuting Attorney attends all courts in the County and prosecutes offenses against state law and county ordinances and regulations; prosecutes offenses against state laws under authority of the Attorney General; appears in and prosecutes every criminal case where there is a change of venue and the case is removed from the County; institutes proceedings for the arrest of persons charged with or suspected of public offenses; takes charge of criminal cases before the Family, District, Circuit, and Appellate Courts; draws indictments for, attends, and presents cases for the grand jury's consideration; and investigates all matters that properly come before the Prosecutor's office. The Prosecutor provides victim services, extradition, and missing children entries into the National Crime Information Center system and various initiatives to improve the criminal justice system.

In addition, the Prosecuting Attorney researches, evaluates, and makes recommendations regarding crime, crime prevention efforts, and improvements to the criminal justice system, and provides training programs and education to law enforcement agencies and the public.

# COUNTY OF HAWAII





## COUNTY OF KAUAI

<http://kauai.gov>

The County of Kauai consists of the islands of Kauai and Niihau, all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto. Lihue is the county seat. The County is a corporate body with all powers authorized by the State Constitution, the laws of the State of Hawaii, and the Kauai County Charter.

### LEGISLATIVE BRANCH

<http://kauai.gov/council>

The legislative power of the County of Kauai is vested in and exercised by the County Council, except as otherwise provided by the Charter.

### COUNTY COUNCIL

The County Council consists of seven members who must be citizens of the United States and have been duly qualified electors of the County for at least two years immediately preceding election or appointment. Members are elected at large for terms of two years, and no council member may serve more than four consecutive elected two-year terms of office, beginning with the 2008 General Election.

Council powers include the authority to enact zoning ordinances; exercise eminent domain powers; formulate and enact an annual operating and capital budget; adopt a pay plan for employees exempt from civil service; authorize and issue general obligation, improvement, and revenue bonds; borrow money on anticipated tax collections; investigate the operation of any county agency or function and any subject legislated upon; and adopt a general plan for the County. The Council, however, is expressly forbidden to interfere with the administrative processes delegated to the Mayor.

**County Clerk.** The County Clerk, who serves as the Clerk of the Council, is in charge of materials filed with the office, including the county seal and legislation enacted by the Council and rules adopted by county agencies, and performs other functions required by law, the Charter, or the Council. The Clerk conducts all elections held in the County. The County Clerk is appointed and may be removed by the Council.

**Office of the County Auditor.** The Office of the County Auditor is headed by the County Auditor who is appointed by the Council and serves for a period of six years, and thereafter, until a successor is appointed. The Council, by two-thirds vote of its membership, may remove the County Auditor at any time for cause. The County Auditor conducts or causes to be conducted: the independent annual or biennial audit of all county funds and accounts; performance and financial audits of funds, programs, and operations of county agencies; and follow-up audits and monitoring of compliance with audit recommendations.

## EXECUTIVE BRANCH

<http://kauai.gov>

The executive power of the County is vested in and exercised by the Executive Branch, which is headed by the Mayor.

### MAYOR

The Mayor is elected to a term of four years and may not serve more than two consecutive full terms. The Mayor must be a citizen of the United States, not less than thirty years of age, and a duly qualified resident elector of the County for at least three years immediately prior to election. The Mayor exercises direct supervision over executive departments and coordinates all administrative activities; creates and abolishes authorized county government positions and appoints necessary staff; submits annual operating and capital budgets with capital programs; signs instruments requiring execution by the County; presents necessary or expedient messages or information to the Council; makes annual and periodic reports pertaining to county policies, programs, and operations; approves or vetoes ordinances and resolutions pertaining to eminent domain; enforces the provisions of the Charter, ordinances, and other applicable laws; recommends pay plans for county employees exempt from civil service and position classification; and exercises other powers and performs other duties prescribed by the Charter or ordinance.

**Office of Boards and Commissions.** The Office of Boards and Commissions provides support and oversight for the County's fourteen boards and commissions and two advisory committees. The Office is headed by the Boards and Commissions Administrator. Under the Administrator, the Office assists in providing administrative and operational support to the various county boards and commissions. Such support includes but is not limited to: assisting in the recruitment, orientation, education, and training of board and commission members regarding their powers, duties, functions, and responsibilities under the Charter; helping to educate such members about applicable state and county ethics laws and the state Sunshine Law; assisting the Office of the Mayor to fill any vacancies on any board or commission; being a resource to assist the various boards or commissions in gathering information, documents, and data as deemed necessary to perform its functions; serving as a communications liaison between boards and commissions and the various county departments, offices, and agencies that such boards and commissions may interact with to help ensure that the various boards' or commissions' information needs are addressed in a timely fashion. The Administrator is appointed and may be removed by the Mayor. The Administrator must have such training, education, or experience as will qualify the Administrator to perform the duties established by the Charter.

**ADA Coordinator.** The ADA (Americans with Disabilities Act) Coordinator works with county departments to provide access to county services, programs, and facilities for persons with disabilities to have equal opportunity to participate in the mainstream of public life as required by Title II of the Americans with Disabilities Act.<sup>1</sup>

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<sup>1</sup> See P.L. 101-336; 42 U.S.C. 12131 et seq.

**Board of Ethics.** The Board of Ethics consists of seven members who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve three-year terms. The function of the Board is to initiate, receive, hear, and investigate complaints of violations to the Code of Ethics, as established in the Charter, and to transmit its findings to the Council as to complaints involving county officers and to the Civil Service Commission as to complaints involving employees. The Board may also file impeachment proceedings in Circuit Court. The Board renders advisory opinions with respect to the Code, implements the requirements of the disclosure of interest provisions in the Charter, prescribes disclosure of interest forms, examines all disclosure statements submitted, and advises on corrective action to any matters that may indicate a conflict of interest. The Board proposes revisions of the Code to ensure its effectiveness.

**Board of Review.** The Board of Review consists of five members who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve three-year terms. The Board hears real property tax appeals.

**Charter Review Commission.** With the approval of Council, the Mayor appoints a Charter Commission, with appropriate staffing, that consists of seven members to study and review the operation of the county government under the Charter for a period of ten years, commencing in 2007 and at ten-year intervals thereafter. Members serve three-year terms. If the Commission deems changes are necessary or desirable, the Commission may propose amendments to the existing Charter or draft a new charter, which shall be submitted to the County Clerk. The County Clerk provides for the submission of such amendments or new charter to the voters at any general or special election as may be determined by the Commission. Unless a new charter is submitted to the voters, each amendment to the Charter is voted on separately.

**Committee on the Status of Women.** The Committee on the Status of Women consists of not less than seven at-large members who are appointed to four-year terms by the Mayor. Ex officio members are the County Attorney and the county representative on the State Commission on the Status of Women. The Committee develops information on the status of women in the County as the State Commission on the Status of Women requires or as the Committee deems advisable. The Committee works for equality for women and girls by acting as a catalyst for positive change through advocacy, education, collaboration, and program development.

**Cost Control Commission.** The Cost Control Commission is composed of seven members, not employed in government service, who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve three-year terms. The goal of the Commission is to reduce the cost of county government while maintaining a reasonable level of public services. The Commission reviews personnel costs, real property taxes, travel budgets, and contract procedures; reviews with the aim of eliminating programs and services available or more efficiently supplied by other governments or organizations; eliminates or consolidates overlapping or duplicate programs and service; and scrutinizes for reduction any county operation.



**Life's Choices Kauai.** Life's Choices Kauai is led by a Program Coordinator who works with volunteers, bringing together community resources and service providers, to prevent drug and alcohol abuse and addiction on Kauai; support the enforcement of Kauai, state, and federal laws dealing with drug and alcohol abuse; provide drug and alcohol treatment resources for those in need; and help rehabilitated residents rejoin the Kauai community as successful citizens.<sup>2</sup>

**Salary Commission.** The Salary Commission is composed of seven members who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve three-year terms. The Commission establishes the maximum salaries of the Mayor, Prosecuting Attorney, council members, and certain appointed officials in the County. The Commission's salary findings are adopted by resolution of the Commission and forwarded to the Mayor and Council on or before March 15. The resolution takes effect without the Mayor's and Council's concurrence sixty days after its adoption unless rejected by a vote of not less than five members of the Council, provided that no change in salary of council members is effective during the term in which a change is enacted or for twenty-four months after a change is enacted, whichever is less. The Council may reject either the entire resolution or any portion of it. The respective appointing authority may set the salary of an appointee at a figure lower than the figure established by ordinance for the position.

### **Agency on Elderly Affairs**

The Agency on Elderly Affairs plans, supports, and advocates programs to promote the overall well-being of Kauai's older adults. It receives and disburses federal and state grants and donations for elderly services and collects data relative to the needs and conditions of Kauai's elderly. It administers and monitors programs in the areas of nutrition, leisure and educational activities, legal services, health screening and maintenance, transportation, case management, in-home housekeeping and personal care, day/respite care, and volunteerism. The Mayor appoints a fifteen-member Policy Council, which advises the Agency on matters that serve the interests of the elderly community.

### **Housing Agency**

The Housing Agency's mission is to provide greater opportunities for Kauai's citizens to choose and secure affordable, safe, decent, and sanitary housing, and to live and work in neighborhoods and communities that can accommodate the needs and desires of all families and individuals. It plans, develops, and monitors affordable housing (including the preservation of existing affordable housing) with government and private resources; provides research and community education regarding housing and community development needs; administers the U.S. Department of Housing and Urban Development's Section 8 rental assistance program; assists families to attain homeownership; and provides funding for community-based organizations with projects that promote economic opportunities and improve social well-being.

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<sup>2</sup> Formerly the Anti-Drug Program. Renamed in 2012.

## **Civil Defense Agency**

The Civil Defense Agency is responsible for administering and operating the various local, state, and federal civil defense programs for the County. This includes planning, preparing, and coordinating civil defense operations in meeting disaster situations and coordinating post-disaster recovery operations involving state or federal assistance. The Agency is headed by an Administrator who is hired by the Mayor through the civil service process.

## **County Attorney**

The County Attorney is appointed and may be removed by the Mayor, with the approval of the Council. The County Attorney must be licensed to practice law and in good standing before the Hawaii Supreme Court and have engaged in the practice of law in the State for at least three years. The County Attorney serves as the chief legal advisor and legal representative of the Council and all county agencies, officers, and employees in matters relating to official powers and duties. The County Attorney also represents the County in all legal proceedings and performs other services required by law.

## **Office of Economic Development**

The Office of Economic Development (OED) works, in partnership with the community, to create economic opportunities towards the development of a healthy, stable, and balanced economy for the residents of the County of Kauai. OED, as a government entity, interfaces with business and community leaders as well as other government programs to enhance Kauai's economic development activities. OED is responsible for providing technical and financial support, as feasible, to both large and small business establishments or existing and emerging new industries that offer full employment of Kauai's residents.

## **Department of Finance**

The Department of Finance consists of the Director of Finance and necessary staff. The Director is appointed and may be removed by the Mayor. Among its responsibilities under the Director, the Department prepares the annual budget ordinance under the direction of the Mayor; supervises and is responsible for the disbursement of county moneys; maintains a general accounting system and exercises budgetary control over each office; prepares quarterly statements of all receipts and disbursements in sufficient detail to show the exact financial condition of the County and a general projection of financial conditions for the remainder of the fiscal year; prepares a year-end fiscal statement and report; maintains the treasury; manages county funds; deposits moneys and manages county funds; issues, sells, pays interest on, and redeems county bonds; acquires real or personal property for county use; rents or leases county property and awards concessions, except property controlled by the Board of Water Supply; maintains an inventory of property and equipment owned by the County; and performs other duties prescribed by law or assigned by the Mayor. In addition, the Director, or designee, and

the County Clerk jointly verify the amount of money in the treasury at least once every three months. The Director, as the chief accounting, fiscal, and budget officer of the County, must have had a minimum of five years of training or experience in fiscal management or accounting, including at least three in a responsible administrative capacity.

### **Department of Parks and Recreation**

The Department of Parks and Recreation consists of a Parks and Recreation Director and necessary staff. The Parks and Recreation Director is appointed and may be removed by the Mayor. The Director must have had a minimum of five years of experience in a responsible administrative capacity, in either public service or private business or both. The Director plans, designs, constructs, operates, and maintains all parks and recreational facilities of the County; develops and implements programs for the cultural, recreational, and other leisure-time activities for the people of the County; and beautifies public parks and recreational facilities of the County.

### **Department of Public Works**

The Department of Public Works consists of a County Engineer and necessary staff. The County Engineer is appointed and may be removed by the Mayor. Under the County Engineer, the Department performs all engineering, designing, planning, and construction of all public facilities and improvements undertaken by the County; maintains, repairs, and upkeeps all county facilities and improvements; collects and disposes of garbage and refuse; examines and enforces the construction requirements and standards of all public and private construction and improvements in accordance with the building code, subdivision code, or such other regulations as may be in effect in the County; and designs, installs, inspects, maintains, and repairs all traffic signs, traffic control facilities and devices, and the street lighting system. The County Engineer must be a registered engineer and have had a minimum of five years of training and experience in an engineering position, including at least three in a responsible administrative capacity.

### **ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Building Board of Appeals.** The Building Board of Appeals consists of seven members who are appointed to three-year terms by the Mayor with the approval of the Council. Six members must be qualified by experience and training to pass upon matters pertaining to building construction and fire safety, and one member is from the public at large. The Board hears and determines appeals from the decisions of the Building Official in the administration of the county building code, electrical code, sign ordinance, and plumbing code, involving any denial of the use of new or alternate materials, types of construction, equipment, devices, or appliances.

## **Transportation Agency**

The Transportation Agency is in charge of providing an accessible public transit bus system serving the elderly and persons with disabilities, and offering an alternate means of mobility for Kauai's rural community. Its services to the elderly include trips to and from medical appointments, senior center activities, outreach to care homes, excursions, volunteer locations, and shopping. It also provides safe and reliable door-to-door transport for the disabled community, as well as maintaining a limited, fixed-route transit system (bus stops) for the general public.

## **DEPARTMENTS UNDER BOARD OR COMMISSION**

### **Fire Department**

The Fire Department consists of a Fire Commission, Fire Chief, and necessary staff. The Fire Chief is appointed and may be removed by the Fire Commission. As administrative head of the Department, the Fire Chief appoints, trains, equips, supervises, and disciplines department personnel in accordance with department and civil service rules. Under the Fire Chief, the Department provides an effective program for county-wide fire prevention, fire control, and rescue operations, and manages all property in the custody of the Fire Department. The Fire Chief must have had a minimum of five years of training and experience in fire prevention and control in private industry or government service, including at least three in a responsible administrative capacity.

**Fire Commission.** The Fire Commission consists of seven members who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve three-year terms. The Commission's duties include adopting rules necessary for the conduct of its business and reviewing rules relating to the administration of the Department; reviewing the annual budget prepared by the Fire Chief; evaluating the performance of the Fire Chief; receiving citizen complaints and making recommendations to the Fire Chief for appropriate corrective action. The Fire Commission submits an annual report to the Mayor and Council regarding its activities.

### **Department of Liquor Control**

The Department of Liquor Control consists of a Liquor Control Commission, Director of Liquor Control, and necessary staff. The Director, who is appointed and may be removed by the Liquor Commission, must have had a minimum of five years of business experience, including at least three in a responsible administrative capacity.

**Liquor Control Commission.** The Liquor Control Commission consists of seven members who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve three-year terms. The Commission adopts rules for county liquor control; grants, refuses, suspends, and revokes licenses for the manufacture, importation, and

sale of liquors; investigates violations of liquor control laws; hears and determines complaints and citations regarding violations of liquor control laws; and imposes fines or penalties as provided by law.

## **Department of Personnel Services**

The Department of Personnel Services consists of a Civil Service Commission/Merit Appeals Board, Director of Personnel Services, and necessary staff. The Department's primary purpose is to establish a system of personnel administration based on merit principles, devoid of any bias or prejudice, and to provide a systematic and equitable classification of all positions through adequate job evaluation. The Director is appointed and may be removed by the Civil Service Commission/Merit Appeals Board. The Director must have had a minimum of five years of training and experience in personnel administration in public service, private business, or both, including at least three in a responsible administrative capacity, and be in sympathy with the principles of the merit system.

**Civil Service Commission/Merit Appeals Board.** The Civil Service Commission/Merit Appeals Board consists of seven members who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve three-year terms. One member must be selected from among persons employed in private industry in skilled or unskilled labor as distinguished from executive or professional positions. All members must believe in the principles of the merit system in public employment. The Commission/Board hears and decides appeals by any public officer or employee aggrieved by any action of the Director of Personnel Services or any appointing authority pursuant to section 76-47, HRS. The Commission/Board is not precluded from advising the Director and Mayor on problems concerning personnel and classification administration; and executing such powers and duties as provided by law.

## **Planning Department**

The Planning Department consists of a Planning Commission, Planning Director, and necessary staff. The Planning Director is appointed and may be removed by the Planning Commission. Under the Director, the Department prepares the county general plan and development plans; prepares and administers zoning and subdivision ordinances, and relevant rules; consolidates and prioritizes the County's lists of proposed capital improvements; and advises the Mayor, Council, and Planning Commission on matters concerning the County's planning programs. The Director must have a college degree in planning, engineering, or architecture, or have had a minimum of five years of training and experience in a responsible planning position, including at least three in an administrative capacity in charge of major planning activities.

**Planning Commission.** The Planning Commission consists of seven members who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve three-year terms. At least two members must be knowledgeable about environmental concerns, two members about business concerns, and two members about organized labor concerns. The

Commission has review functions concerning the proposed general plan, development plans, zoning and subdivision ordinances, and any modifications or amendments. After performing reviews, its recommendations are transmitted to the Council through the Mayor. The Commission hears and determines petitions for variances; advises the Mayor, Council, and Planning Director in matters concerning the county planning program; adopts rules pertaining to the responsibilities of the Department; and prepares a capital improvement program, with the advice of the Mayor, complementing and reflecting state and federal programs for the County.

#### ATTACHED FOR ADMINISTRATIVE PURPOSES

**Kauai Historic Preservation Review Commission.** The Kauai Historic Preservation Review Commission consists of nine members. Four are appointed by the Mayor, four by the Council, and the ninth selected by the first eight, five of whom are professionals of special expertise in five of the following disciplines: architecture, architectural history, archaeology, history, planning, or Hawaiian culture. Members serve three-year terms. To the extent possible, there is one representative member from each of the five planning areas in the County. The Planning Director serves as its liaison with the State Historic Preservation Office.

**Public Access, Open Space, and Natural Resources Preservation Fund Commission.** In November 2002, the voters of the County of Kauai established a Public Access, Open Space, and Natural Resources Preservation Fund. Subsequently, by Ordinance 812, dated December 15, 2003, the Public Access, Open Space, and Natural Resources Preservation Fund Commission was created to administer this fund. The Commission consists of nine members. Four are appointed by the Mayor, one from each of the development areas of Waimea-Kekaha, Lihue-Hanamaulu, and Kapaa-Wailua, and the fourth is at large. Four are appointed by the Council, one from each of the development areas of Hanapepe-Eleele, Koloa-Poipu-Kalaheo, and the North Shore, and the fourth is at large. The ninth member is island-wide, at large, and selected by the appointed eight. Members serve three-year terms.

### Police Department

The Police Department consists of a Police Commission, Chief of Police, and necessary staff. The Chief of Police, who is appointed and may be removed by the Police Commission, supervises the force of police officers. Under the Chief, the Department is responsible for the preservation of the public peace, prevention of crime, detection and arrest of offenders, preservation of life, protection of the rights of persons and property, and enforcement and prevention of violations of the law; trains, equips, and maintains, and the force of police officers; is responsible for traffic safety and traffic safety education; and serves process in both civil and criminal proceedings. The Chief must have had a minimum of five years of training and experience in law enforcement, including at least three in a responsible administrative capacity.

**Police Commission.** The Police Commission consists of seven members who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve three-year terms. The Commission's duties include adopting rules for the conduct of its business and matters relating to the goals and aims of the Department; reviewing the annual budget

prepared by the Police Chief; and receiving and investigating charges brought by the public against the conduct of the Department or any of its members.

## **Department of Water**

The Department of Water consists of a Board of Water Supply, Manager and Chief Engineer, and necessary staff. The Manager and Chief Engineer is appointed by the Board and serves as head of the Department. The Manager and Chief Engineer must be a registered engineer under state law and have had a minimum of five years of training and experience in an engineering position, including at least three in a responsible administrative capacity.

**Board of Water Supply.** The Board of Water Supply consists of seven members: four who are appointed by the Mayor with the approval of the Council serve three-year terms, and the District Engineer of the State Department of Transportation, County Engineer, and County Planning Director are ex officio, voting members. The Board manages, controls, and operates the waterworks and appurtenant property of the County to supply water to the public, and collects, receives, expends, and accounts for moneys derived from its operation and all other moneys and property provided for the use or benefit of the waterworks.

## **OFFICE OF THE PROSECUTING ATTORNEY**

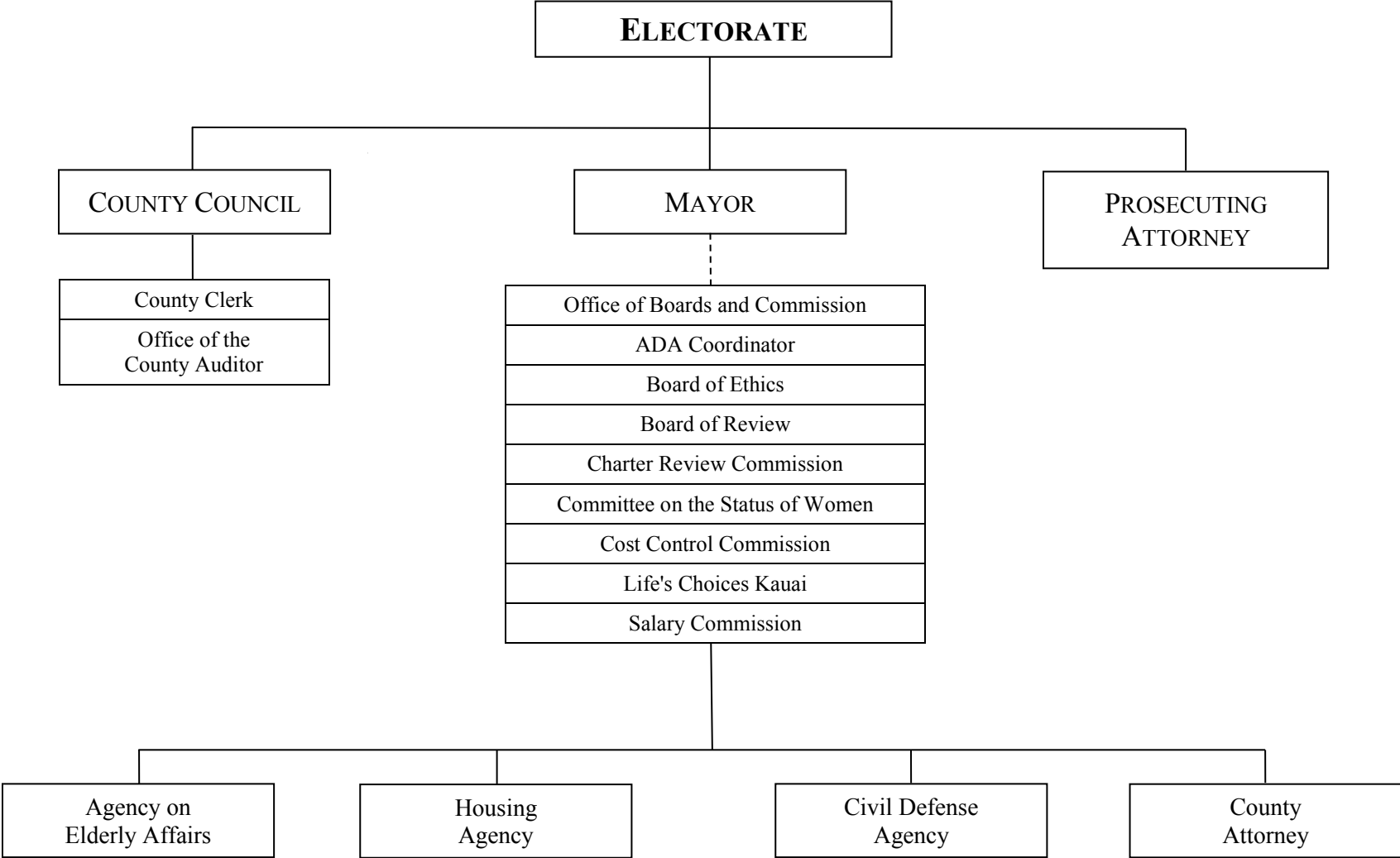
<http://kauai.gov/prosecutingattorney>

The Office of the Prosecuting Attorney is mandated to initiate and maintain any action or prosecution deemed necessary to enforce the laws of the State or the ordinances and rules of the County, preserve public order, and protect the public's rights.

The Prosecuting Attorney is elected to a term of four years. The Prosecuting Attorney must be an attorney licensed to practice law and in good standing before the Hawaii Supreme Court, have engaged in the practice of law in the State for at least three years, and have been a duly qualified elector of the County for at least one year immediately preceding election.

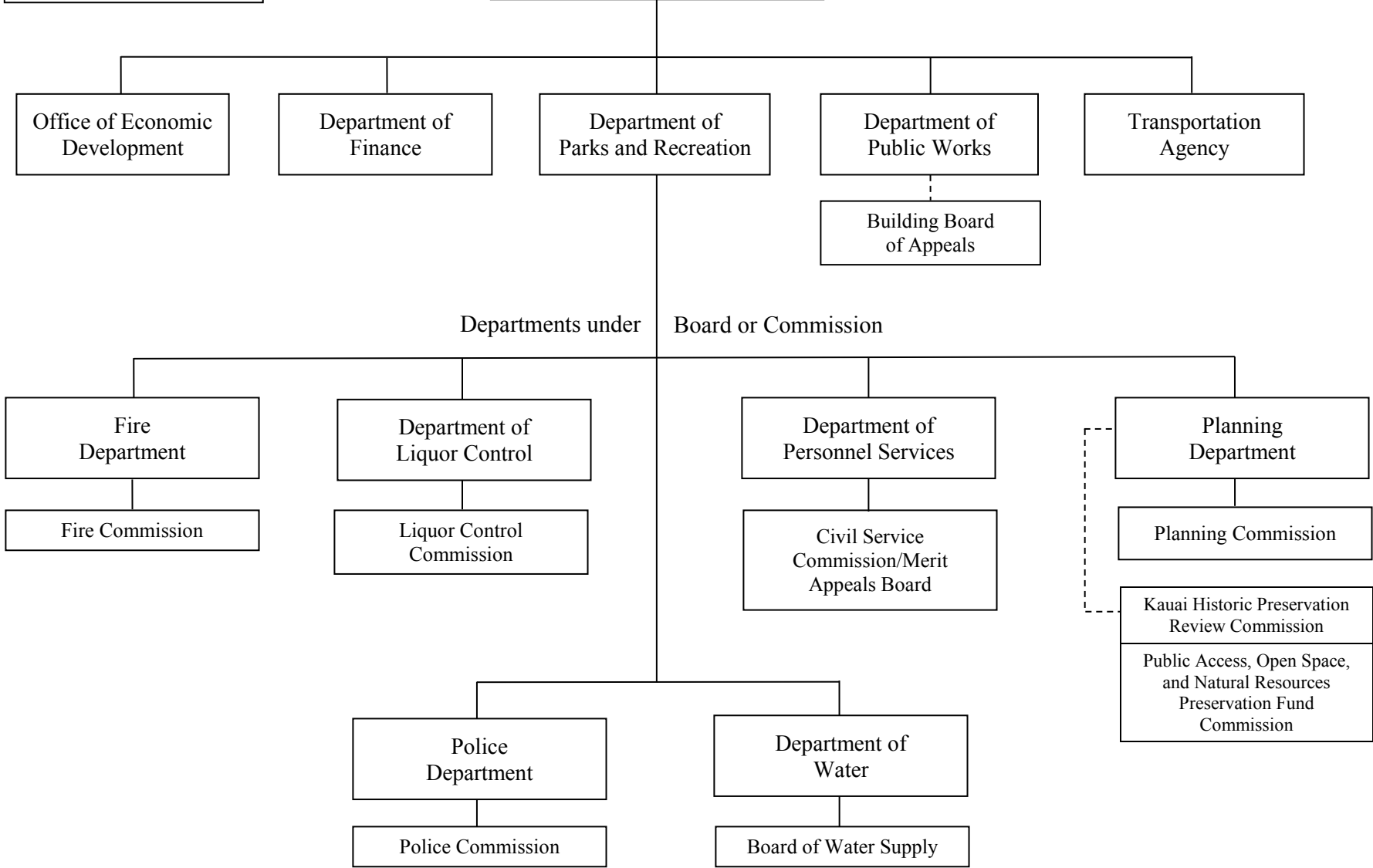
Components of the Office of the Prosecuting Attorney include the following Units: Career Criminal, Sexual Assault, Domestic Violence, Property Crime, Drug Prosecution, and Diversion Program.

# COUNTY OF KAUAI





MAYOR



## COUNTY OF MAUI

<http://co.maui.hi.us>

The County of Maui consists of the islands of Maui, Molokai, Lanai, and Kahoolawe, and all other islands lying within three nautical miles off the shores thereof and waters adjacent thereto, except that portion of the island of Molokai known as Kalaupapa, Kalawao, and Waikolu, and commonly known and designated as the Kalaupapa Settlement. The County is a corporate body with all powers authorized by the State Constitution, the laws of the State of Hawaii, and the Maui County Charter.

### LEGISLATIVE BRANCH

<http://co.maui.hi.us/index.aspx?nid=66>

### COUNTY COUNCIL

Except as otherwise provided by the Charter, legislative powers are vested in and exercised by the County Council, which consists of nine members elected at large for two-year terms. No member of the Council may serve more than five consecutive full terms. Each member is a resident of one of the following areas: island of Lanai, island of Molokai, East Maui (Hana-Keanae-Kailua), West Maui, Makawao-Haiku-Paia, "Upcountry" (Pukalani-Kula-Ulupalakua), South Maui, Kahului, or Wailuku-Waihee-Waikapu.

The County Council is the lawmaking body of the County of Maui and determines policies and programs for the County. The Council is responsible for the enactment of ordinances affecting county law and the adoption of resolutions setting public and county policy. Among its powers are the adoption of a general plan setting forth the County's broad policies for long-range development; setting policies, appropriating funds, and providing legislative oversight for the County's public safety, environmental protection, housing, recreation, transportation, and other community needs; enactment and monitoring of a water conservation plan, and amendments to the water use and development plan for the county; enactment of zoning and other land use ordinances affecting the development of property; enactment of the annual legislative and executive budget ordinances and their balancing through the enactment of revenue producing resolutions and/or ordinances where necessary; adoption of a pay plan; authorization for the issuance and repayment of general obligation and revenue bonds; authorizing proceedings in eminent domain; requiring periodic and special reports relating to the functions and operation of county departments; retaining special counsel for matters presenting a real necessity for such employment; and investigation of the operations of any county agency or function and any matter subject to legislation by the Council.

**Office of the County Clerk.** The Office of the County Clerk consists of the County Clerk and necessary staff. The County Clerk is appointed and may be removed by the Council. The County Clerk is the clerk of the Council; takes charge of, safely keeps, and disposes of all books, papers, and records that may be properly filed with the Office and keeps in separate files all bills, ordinances, resolutions, and rules, and cumulative indices of same; has custody of the

county seal; conducts all elections held within the County as provided by law; certifies ordinances; adopts rules for the classification, storage, and destruction of all records of the County; and performs such other functions as may be prescribed by the Council or law.

**Office of Council Services.** The Office of Council Services provides research, clerical, and logistical support to the committees and members of the Council in the performance of their official legislative duties. The role of the central staff is to focus on the legislative work of the Council and its committees. The office directly supports the policy-making process in the following ways: by enabling compliance with procedural requirements; by researching and organizing information on policy issues; by helping Council members coordinate and carry out the legislative process; and by responding to requests for information from the general public. In addition, the central staff provides the following types of support: fiscal, facilities, procurement, and personnel administration processing for Council members' individual offices; administrative assistance to the office of the Council Chair; and services for recurring major legislative activities, which include annual budget deliberations, monitoring of state legislation, community plan reviews, and Hawaii State Association of Counties' functions. The central staff also assists with Council-initiated projects undertaken as a check on the administrative authority of the executive branch.

**Office of the County Auditor.** The Office of the County Auditor is headed by the County Auditor who is appointed to a six-year term by a majority vote of the County Council. By a two-thirds vote of its membership, the Council may remove the County Auditor at any time for cause. Among the powers and duties of the County Auditor, the County Auditor conducts or causes to be conducted: (1) an independent annual financial audit of the County; (2) other program, financial, or performance audits or evaluations regarding county organizations, operations, and regulations; and (3) performance or financial audits of the funds, programs, or activities of any agency or function of the County, as the County Auditor deems warranted.

## EXECUTIVE BRANCH

<http://co.maui.hi.us>

Except as otherwise provided by the Charter, the executive power of the County is vested in and exercised by the Executive Branch, which is headed by the Mayor.

## MAYOR

The Mayor is elected to a term of four years and may not serve more than two consecutive full terms. The Mayor must be a United States citizen who has been a voter and resident of the County for at least one year preceding the filing of nomination papers. The Mayor is the chief executive officer of the County. Among the powers and duties enumerated by the Charter, the Mayor exercises supervision, directly or through the Managing Director, over executive agencies; appoints the necessary staff for which appropriations have been made by the Council; recommends to the Council a pay plan for all County officers and employees whose compensation is not otherwise provided for by law; submits an operating budget and a capital program annually to the Council for its consideration, and controls, manages, and executes the

annual operating budget and capital program; makes annual and periodic reports informing the public of County policies, programs, and operations; approves or vetoes bills passed by the Council; enters into contracts with other counties, the State, or the United States for the performance of any function or activity which the County is authorized to perform; prepares and processes applications for state, federal, or other governmental funds on behalf of the County; and exercises other powers and performs other duties prescribed by the Charter or by law.

#### ATTACHED FOR ADMINISTRATIVE PURPOSES

**Cost of Government Commission.** The Cost of Government Commission consists of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. The Commission is advisory to the County Auditor. The Commission studies and investigates the organizations and methods of operations of all departments, commissions, boards, and offices, and other instrumentality of all branches of the county government and determines what changes, if any, may be desirable to accomplish county policy. The Commission submits an annual report of its findings and recommendations to the Mayor, Council, and County Auditor.

**Committee on the Status of Women.** The Committee on the Status of Women consists of seven members who are appointed to four-year terms by the Mayor and the Corporation Counsel and the county representative on the State Commission on the Status of Women who serve as ex officio members. The Committee develops information as the State Commission on the Status of Women requires or as the Committee deems advisable concerning the status of women in the County. The Committee also submits to the State Commission plans and proposals affecting the status of women in the County.

**Salary Commission.** The Salary Commission consists of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. The Commission determines the compensation of elected officials and appointed directors and deputy directors of all county departments provided, however, in establishing the compensation of appointed department heads and their deputies, the Commission consults with those boards and commissions that have appointing authority for department heads.

**Kula Agricultural Park Committee.** The Kula Agricultural Park Committee consists of eleven members: two representatives from the agricultural lending or banking community; one representative from the Maui County Farm Bureau Board; one representative from an agricultural trade organization; one representative from the Maui Farmers Exchange or other produce processing co-op; one representative from the Tenants Association of Kula Agricultural Park; one representative from the University of Hawaii Extension Service; one representative from the Office of the Mayor; one representative from the Council; and two representatives from the general public. The representative from the Council is appointed by the Council for a term concurrent with the council member's term of office. The representative from the Office of the Mayor is appointed by the Mayor, without approval by the Council, for a term concurrent with the Mayor's term of office. The remaining nine members are nominated by the Mayor and approved by the Council for five-year terms. The Committee is advisory and makes recommendations to the County on matters pertaining to Kula Agricultural Park, the purpose of

which is to promote the development of diversified agriculture by providing appropriately-sized agricultural lots at reasonable rent and long-term tenure.

**Workforce Investment Board.** The Workforce Investment Board (WIB) is a broad-based private-sector driven organization. It provides oversight of programs of the federal Workforce Investment Act of 1998 (WIA),<sup>1</sup> and establishes policies that enable WIA programs to serve client needs. It is comprised of both private and public sector members appointed by the Mayor. At least 51 percent of the WIB membership, as well as the Board Chair and Vice Chair, are from the private sector.

## **Department of Management**

The Department of Management consists of a Managing Director and necessary staff. The Managing Director is appointed and may be removed by the Mayor. The Managing Director, who must have had five years of experience in an administrative capacity, either in public or private business or both, acts as the principal management aide to the Mayor. Under the Managing Director, the Department supervises and evaluates the administrative functions, management, and performance of and prescribes standards for the administrative practices of all agencies, departments, boards, and commissions assigned by the Mayor; and performs other duties required by the Charter or assigned by the Mayor.

## **Civil Defense Agency**

The Civil Defense Agency, headed by an Emergency Management Officer, is responsible for administering and operating the various local, state, and federal civil defense programs for the County. This includes planning, preparing, and coordinating civil defense operations in meeting disaster situations and coordinating post-disaster recovery operations. The Fire and Public Safety Commission reviews the operations of the Agency and recommends changes to improve the performance of emergency functions and the provision of public safety services. The Commission receives and investigates any complaints brought by the public against the conduct of the Agency or any of its members and submits a written report of its findings and recommendations to the civil defense administrator for disposition.

## **Department of the Corporation Counsel**

The Department of the Corporation Counsel consists of a Corporation Counsel and necessary staff. The Corporation Counsel is appointed and may be removed by the Mayor with the approval of the Council. The Corporation Counsel must be an attorney licensed to practice law and in good standing before the Hawaii Supreme Court and have practiced law in the State for at least three years. The Corporation Counsel appoints such deputies corporation counsel and staff as authorized by the Council. Deputies corporation counsel are exempt from civil service

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<sup>1</sup> See P.L. 105-220; 29 U.S.C. 2801 et seq.

and serve at the pleasure of the Corporation Counsel. The Corporation Counsel is the chief legal advisor and legal representative of the Council, the Mayor, all departments, boards and commissions, and officers and employees in matters relating to their official duties. The Corporation Counsel also represents the County in all legal proceedings and performs such other duties as assigned by the Mayor.

#### **ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Board of Ethics.** The Board of Ethics consists of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. The Board initiates, receives, hears, and investigates complaints of violations of the County Code of Ethics; initiates impeachment proceedings against elected and appointed officers found in violation of the Code; renders advisory opinions; prescribes forms for and examines disclosure statements; adopts rules to enforce the Code; and on issues before it, makes findings of fact and conclusions of law and transmits them to the appropriate appointing authority and Prosecuting Attorney for disposition.

#### **Department of Environmental Management**

The Department of Environmental Management consists of a Director of Environmental Management and necessary staff. The Director is appointed and may be removed by the Mayor. Under the Director, the Department's responsibilities include: waste management and control of pollution, including recycling, litter control, and protection of the unique beauty of the County; plans, designs, builds, operates, and maintains solid waste collection, processing and disposal systems, including recycling programs, as well as sewer treatment plants, pump stations, sewer lines, reclaimed water distribution systems, and related programs. The Director must have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both.

#### **Department of Finance**

The Department of Finance consists of a Director of Finance and necessary staff. The Director is appointed and may be removed by the Mayor. Under the Director, the Department's responsibilities include: preparing bills for the collection of money due the County; collecting accounts receivable by the County; keeping an accurate and complete record of receipts and disbursements; managing the treasury; contracting for services of independent contractors; issuing, selling, paying interest on, and redeeming county bonds; preparing payrolls and pension rolls; selling real property upon which improvement assessments or real property taxes are not paid and disposing of real or personal property not needed by any county department; renting or leasing county property and awarding concessions; preparing and maintaining an inventory of all lands, equipment, or other property controlled by the County; submitting quarterly statements of revenues and expenditures to the Council; and administering the real property taxation function of the County. The Director must have had a minimum of five years of experience in a public or private financial position, including at least three in an administrative capacity.

**ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Real Property Tax Board of Review.** The Real Property Tax Board of Review consists of five members who are appointed to five-year terms by the Mayor with the approval of the Council. The Board hears all appeals relating to real property assessments filed with the Director of Finance.

**Department of Housing and Human Concerns**

The Department of Housing and Human Concerns consists of a Director of Housing and Human Concerns and necessary staff. The Director is appointed and may be removed by the Mayor. Under the Director, the Department's responsibilities include developing a comprehensive approach to the effective administration and coordination of programs and plans of action designed to meet human needs in the County. The Director must have had at least five years of experience in an administrative capacity, either in public service or private business, or both.

**ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Council on Aging.** The Council on Aging consists of fifteen members who are appointed to five-year terms by the Mayor with the approval of the Council. The members are representatives of older individuals, participants of senior citizens programs, local elected officials, and the general public, including low income and older minority persons in the County.

**Commission on Children and Youth.** The Commission on Children and Youth consists of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. An ex officio, nonvoting member is appointed by the Mayor. The Commission advises and assists the Mayor and the Council on all children and youth matters, including child care, to accomplish the County's goals and objectives. It also makes recommendations to the Council on all matters relating to children and youth and children and youth programs proposed for adoption by the Council.

**Commission on Culture and the Arts.** The Commission on Culture and the Arts consists of nine members who are appointed five-year terms by the Mayor with the approval of the Council. An ex officio, nonvoting member is appointed by the Mayor. The Commission assists the County in the preservation of the artistic and cultural heritages of all its people; promotes a community environment that provides equal and abundant opportunity for exposure to culture and the arts in all its forms; and encourages and provides equal opportunity for the development of cultural and artistic talents of the people of the County.

**Commission on Persons with Disabilities.** The Commission on Persons with Disabilities consists of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. The Commission assists the County in rendering services to persons with disabilities by: reviewing county policies and practices to determine their impact on persons with disabilities; recommending use of moneys received from federal and state

governments designated for programs and improved accessibility for persons with disabilities; recommending changes to policies and practices that do not or may not meet the requirements of federal, state, or county law; reviewing county program and facility access to determine their impact on persons with disabilities; recommending changes or additions to program and facility access to ensure full availability of county services to persons with disabilities; promoting housing, employment, transportation, and other activities that address the needs of persons with disabilities; educating providers of community services and other members of the community concerning nondiscriminatory practices and laws regarding persons with disabilities.

**Animal Control Board.** The Animal Control Board consists of five members who are appointed to three-year terms by the Mayor with the approval of the Council. One member is a registered and licensed veterinarian in the State, and four members are of the general public. The Board hears and determines appeals from decisions concerning dangerous dogs and from any order issued by an enforcement or animal control officer relating thereto.

## **Department of Parks and Recreation**

The Department of Parks and Recreation consists of a Director of Parks and Recreation and necessary staff. The Director is appointed and may be removed by the Mayor. Under the Director, the Department plans, designs, constructs, maintains, and operates all parks and recreational facilities administered by the County, and develops and implements programs for cultural, recreational, and other leisure activities for the people of the County. The Director must have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both.

### **ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Maui County Arborist Committee.** The Maui County Arborist Committee consists of nine members who are appointed and may be removed by the Mayor with notice to, but without approval by, the Council. Appointments are for five-year terms. Members are residents of the County with professional or other interest in landscape beautification. There are six ex officio, nonvoting members as follows: the Arborist, Plan Reviewer, Director of Parks and Recreation, Director of Public Works, Planning Director, and Director of Housing and Human Concerns. The Committee recommends a landscape planting plan in public areas, reviews landscape planting in public parks and street beautification programs, and recommends exceptional trees to be protected.

## **Department of Planning**

The Department of Planning consists of a Maui Planning Commission, Molokai Planning Commission, Lanai Planning Commission, Planning Director, Board of Variances and Appeals, and necessary staff. The Director is appointed and may be removed by the Mayor. Under the Director, the Department recommends revisions of the general plan at least every ten years to guide the development of the County; prepares, administers, and enforces long-range planning



programs, a cultural resource management program, and zoning ordinances, zoning maps and rules; and reviews and prioritizes proposed capital improvement projects. The Director must have had five years of experience in the planning field, including at least three in an administrative capacity. The Director serves as the administrative head of the Department, chief planning officer of the County, and technical advisor to the Mayor, Council, and Planning Commissions on all planning and related matters.

**Maui, Molokai, and Lanai Planning Commissions.** Each planning commission consists of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. The members of each Planning Commission are residents of the respective island of their Commission. The Director of Public Works and Director of the Department of Water Supply are ex officio, nonvoting members of each Commission.

The Maui Planning Commission is concerned with the area encompassing the islands of Maui and Kahoolawe and all other islands lying within three nautical miles of their shores and adjacent waters. The Molokai Planning Commission is concerned with the area encompassing the island of Molokai and all other islands lying within three nautical miles of its shores and adjacent waters, except that portion of the island commonly known as the Kalaupapa Settlement. The Lanai Planning Commission is concerned with the area encompassing the island of Lanai and all other islands lying within three nautical miles of its shores and adjacent waters.

The appropriate planning commission advises the Mayor, Council, and Planning Director in matters concerning planning programs; reviews the general plan and any revisions, and recommends their approval or rejection; reviews proposed land use ordinances and any amendments, and recommends their approval or rejection; adopts rules pursuant to land use ordinances or law; and acts as the authority on all matters relating to the Coastal Zone Management law. In reviewing the general plan, zoning ordinances, or any amendments, the Commission holds public hearings prior to making its recommendations.

**Board of Variances and Appeals.** The Board of Variances and Appeals consists of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. The Board hears and determines applications for variances from the strict application of any zoning, subdivision, or building ordinances and determines appeals alleging error from any person aggrieved by a decision or order of any department charged with the enforcement of zoning, subdivision, and building ordinances; provided that the Council, by ordinance, may confer to another county agency the authority to hear and determine appeals from: decisions of the building official in the administration of the Maui County building code, plumbing code, electrical code, and housing code; orders made by the County Fire Chief in the administration of applicable state law and the Maui County fire code; and decisions of the Director of Water Supply in the administration of the rules and regulations of the Department of Water Supply relating to matters involving any denial of the use of new or alternate materials, types of construction, equipment, devices, or appliances.

**ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Maui County Cultural Resources Commission.** The Maui County Cultural Resources Commission consists of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. Members are chosen from professionals and persons with special interest in the following disciplines: architecture, history, archaeology, planning, architectural history, Hawaiian culture, and ethnic history and culture of the County. They should have a demonstrated interest, competence, and knowledge in historic preservation. The Commission works for the preservation of the County's historic and cultural resources through the following functions: advising and assisting federal, state and county agencies in carrying out their historic preservation responsibilities; administering the provisions of the County's historic districts and advising the Mayor, Council, and County Planning Commissions on the establishment of historic districts and their regulation; and providing public information, education, training, and technical assistance on national, state, and county historic preservation programs.

**Maui Redevelopment Agency.** The Maui Redevelopment Agency consists of five members who are appointed to five-year terms by the Mayor with the approval of the Council. The Agency's powers and duties derive from section 53-5, HRS, under the Urban Renewal Law. The Agency advises the Planning Department, Mayor, and Council on matters pertaining to the Wailuku Redevelopment Area, for which it reviews applications for new development and renovation projects.

**Urban Design Review Board.** The Urban Design Review Board consists of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. The members consist of two registered architects, one registered landscape architect, two registered civil engineers, and four persons with interest or experience in urban planning, fine arts, beautification, conservation, or historic preservation. One member is a resident of Molokai, and one member is a resident of Lanai. The four alternate members consist of two registered architects, one registered landscape architect, and one registered civil engineer. The Board advises the appropriate planning commission on matters within the jurisdiction of the various planning commissions, carries out duties delegated to it by the planning commissions, and reviews and advises the Planning Department on design related matters involving projects within the County.

**Department of the Prosecuting Attorney**

The Department of the Prosecuting Attorney consists of a Prosecuting Attorney and necessary staff. The Prosecuting Attorney is appointed and may be removed by the Mayor with the approval of the Council. The Prosecuting Attorney must be an attorney licensed to practice law and in good standing before the Hawaii Supreme Court and have practiced law in the State for at least three years. The Prosecuting Attorney attends all courts in the County and conducts, on behalf of the people, all prosecutions for offenses against state laws, county ordinances, and rules; appears in and prosecutes every criminal case where there is a change of venue from the courts in the County; institutes proceedings for the arrest of persons charged with or suspected of public offenses; draws all indictments and attends before the grand jury cases presented for its

consideration; prosecutes administrative violations of the liquor laws before the Board of Liquor Adjudication; and performs such other duties assigned by the Mayor.

## **Department of Public Works**

The Department of Public Works consists of a Director of Public Works and necessary staff. The Director is appointed and may be removed by the Mayor. Under the Director, the Department administers building, housing, and subdivision ordinances and rules; approves proposed subdivision plans; plans, designs, builds, and maintains the County's highways, and drainage and flood control systems. The Director must have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both.

### **ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Traffic Safety Council.** The Traffic Safety Council consists of the Mayor, Chief of Police, Prosecuting Attorney, Corporation Counsel, and Director of Public Works, or designees, as ex officio members, and nine other members appointed to five-year terms by the Mayor. The Council advises or assists the County Council in all matters relating to traffic safety; makes recommendations to the County Council on all traffic safety measures referred to it; and prepares and recommends traffic safety programs for adoption by the County Council.

## **Department of Transportation**

The Department of Transportation consists of a Director of Transportation and necessary staff. The Director is appointed and may be removed by the Mayor. Under the Director, the Department is responsible for the planning and implementation of all modes of transportation in Maui County, including those in the air and on water and land, and for planning and developing an efficient program to facilitate the rapid, safe, and economical movement of people and goods in the County. The Director must have a minimum of five years of experience in an administrative capacity, either in public service or private business, or both.

## **Department of Water Supply**

The Department of Water Supply consists of a Board of Water Supply, Director of Water Supply, Deputy Director of Water Supply, and necessary staff. The Director is appointed and may be removed by the Mayor with the approval of the Council. The Department manages and operates all water systems owned by the County; and studies, surveys, and investigates locations and sources of water supply within the County, the amounts available for current and prospective uses, the water resources that may be available for such uses, and the maximum sustainable yield of such sources. The Department implements the County's general plan and community plans in the administration of its affairs. The Department also prepares and annually updates a long-range capital improvement plan and an updated water use and development plan, subject to the approval of the Council. The revenues of the Department are kept in a separate fund and are

such as to make the Department self-supporting, provided that the Council may issue general obligation bonds on behalf of the Department and may provide capital improvement appropriations for the Department. The Director must have had a minimum of five years of experience in a management capacity, either in public service or private business, or both. The Deputy Director is appointed and may be removed by the Mayor. The Director or Deputy Director must be a registered engineer.

**Board of Water Supply.** The Board of Water Supply consists of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. The Planning Director and Director of Public Works serve as ex officio, nonvoting members. The Board acts as an advisor to the Director of Water Supply, Mayor, and Council in all matters concerning the County's water system. The Board reviews and submits to the Mayor the Department's request for annual appropriations for operations and capital improvements. The Board also recommends the establishment and adjustment of rates and charges for furnishing water; such rates and charges to be submitted to the Mayor for review and approval. If approved by the Mayor, proposed rates and charges are submitted to the Council for enactment by ordinance.

## DEPARTMENTS UNDER COMMISSION

### Department of Fire and Public Safety

The Department of Fire and Public Safety consists of a Fire and Public Safety Commission, Fire Chief, and necessary staff. The Fire Chief is appointed and may be removed by the Fire and Public Safety Commission. Under the Fire Chief, the Department performs fire fighting, rescue, shoreline and ocean rescue and safety, and first-responder emergency services to save lives and property from fires and other emergencies arising on land, sea, and hazardous terrain, including the mitigation and stabilization of hazardous materials and related incidents. The Fire Chief must have had a minimum of five years of experience in fire control, including at least three in an administrative capacity.

**Fire and Public Safety Commission.** The Fire and Public Safety Commission consists of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. The Commission: reviews the operations of the Department of Fire and Public Safety and the Civil Defense Agency and recommends changes to improve the performance of emergency functions and the provision of public safety services; receives and investigates any charges brought forth by the public against the conduct of the Department or its personnel and submits a written report of its findings and recommendations to the Fire Chief for disposition; annually evaluates the performance of the Fire Chief and submits a report to the Mayor and Council; and also submits an annual report of its activities to the Mayor and Council.

## **Department of Liquor Control**

The Department of Liquor Control consists of a Liquor Control Commission, Liquor Control Adjudication Board, Director of Liquor Control, and necessary staff. The Director is appointed and may be removed by the Liquor Control Commission. Under the Director, the Department investigates violations of liquor control laws of the State and rules of the Commission, and investigates applications for liquor licenses. The Director must have had a minimum of five years of experience in law enforcement, including at least three in an administrative capacity.

**Liquor Control Commission.** The Liquor Control Commission is composed of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. The Commission adopts rules for the administration of liquor control in the County and execution of state liquor control laws. The Commission also grants, renews, or refuses applications for licenses for the manufacture, importation, and sale of liquor in the County and performs other duties as provided by law.

**Liquor Control Adjudication Board.** The Liquor Control Adjudication Board consists of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. The Board hears and determines administrative complaints of the Director regarding violations of liquor control laws of the State or rules of the Commission. The Board also imposes penalties for such violations.

## **Department of Personnel Services**

The Department of Personnel Services consists of a Civil Service Commission, Director of Personnel Services, and necessary staff. The Director is appointed and may be removed by the Civil Service Commission. Under the Director, the Department is responsible for the personnel management program of the County and performs such duties as are prescribed by state civil service laws or assigned by the Mayor. The Director must be thoroughly familiar with the principles and methods of personnel administration and believe in applying merit principles and scientific administrative methods to public personnel administration.

**Civil Service Commission.** The Civil Service Commission consists of five members who are appointed to five-year terms by the Mayor with the approval of the Council. The Commission adopts rules to carry out the provisions of the state civil service laws; requests an annual appropriation for the operation of the Department; hears appeals by any officer or employee aggrieved by any action of the Director of Personnel Services or by an appointing authority; and advises the Mayor and Director of Personnel Services on problems concerning personnel administration.

**ATTACHED FOR ADMINISTRATIVE PURPOSES**

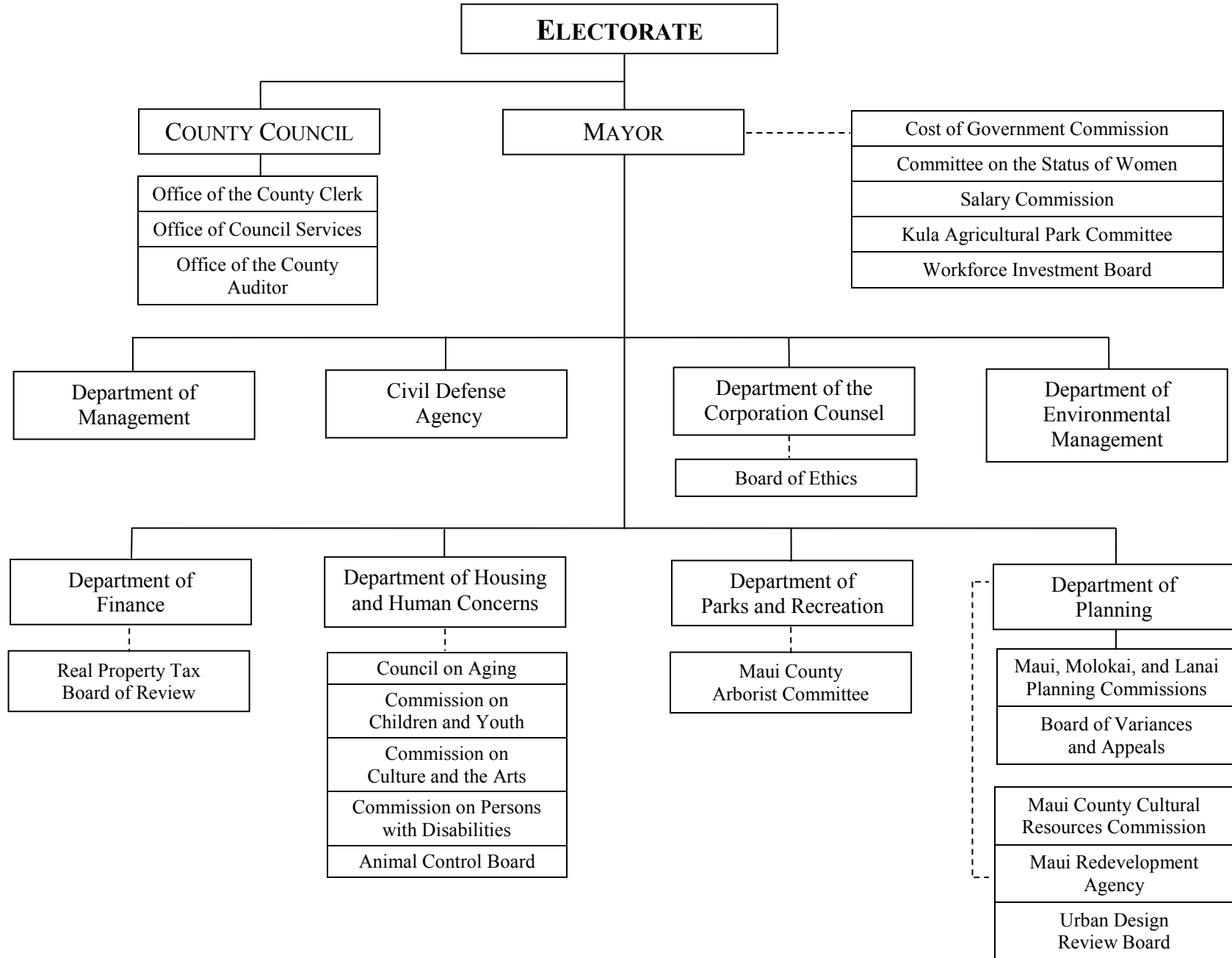
**Affirmative Action Advisory Council.** The Affirmative Action Advisory Council consists of seven members who are appointed to five-year terms by the Mayor with the approval of the Council. Four members are representatives of the community, and three are representatives of the county government. Two ex officio, nonvoting members are the Equal Employment Opportunity Coordinator and the Director of Personnel Services. The Council advises and assists the Mayor on all phases of the County's Equal Employment Opportunity program.

**Police Department**

The Police Department consists of a Police Commission, Chief of Police, and necessary staff. The Chief of Police is appointed and may be removed by the Police Commission. Under the Chief, the Department is responsible for the preservation of the public peace; prevention of crimes; detection and arrest of law offenders; protection of the rights of persons and property; traffic safety and education; and supervision and training of police officers and other employees. The Chief of Police must have had a minimum of five years of experience in law enforcement, including at least three in an administrative capacity.

**Police Commission.** The Police Commission consists of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. In addition to performing duties provided by law, the Commission receives and investigates any charges brought by the public against the conduct of the Department or its personnel and submits a written report of its findings and recommendations to the Chief of Police for disposition; and annually evaluates the performance of the Chief of Police and submits a report to the Mayor and Council.

# COUNTY OF MAUI



COUNTY OF MAUI  
*continued (2 of 2)*

MAYOR

Department of the  
Prosecuting Attorney

Department of  
Public Works

Traffic Safety Council

Department of  
Transportation

Department of  
Water Supply

Board of Water Supply

Departments under Commission

Department of Fire  
and Public Safety

Fire and Public Safety  
Commission

Department of  
Liquor Control

Liquor Control  
Commission

Liquor Control  
Adjudication Board

Department of  
Personnel Services

Civil Service Commission

Affirmative Action  
Advisory Council

Police  
Department

Police Commission



# UNITED STATES GOVERNMENT

<http://usa.gov>

## THE HAWAII CONGRESSIONAL DELEGATION

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Article I, Section 1  
Constitution of the  
United States of America

The United States Senate is composed of one hundred members, two from each state, elected for six-year terms. Members of the Senate must be at least thirty years of age, citizens of the United States for at least nine years, and inhabitants of the state from which they are elected.

The United States House of Representatives is composed of four hundred thirty-five members elected every two years by the people of the state whom they represent. Members of the House of Representatives must be at least twenty-five years of age, citizens of the United States for at least seven years, and inhabitants of the state from which they are elected. Seats in the House are apportioned among the states on the basis of population.

The Congress enacts criminal and administrative laws for the federal government. It levies taxes, enacts enabling legislation, and passes appropriations bills to authorize government spending. In addition to lawmaking responsibilities, the Congress has other responsibilities which serve as checks on the other branches of the federal government. Treaties made with foreign countries by the President must be approved by the Senate before they become effective. The Senate has the power to confirm or reject presidential nominees for the Supreme Court, the Cabinet, federal judgeships, ambassadorial positions, and other federal positions. The Congress has the power to remove officials. An official to be removed is first impeached by the House of Representatives and then tried by the Senate.

Hawaii has two congressional districts with one representative elected from each. The 1<sup>st</sup> Congressional District is the city of Honolulu proper, and the 2<sup>nd</sup> Congressional District encompasses all other areas of the State.

## FEDERAL DEPARTMENTS AND AGENCIES

The following departments and agencies of the federal government have offices in Hawaii. The services they provide are described below.

### DEPARTMENT OF AGRICULTURE

<http://usda.gov>

#### **Animal and Plant Health Inspection Service** <http://www.aphis.usda.gov>

The Animal and Plant Health Inspection Service (APHIS), in cooperation with state governments, administers federal laws and regulations pertaining to animal and plant health and quarantine, the humane treatment of animals, and the control and eradication of pests and diseases. Regulations to prevent the introduction or interstate spread of certain animal or plant pests or diseases are also enforced by the Service. Additionally, APHIS carries out research and operational activities to reduce crop and livestock depredations caused by birds, rodents, and predators.

#### **Farm Service Agency** <http://fsa.usda.gov>

The Farm Service Agency (FSA) serves farmers, ranchers, and agricultural partners through the delivery of effective, efficient agricultural programs for all Americans. FSA envisions a market-oriented, economically and environmentally sound American agriculture delivering an abundant, safe, and affordable food supply while sustaining quality agricultural communities.

FSA Hawaii and Pacific Basin supports a wealth of diverse farms and ranches in terms of size of operations, crops, type of production systems, and markets, working to assure the successful development of the region's agricultural businesses.

#### **Food and Nutrition Service** <http://www.fns.usda.gov>

The Food and Nutrition Service (FNS) oversees the administration of 15 nutrition assistance programs, including the Supplemental Nutrition Assistance Program (SNAP), the Supplemental Nutrition Program for Women, Infants, and Children (WIC), school meals, and food distribution programs. These programs work in concert to form a national safety net against hunger, which touches the lives of one in four Americans over the course of a year.

**Food Safety and Inspection Service** <http://www.fsis.usda.gov>

The Food Safety and Inspection Service (FSIS) is responsible for regulating the meat and poultry industries to ensure that meat and poultry products moving in interstate and foreign commerce are safe, wholesome, and accurately labeled. FSIS also conducts surveillance of foreign inspection systems exporting meat or poultry products to the United States.

**Forest Service, Pacific Southwest Research Station,  
Institute of Pacific Islands Forestry** <http://www.fs.fed.us/psw/locations/hilo>

The Institute of Pacific Islands Forestry, through research, education, and demonstration, provides scientific and technical information needed to restore, conserve, and sustain tropical forests and wetlands of the Pacific. The Institute conducts research within four program areas: Conservation of Biodiversity, Ecosystem Function and Health, Fire and Fuels, and Urban Ecosystems and Social Dynamics.

**Hawaii Agricultural Statistics Service** <http://nass.usda.gov/hi>

The National Agricultural Statistics Service (NASS) conducts hundreds of surveys every year and prepares reports covering virtually every aspect of U.S. agriculture. Production and supplies of food and fiber, prices paid and received by farmers, farm labor and wages, farm finances, chemical use, and changes in the demographics of U.S. producers are only a few examples. The Hawaii field office is operated in cooperation with the Hawaii State Department of Agriculture.

**Natural Resources Conservation Service** <http://nrcs.usda.gov>

Originally established by Congress in 1935 as the Soil Conservation Service, the Natural Resources Conservation Service (NRCS) has expanded to become a conservation leader for all natural resources, ensuring private lands are conserved, restored, and more resilient to environmental challenges, such as climate change. Seventy percent of the land in the United States is privately owned, making stewardship by private landowners vital to the health of the nation's environment. NRCS works with landowners through conservation planning and assistance designed to benefit the soil, water, air, plants, and animals that result in productive lands and healthy ecosystems.

The NRCS Pacific Islands Area includes Hawaii, American Samoa, Guam, Northern Mariana Islands, Marshall Islands, Micronesia, and Palau.

**Rural Development** <http://www.rurdev.usda.gov>

Rural Development (RD) is committed to helping improve the economy and quality of life in rural America. Its financial programs support such essential public facilities and services as water and sewer systems, housing, health clinics, emergency service facilities and electric and telephone service. RD promotes economic development by supporting loans to businesses through banks, credit unions, and community-managed lending pools. It also offers technical assistance and information to help agricultural producers and cooperatives get started and improve the effectiveness of their operations. RD provides technical assistance to help communities undertake community empowerment programs.

The Hawaii office serves rural Hawaii, American Samoa, Guam, Northern Mariana Islands, Marshall Islands, Micronesia, and Palau.

**DEPARTMENT OF COMMERCE**

<http://commerce.gov>

**International Trade Administration** <http://trade.gov>

The International Trade Administration (ITA) strengthens the competitiveness of U.S. industry, promotes trade and investment, and ensures fair trade through the rigorous enforcement of our trade laws and agreements. ITA works to improve the global business environment and helps U.S. organizations compete at home and abroad.

**Economic Development Administration** <http://eda.gov>

The mission of the Economic Development Administration (EDA) is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. EDA's investment policy is designed to establish a foundation for sustainable job growth and the building of durable regional economies throughout the United States. This foundation builds upon two key economic drivers – innovation and regional collaboration. EDA encourages its partners around the nation to develop initiatives that advance new ideas and creative approaches to address rapidly evolving economic conditions.

**U.S. Commercial Service** <http://trade.gov/cs>

As the trade promotion arm of the International Trade Administration, the U.S. Commercial Service (CS) helps thousands of companies – more than 85 percent of which are small and medium-sized businesses – export goods and services worth billions of dollars every year. The CS global network of trade professionals located throughout the United States and around the world provides U.S. companies with the market intelligence, trade counseling,

business matchmaking, and commercial diplomacy they need to succeed in international markets.

**Hawaii U.S. Export Assistance Center** <http://export.gov/hawaii> The Hawaii U.S. Export Assistance Center, part of the CS international network of global professionals, serves the diverse and multi-cultural trade community in Hawaii and the U.S. Pacific Territories Islands. Its international trade specialists help to identify and evaluate international partners, create market entry strategies, navigate international documentation challenges, and understand other export-related issues.

**National Oceanic and Atmospheric Administration** <http://noaa.gov>

The National Oceanic and Atmospheric Administration (NOAA) is the nation's premier earth science agency. NOAA's mission is to describe and predict changes in the earth's environment and to conserve and manage the nation's coastal and marine resources. NOAA comprises six major organizations: (1) National Weather Service, (2) National Marine Fisheries Service, (3) National Ocean Service, (4) National Environmental Satellite, Data, and Information Service, (5) Office of Oceanic and Atmospheric Research, and (6) Office of Marine and Aviation Operations.

**National Weather Service** <http://weather.gov> The National Weather Service (NWS) provides weather, water, and climate data, forecasts, and warnings for the protection of life and property and enhancement of the national economy. The NWS Pacific Region Headquarters in Honolulu includes the Honolulu Weather Forecast Office, Central Pacific Hurricane Center (collocated with the Honolulu Weather Forecast Office), Pacific Tsunami Warning Center at Ewa Beach, Oahu, and the International Tsunami Information Center (collocated with the Pacific Region Headquarters).

**National Marine Fisheries Service** <http://www.nmfs.noaa.gov> The National Marine Fisheries Service (NMFS) is responsible for the stewardship of the nation's living marine resources and their habitats, and for the management, conservation, and protection of living marine resources within the U.S. Exclusive Economic Zone (waters three to 200 miles offshore). It assesses and predicts the status of fish stocks, ensures compliance with fisheries regulations, and works to reduce wasteful fishing practices. NMFS recovers protected marine species (i.e., whales, turtles) without unnecessarily impeding economic and recreational opportunities.

**National Ocean Service** <http://oceanservice.noaa.gov>

**Office of National Marine Sanctuaries** <http://oceanservice.noaa.gov/programs/nmsp>

In the United States, where over half the population lives along the coast and more than 78 percent of the country's overseas trade by volume comes and goes along its marine highways, the health of its coasts is intricately connected to the health of the nation's economy. The National Ocean Service is the nation's ocean and coastal agency.

The mission of the Office of National Marine Sanctuaries, under the National Ocean Service, is to serve as the trustee for the nation's system of marine protected areas, to conserve, protect, and enhance their biodiversity, ecological integrity, and cultural legacy. In the Pacific Islands Region, it oversees the Hawaiian Islands Humpback Whale National Marine Sanctuary and the Papahānaumokuākea Marine National Monument, the latter of which is co-managed with the State of Hawaii and the U.S. Fish and Wildlife Service and includes the Mokupapapa Discovery Center for Hawaii's Remote Coral Reefs.

**Western Pacific Fishery Management Council** <http://wpcouncil.org>

The Western Pacific Fishery Management Council is the policy-making organization for the management of fisheries in the U.S. Exclusive Economic Zone around American Samoa, Guam, Hawaii, Northern Mariana Islands, and other U.S. possessions in the Pacific, an area of nearly 1.5 million square miles. The Western Pacific Council is one of eight regional fishery management councils established to prevent overfishing, minimize bycatch, and protect fish stocks and habitat. Council decisions are based on the best available scientific information provided largely by the Pacific Islands Fisheries Science Center and the Pelagic Fisheries Research Program at the University of Hawaii-Manoa, and are transmitted to the Secretary of Commerce for approval.

**DEPARTMENT OF DEFENSE**

<http://defense.gov>

**U.S. Pacific Command** <http://www.pacom.mil>

U.S. Pacific Command (USPACOM), established on January 1, 1947, is the oldest and largest of the six unified combatant commands of the U.S. armed forces. USPACOM's area of responsibility, the Asia-Pacific region, encompasses approximately half the earth's surface, from the waters off the west coast of the United States to the western border of India, and from the Arctic to Antarctica. The 36 nations that comprise the region are home to more than half the world's population, including the most populous nation in the world, the largest democracy, the largest Muslim-majority nation, and five nations allied with the U.S. through mutual defense treaties. By any meaningful measure, the Asia-Pacific region is also the most militarized in the world, with seven of the world's ten largest standing militaries and five of the world's declared nuclear nations. USPACOM has four subordinate unified commands: U.S. Forces Korea, U.S. Forces Japan, Alaska Command, and Special Operations Command, Pacific. It is supported by four component commands: Pacific Air Forces, U.S. Army Pacific, U.S. Pacific Fleet, and U.S. Marine Forces, Pacific. U.S. military and civilian personnel assigned to USPACOM number about 330,000, or about one-fifth of total U.S. military strength. USPACOM is headquartered at Camp H.M. Smith.

**Pacific Air Forces** <http://www.pacaf.af.mil>

Pacific Air Forces (PACAF) is the Air Force component of USPACOM. Its primary mission is to provide ready air and space power to promote U.S. interests in the Asia-Pacific region. Its three numbered air forces operate in Japan, Korea, and Alaska. PACAF is comprised of approximately 43,000 airmen and more than 435 aircraft. PACAF is headquartered at Joint Base Pearl Harbor-Hickam.

**U.S. Army Pacific**

<http://www.army.mil/info/organization/unitsandcommands/commandstructure/usarpac>

U.S. Army Pacific (USARPAC), is the Army component of USPACOM. USARPAC commands Army forces in the Asia-Pacific region from the U.S. Northwest Coast and Alaska to Japan, with approximately 80,000 soldiers. USARPAC is engaged throughout the Asia-Pacific region providing trained and ready active and reserve combat forces and playing a key role in USPACOM theater security programs. The 196th Infantry Brigade provides training support to National Guard and Army Reserve forces in Alaska, Hawaii, Guam, and American Samoa, as well as humanitarian assistance, disaster relief, and military support to civil authorities. USARPAC is headquartered at Fort Shafter.

**U.S. Pacific Fleet** <http://www.cpf.navy.mil>

U.S. Pacific Fleet (PACFLT) is the world's largest naval command. PACFLT consists of approximately 200 ships and submarines, nearly 1,100 aircraft, and more than 140,000 sailors and civilians. Under the current organization and command structure, PACFLT staff reports administratively to the Chief of Naval Operations and operationally to USPACOM. Commands that fall directly under PACFLT include "type" commands for surface ships, submarines, and aircraft as well as Navy construction. Operational commands that report directly to PACFLT Fleet include Third Fleet in the Eastern Pacific and Seventh Fleet in the Western Pacific and Indian Ocean. PACFLT is headquartered at Pearl Harbor Naval Base.

**U.S. Marine Corps Forces, Pacific** <http://www.marforpac.marines.mil>

U.S. Marine Corps Forces, Pacific (MARFORPAC), is the Marine Corps component of USPACOM. It is the largest field command in the U.S. Marine Corps with approximately 86,000 marines and sailors. MARFORPAC is comprised of two of the Corps' three Marine Expeditionary Forces (MEFs), I MEF and III MEF, which are Marine Air Ground Task Forces, each having a command element, ground combat element, aviation combat element, and logistics combat element. MARFORPAC is headquartered at Camp H.M. Smith.



**National Guard Bureau** <http://www.nationalguard.mil>

The National Guard Bureau oversees, on behalf of the Departments of the Army and the Air Force, the formulation, development, and coordination of all programs, policies, concepts, and plans pertaining to the Army and Air National Guards of the United States. The primary presence of the National Guard Bureau in Hawaii is through the U.S. Property and Fiscal Office, which, among other functions: (1) receives and accounts for all funds and property of the United States possessed by the Hawaii National Guard; (2) ensures that federal funds are obligated and expended in conformance with applicable statutes and regulations; (3) ensures that federal property is maintained and utilized in accordance with National Guard Bureau directives; (4) manages the federal logistics systems for Hawaii; and (5) provides the support necessary for the transition of mobilized units to active duty status.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

<http://hhs.gov>

**Food and Drug Administration** <http://www.fda.gov>

The Food and Drug Administration (FDA) is responsible for protecting public health by assuring the safety, efficacy, and security of human and veterinary drugs, biological products, medical devices, the nation's food supply, cosmetics, and products that emit radiation.

The FDA is also responsible for advancing public health by helping to speed innovations that make medicines more effective, safer, and more affordable and by helping the public obtain the accurate, science-based information they need to use medicines and foods to maintain and improve their health. The FDA also regulates the manufacturing, marketing, and distribution of tobacco products to protect public health and to reduce tobacco use by minors.

The FDA plays a significant role in the nation's counterterrorism capability. FDA fulfills this responsibility by ensuring the security of the food supply and by fostering development of medical products to respond to deliberate and naturally emerging public health threats.

**Centers for Disease Control and Prevention** <http://cdc.gov>

The mission of the Centers for Disease Control and Prevention (CDC) is collaborating to create the expertise, information, and tools that people and communities need to protect their health – through health promotion, prevention of disease, injury, and disability, and preparedness for new health threats. The CDC seeks to accomplish its mission by working with partners throughout the nation and the world to monitor health, detect and investigate health problems, conduct research to enhance prevention, develop and advocate sound public health policies, implement prevention strategies, promote healthy behaviors, foster safe and healthful environments, and provide leadership and training.



**DEPARTMENT OF HOMELAND SECURITY**

<http://dhs.gov>

**U.S. Citizenship and Immigration Services** <http://uscis.gov>

On March 1, 2003, U.S. Citizenship and Immigration Services (USCIS) officially assumed responsibility for the immigration service functions of the federal government. The Homeland Security Act of 2002<sup>1</sup> dismantled the former Immigration and Naturalization Service (INS) and separated the former agency into three components within the Department of Homeland Security (DHS): USCIS, Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CPB). USCIS is the government agency that oversees lawful immigration to the United States.

USCIS was formed to enhance the security of national immigration services by focusing on the administration of benefit applications. It secures America's promise as a nation of immigrants by providing accurate and useful information to its customers, granting immigration and citizenship benefits, promoting an awareness and understanding of citizenship, and ensuring the integrity of the immigration system.

**U.S. Immigration and Customs Enforcement** <http://www.ice.gov>

Established in 2003, U.S. Immigration and Customs Enforcement (ICE) is the largest investigative branch of DHS. ICE was created after 9/11, by combining the law enforcement arms of the former Immigration and Naturalization Service (INS) and the former U.S. Customs Service, to more effectively enforce immigration and customs laws and to protect the United States against terrorist attacks. ICE does this by targeting illegal immigrants: the people, money, and materials that support terrorism and other criminal activities. ICE is a key component of the DHS "layered defense" approach to protecting the nation.

**U.S. Customs and Border Protection** <http://cbp.gov>

U.S. Customs and Border Protection (CBP) is one of the largest and most complex components of DHS, with a priority mission of keeping terrorists and their weapons out of the United States. It is also responsible for securing the border and facilitating lawful international trade and travel while enforcing hundreds of U.S. laws and regulations, including immigration and drug laws. The uniformed men and women of CBP make up the largest law enforcement organization in the nation. In 2011 CBP safely welcomed more than 300 million people into the U.S., continuing America's tradition of being a welcoming country while also preventing dangerous individuals from entering. CBP performs two crucial roles in facilitating trade to and from the U.S. and around the globe: securing it from acts of terrorism and assuring that goods arriving in the U.S. are legitimate and that appropriate duties and fees are paid.

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<sup>1</sup> See P.L. 107-296, Title IV, section 451; 6 U.S.C. 271 et seq.

**Federal Emergency Management Agency** <http://fema.gov>

The mission of the Federal Emergency Management Agency (FEMA) is to reduce the loss of life and property and protect communities nationwide from all hazards, including natural disasters, acts of terrorism, and other man-made disasters. FEMA leads and supports the nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.

**U.S. Coast Guard District 14** <http://uscg.mil/d14>

The U.S. Coast Guard's 14<sup>th</sup> District commands 29 operational units ashore and afloat throughout the Pacific Ocean that regularly perform missions in maritime safety, maritime mobility, protection of natural resources, maritime security, homeland security, and national defense. The 14<sup>th</sup> District's search and rescue area of responsibility covers nearly 12.2 million square miles of the Central Pacific Ocean, an area more than two and a half times larger than the continental United States. It ensures the safety and full economic availability of Hawaii's ports, regulates access to vessels and waterfront facilities, enforces laws governing the security of ports and anchorages, and supervises the handling of dangerous cargo. The District's prevention programs for commercial vessel safety minimize loss of life, property damage, and personal injuries sustained in commercial, scientific, or exploratory activity in the marine environment.

The 14<sup>th</sup> Coast Guard District also enforces federal laws on the high seas and navigable waters of the U.S. and its possessions, including illegal alien and drug interdiction, and protection of living marine resources. It maintains aids to navigation such as buoys and harbor entrance day boards. It manages a maritime environmental protection program aimed at preventing, detecting, and controlling pollution on Hawaii's navigable waters and also administers a boating safety program, through the Coast Guard Auxiliary, aimed at making the operation of small craft pleasurable and safe. The Coast Guard Auxiliary also assists the Coast Guard in many missions and provides extensive boating safety educational courses for the boating public.

The 14<sup>th</sup> District Commander is also the Coast Guard Pacific Area's Deputy Commander for East Asia-Pacific Engagement and fosters working relationships and partnerships with similar sea-going services of other Pacific Rim countries (such as Australia, New Zealand, South Korea, China, and Japan). A Coast Guard admiral also serves as Director, Joint Interagency Task Force West, USPACOM's executive agent for planning and conducting counter-drug strategy in an area of operations covering more than 105 million square miles.

**U.S. Secret Service** <http://www.secretservice.gov>

The mission of the U.S. Secret Service is to safeguard the nation's financial infrastructure and payment systems to preserve the integrity of the economy, and to protect national leaders, visiting heads of state and government, designated sites, and national special security events.

**Transportation Security Administration** <http://www.tsa.gov>

The Transportation Security Administration (TSA) was established on November 19, 2001, as part of the Aviation and Transportation Security Act.<sup>2</sup> The agency was created after 9/11 as a single federal agency that would better protect air travel. The mission of TSA is to protect the nation's transportation systems to ensure freedom of movement for people and commerce through personnel, processes, and technology.

Although the majority of the TSA focus is on aviation security with requirements to screen all passengers, checked baggage, and carry-on baggage at the nation's 446 airports and ensure that air carriers are in compliance with security guidelines, the agency is also responsible for overseeing the security requirements for highways, rail, bus, mass transit systems, pipelines, and ports and harbors.

TSA uses a multi-layered security approach that includes but is not limited to: transportation security officers, behavior detection officers, transportation security inspectors, transportation security specialist–explosives, visible intermodal prevention and response teams, federal air marshals, and K-9 teams.

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

<http://hud.gov>

The Department of Housing and Urban Development (HUD) is the federal agency responsible for national policy and programs that address America's housing needs, work to improve and develop the nation's communities, and enforce the fair housing laws. HUD strives to provide quality affordable housing for all with housing assistance for families, resources to communities to create housing and spur economic development, and support for homeownership for lower- and moderate-income families through its Federal Housing Administration (FHA) mortgage insurance program. HUD helps a variety of constituencies with both competitive and noncompetitive formula-based grant programs, including providing housing opportunities for persons with AIDS, persons with disabilities, and the elderly.

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<sup>2</sup> See P.L. 107-71; 49 U.S.C. 40101 et seq.

## DEPARTMENT OF THE INTERIOR

<http://doi.gov>

**U.S. Fish and Wildlife Service** <http://fws.gov>

**Pacific Islands Fish and Wildlife Office** <http://fws.gov/pacificislands>

The mission of the U.S. Fish and Wildlife Service (FWS) is to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people.

The Pacific Islands Fish and Wildlife Office is an Ecological Services office headquartered in Honolulu. The Office is divided into three major sections: Endangered Species, Habitat Conservation, and Invasive Species/Marianas Terrestrial. Employees use the best available science and sound managerial techniques to further the Service's mission to conserve, protect, and enhance wildlife and their habitats for the continuing benefit of the American people.

### **Hawaiian and Pacific Islands National Wildlife Refuge Complex**

<http://fws.gov/pacificislandsrefuges>

The Hawaiian and Pacific Islands National Wildlife Refuge Complex Office provides administrative guidance and oversight for 22 refuges. Some of these refuges were set aside primarily to benefit Hawaii's endangered waterbirds, while others provide habitat for Hawaii's rare and unique forest bird species, as well as threatened and endangered plants, and still others protect a coastal home for migratory seabirds. The Hawaiian Islands are home to nine refuges located on Kauai, Maui, Oahu, Molokai, and Hawaii Island. The Complex co-manages the Papahānaumokuākea Marine National Monument along with NOAA and the State of Hawaii. Midway Atoll NWR and Hawaiian Islands NWR are part of the Papahānaumokuākea Marine National Monument.

**U.S. Geological Survey** <http://usgs.gov>

**Pacific Islands Water Science Center** <http://hi.water.usgs.gov>

As the nation's largest water, earth, and biological science and civilian mapping agency, the U.S. Geological Survey (USGS) collects, monitors, analyzes, and provides scientific understanding about natural resource conditions, issues, and problems. The diversity of its scientific expertise enables it to carry out large-scale, multi-disciplinary investigations and provide impartial scientific information.

The Pacific Islands Water Science Center (WSC) is one of 48 Water Science Centers of USGS. The Center's mission is to collect, analyze and disseminate the impartial hydrologic data and information needed to wisely manage water resources for the people of the United States, the State of Hawaii, and other Pacific Islands.

**National Park Service** <http://nps.gov>

**Pacific Islands Support Office** <http://nps.gov/pwro/piso>

The National Park System (NPS) covers more than 84 million acres and is comprised of 398 areas called “units.” These include 124 historical parks or sites, 76 monuments, 58 national parks, 25 battlefields or military parks, 18 preserves, 18 recreation areas, 10 seashores, four parkways, four lakeshores, and two reserves.

The Pacific Islands Support Office of NPS administers in Hawaii the operations and development of two national parks (Hawaii Volcanoes on Hawaii Island and Haleakala on Maui), three national historical parks (Pu’uhonua O Honaunau and Kaloko-Honokohau on Hawaii Island, and Kalaupapa on Molokai), one national historic site (Pu’ukohola Heiau on Hawaii Island), and the Arizona Memorial.

In addition to the seven units of the National Park System in Hawaii, the Office also administers the National Park of American Samoa, the War in the Pacific National Historical Park on Guam, and the American Memorial Park on Saipan, Northern Mariana Islands.

## **DEPARTMENT OF JUSTICE**

<http://justice.gov>

**Bureau of Alcohol, Tobacco, Firearms and Explosives** <http://atf.gov>

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is the law enforcement agency in the Department of Justice that protects communities from violent criminals, criminal organizations, the illegal use and trafficking of firearms, the illegal use and storage of explosives, acts of arson and bombings, acts of terrorism, and the illegal diversion of alcohol and tobacco products.

**Drug Enforcement Administration** <http://justice.gov/dea>

The mission of the Drug Enforcement Administration (DEA) is to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of organizations involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.

**Federal Bureau of Investigation** <http://fbi.gov>

As an intelligence-driven and a threat-focused national security organization with both intelligence and law enforcement responsibilities, the mission of the Federal Bureau of Investigation (FBI) is to protect and defend the United States against terrorist and foreign intelligence threats, uphold and enforce the criminal laws of the United States, and provide leadership and criminal justice services to federal, state, municipal, and international agencies and partners. The FBI focuses on threats that challenge the foundations of American society or involve dangers too large or complex for any local or state authority to handle alone. Its national security priorities encompass terrorism, counterintelligence, and cybercrime. Its criminal priorities include public corruption, civil rights, organized crime, white-collar crime, and violent crime and major thefts.

**Federal Bureau of Prisons** <http://www.bop.gov>

The Federal Bureau of Prisons (BOP) consists of 118 institutions, six regional offices, a Central Office (headquarters), two staff training centers, and 22 residential reentry management offices (previously known as community corrections offices). The regional offices and Central Office provide administrative oversight and support to Bureau facilities and residential reentry management offices, which in turn oversee residential reentry centers and home confinement programs.

BOP is responsible for the custody and care of approximately 219,000 federal offenders. The Bureau protects public safety by ensuring that federal offenders serve their sentences of imprisonment in facilities that are safe, humane, cost-efficient, and appropriately secure. The Bureau helps reduce the potential for future criminal activity by encouraging inmates to participate in a range of programs that have been proven to reduce recidivism. Approximately 38,000 BOP employees ensure the security of federal prisons, provide inmates with needed programs and services, and model mainstream values.

**Federal Detention Center** <http://www.bop.gov/locations/institutions/hon/> The Federal Detention Center (FDC) in Honolulu is an administrative facility housing male and female inmates. The 12-story Center, designed to hold 670 inmates, opened in July 2001. Inmates include defendants awaiting trial in the U.S. District Court in Hawaii and sentenced inmates from Hawaii who have nearly completed their prison terms in federal facilities on the mainland. The FDC is located adjacent to Honolulu International Airport.

**Executive Office for Immigration Review** <http://justice.gov/eoir>  
**Immigration Court, Honolulu** <http://www.justice.gov/eoir/sibpages/hon/honmain.htm>

The primary mission of the Executive Office for Immigration Review (EOIR) is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the nation's immigration laws. Under delegated authority from the Attorney General, EOIR conducts Immigration Court proceedings, appellate reviews, and administrative

hearings. EOIR primarily decides whether foreign-born individuals, who are charged by the Department of Homeland Security with violating immigration law, should be ordered removed from the United States or be granted relief or protection from removal and be permitted to remain in this country. There are two Immigration Court judges in Honolulu.

**U.S. Attorneys' Offices** <http://justice.gov/usao>

**U.S. Attorney's Office, District of Hawaii** <http://www.justice.gov/usao/hi/>

United States Attorneys are the chief federal law enforcement officers in their districts, responsible for federal criminal prosecutions and civil cases involving the U.S. government. They serve as the nation's principal litigators under the direction of the Attorney General. U.S. Attorneys conduct most of the trial work in which the United States is a party. Their statutory responsibilities, under 28 U.S.C. 547, include: the prosecution of all offenses against the United States; the prosecution or defense of all civil actions in which the United States is a party; and the collection of debts incurred for violation of any revenue law.

**U.S. Marshals Service, District of Hawaii** <http://usmarshals.gov/district/hi>

The U.S. Marshals Service is responsible for a variety of administrative and law enforcement duties that facilitate the administration of the federal judicial process in Hawaii. The responsibilities of the Service include: the preservation of order in the federal courts; execution of all lawful writs, processes, and orders that are issued under authority of the courts; transportation and commitment of federal prisoners; and protection of witnesses to organized crime. The Service also performs special assignments at the direction of the Attorney General of the United States.

## DEPARTMENT OF LABOR

<http://dol.gov>

**Employment and Training Administration** <http://doleta.gov>

The Employment and Training Administration (ETA) administers federal government job training and worker dislocation programs, federal grants to states for public employment service programs, and unemployment insurance benefits. These services are primarily provided through state and local workforce development systems.

**Office of Apprenticeship** <http://doleta.gov/OA> The Registered Apprenticeship system is a unique, flexible training system that combines job-related technical instruction with structured on-the-job learning experiences. It provides opportunities for workers seeking high-skilled, high-paying jobs and for employers seeking to build a qualified workforce, thus effectively meeting the needs of both employers and workers. Registered Apprenticeship is highly active in traditional industries such as construction and manufacturing, but it is also



instrumental in the training and development of emerging industries such as healthcare, energy, and homeland security.

### ***Reorganization of Employment Standards Administration***

In November 2009, the Employment Standards Administration (ESA) was abolished and the four major program components of ESA – Office of Federal Contract Compliance Programs, Office of Labor Management Standards, Office of Workers' Compensation Programs, and the Wage and Hour Division – became stand-alone programs reporting directly to the Secretary of Labor.

#### **Office of Federal Contract Compliance Programs** <http://dol.gov/ofccp>

The purpose of the Office of Federal Contract Compliance Programs (OFCCP) is to enforce, for the benefit of job seekers and wage earners, the contractual promise of affirmative action and equal employment opportunity required of those who do business with the federal government.

#### **Office of Labor-Management Standards** <http://dol.gov/olms>

The Office of Labor-Management Standards (OLMS) administers and enforces most provisions of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA).<sup>3</sup> LMRDA primarily promotes union democracy and financial integrity in private sector labor unions through standards for union officer elections and union trusteeships and safeguards for union assets. Additionally, LMRDA promotes labor union and labor-management transparency through reporting and disclosure requirements for labor unions and their officials, employers, labor relations consultants, and surety companies.

#### **Office of Workers' Compensation Programs** <http://dol.gov/owcp>

The Office of Workers' Compensation Programs (OWCP) administers four major disability compensation programs that provide wage replacement benefits, medical treatment, vocational rehabilitation, and other benefits to federal workers or their dependents who are injured at work or acquire an occupational disease. The Energy Employees Occupational Illness Compensation Program, Federal Employees' Compensation Program, Longshore and Harbor Workers' Compensation Program, and Black Lung Benefits Program serve the specific employee groups who are covered under the relevant statutes and regulations by mitigating the financial burden resulting from workplace injury.

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<sup>3</sup> See P.L. 86-257; 29 U.S.C. 401 et seq.



**Wage and Hour Division** <http://dol.gov/whd>

The mission of the Wage and Hour Division (WHD) is to promote and achieve compliance with labor standards to protect and enhance the welfare of the nation's workforce. WHD enforces federal minimum wage, overtime pay, record keeping, and child labor requirements of the Fair Labor Standards Act.<sup>4</sup> WHD also enforces the Migrant and Seasonal Agricultural Worker Protection Act, Employee Polygraph Protection Act, Family and Medical Leave Act, wage garnishment provisions of the Consumer Credit Protection Act, and a number of employment standards and worker protections as provided in several immigration-related statutes. Additionally, WHD administers and enforces the prevailing wage requirements of the Davis Bacon Act and Service Contract Act and other statutes applicable to federal contracts for construction and for the provision of goods and services.

**Occupational Safety and Health Administration** <http://osha.gov>

With the Occupational Safety and Health Act of 1970<sup>5</sup> (OSH Act), Congress created the Occupational Health and Safety Administration (OSHA) to assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education, and assistance. The OSH Act covers employers and their employees either directly through federal OSHA or through an OSHA-approved state program. State programs must meet or exceed federal OSHA standards for workplace safety and health.

**Veterans' Employment and Training Service** <http://dol.gov/vets>

The Veterans' Employment and Training Service (VETS) serves veterans and service members to provide resources and expertise to assist and prepare them to obtain meaningful careers, maximize employment opportunities, and protect employment rights. VETS enforces the Uniformed Services Employment and Reemployment Rights Act of 1994<sup>6</sup> (USERRA) that protects employment rights and ensures the reemployment of veterans, reservists, and National Guard members after a period of active service and prohibits employment discrimination because of past, current, or future military obligations. It covers all employers, regardless of size, in the public and private sectors.

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<sup>4</sup> See ch. 676, sec. 1, 52 Stat. 1060 (1938); 29 U.S.C. 201 et seq.

<sup>5</sup> See P.L. 91-596; 29 U.S.C. 651 et seq.

<sup>6</sup> See P.L. 103-353; 38 U.S.C. 4301 et seq.

## DEPARTMENT OF STATE

<http://state.gov>

### **Bureau of Diplomatic Security** <http://state.gov/m/ds>

The Bureau of Diplomatic Security is the security and law enforcement arm of the Department of State dedicated to providing a safe and secure environment for the conduct of U.S. foreign policy. Responsibilities of the Honolulu Resident Office include investigating passport and visa fraud, providing protection for high-ranking foreign dignitaries, protective liaison with foreign consulates, and liaison with the local, state, and federal law enforcement community in Hawaii and U.S. territories in the Pacific.

### **Honolulu Passport Agency** [http://travel.state.gov/passport/npic/agencies/agencies\\_907.html](http://travel.state.gov/passport/npic/agencies/agencies_907.html)

The Honolulu Passport Agency is responsible for the issuance of U.S. passports and for providing information on other related services to U.S. citizens and nationals for purposes of travelling abroad. Applications for tourist passports, military dependent passports, passport cards, amendments, and the addition of blank visa pages from persons in Hawaii, Guam, Saipan, and American Samoa are processed at the Agency in Honolulu. Applications for official and diplomatic passports are accepted locally and then forwarded to Washington, D.C., for processing. The Agency also advises customers on how to obtain Department of State information on conditions abroad that may affect their safety and security.

## DEPARTMENT OF TRANSPORTATION

<http://www.dot.gov>

### **Federal Aviation Administration** <http://www.faa.gov>

The mission of the Federal Aviation Administration (FAA) is to provide the safest, most efficient aerospace system in the world, continually striving to improve the safety and efficiency of flight in this country. Its major roles are: regulating civil aviation to promote safety; encouraging and developing civil aeronautics, including new aviation technology; developing and operating a system of air traffic control and navigation for both civil and military aircraft; researching and developing the National Airspace System and civil aeronautics; developing and carrying out programs to control aircraft noise and other environmental effects of civil aviation; and regulating U.S. commercial space transportation.

### **Federal Highway Administration** <http://www.fhwa.dot.gov>

The Federal Highway Administration (FHWA) is concerned with highway transportation and facilities. Its duties include the administration of federal-aid highway programs of financial assistance to the states for highway construction; development and administration of highway safety programs; administration of the transportation enhancement program; promotion of new

technologies; provisions for intermodal planning and connections; provisions for relocation assistance to persons displaced by highway construction; and encouragement of the joint use and development of highway corridors.

**Federal Motor Carrier Safety Administration** <http://fmcsa.dot.gov>

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA) is to prevent commercial motor vehicle-related fatalities and injuries. FMCSA activities contribute to ensuring safety in motor carrier operations through strong enforcement of safety regulations, targeting high-risk carriers and commercial motor vehicle drivers, improving safety information systems and commercial motor vehicle technologies, strengthening commercial motor vehicle equipment and operating standards, and increasing safety awareness. To accomplish these activities, FMCSA works with federal, state, and local enforcement agencies, the motor carrier industry, labor safety interest groups, and others.

**DEPARTMENT OF THE TREASURY**

<http://treasury.gov>

**Internal Revenue Service** <http://irs.gov>

The Internal Revenue Service (IRS) is the nation's tax collection agency and administers the Internal Revenue Code enacted by Congress. The mission of the IRS is to provide America's taxpayers the highest quality service by helping them understand and meet their tax responsibilities and by applying the tax law with integrity and fairness.

**DEPARTMENT OF VETERANS AFFAIRS**

<http://va.gov>

**Veterans Benefits Administration - Honolulu Regional Office**

<http://www.vba.va.gov/ro/honolulu>

The Honolulu Regional Office of the Department of Veterans Affairs (VA) is responsible for delivering non-medical VA benefits and services to 116,200 veterans and their families. This is accomplished through the administration of comprehensive and diverse benefit programs established by Congress. Its goal is to deliver these benefits and services in a timely, accurate, and compassionate manner.

The Honolulu Regional Office serves the veteran population in Hawaii and the Pacific Basin. This covers a vast geographic area of approximately 4.6 million square miles, including Hawaii, Guam, American Samoa, and Northern Mariana Islands.

Benefits and services administered by the VA Regional Office include: disability compensation, including death compensation benefits to eligible survivors; disability and death

pensions for veterans and their dependents; vocational rehabilitation and employment assistance; loan guaranty and Native American direct home loans; special benefits for the disabled; outreach; and burial benefits.

**VA Pacific Islands Health Care System** <http://www.hawaii.va.gov>

The VA Pacific Islands Health Care System (VAPIHCS) Honolulu provides a broad range of medical care services, serving an estimated 127,600 veterans throughout Hawaii and the Pacific Islands. VAPIHCS provides outpatient medical and mental health care through a main Ambulatory Care Clinic on Oahu (Honolulu) and five community-based outpatient clinics (CBOCs) on Hawaii Island (Hilo and Kona), Maui, Kauai, and Guam. Traveling clinicians also provide episodic care on Lanai and American Samoa. A fee-basis internist residing on Molokai provides medical care eight hours per week at the Molokai Rural Health Center. Mental health care is provided by traveling clinicians from the Maui CBOC. Long-term and transitional rehabilitative care services are provided by the VA's 60-bed Center for Aging on the Tripler Army Medical Center grounds.

**National Memorial Cemetery of the Pacific** <http://www.cem.va.gov/cems/nchp/nmcp.asp>

The National Memorial Cemetery of the Pacific provides burial with dignity and honor to America's veterans who were honorably discharged from the U.S. military and their eligible dependents. The Cemetery was opened to the public on July 19, 1949. It is maintained as a national shrine that evokes, for the next of kin, families, and visitors, a sense of patriotism and history regarding the service and sacrifice of the American citizen soldier.

**CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

<http://nationalservice.gov>

The Corporation for National and Community Service (CNCS) each year engages more than five million Americans of all ages and backgrounds to help meet local needs through a wide array of service opportunities. These include projects in six priority areas: disaster services, economic opportunity, education, environmental stewardship, healthy futures, and veterans and military families through CNCS's core programs: AmeriCorps, Senior Corps, and the Social Innovation Fund. The mission of CNCS is to improve lives, strengthen communities, and foster civic engagement through service and volunteering.

## **ENVIRONMENTAL PROTECTION AGENCY**

<http://epa.gov>

In the wake of elevated concern about environmental pollution, the Environmental Protection Agency (EPA) was established in 1970 to consolidate in one agency a variety of federal research, monitoring, standard-setting and enforcement activities to ensure environmental protection. Since its inception, EPA has been working for a cleaner, healthier environment for the American people. The mission of EPA is to protect human health and the environment. Among its aims, EPA seeks to ensure that: Americans are protected from significant risks to human health and the environment where they live, learn and work; national efforts to reduce environmental risk are based on the best available scientific information; federal laws protecting human health and the environment are enforced fairly and effectively; and environmental protection is an integral consideration in U.S. policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade, and these factors are similarly considered in establishing environmental policy.

## **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

<http://eoc.gov>

The Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, or genetic information. It is also illegal to discriminate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Most employers with at least 15 employees are covered by EEOC laws (20 employees in age discrimination cases). Most labor unions and employment agencies are also covered. The laws apply to all types of work situations, including hiring, firing, promotions, harassment, training, wages, and benefits.

## **FEDERAL MEDIATION AND CONCILIATION SERVICE**

<http://fmcs.gov>

The Federal Mediation and Conciliation Service (FMCS) is an independent agency whose mission is to preserve and promote labor-management peace and cooperation. Headquartered in Washington, D.C., with two regional offices and more than 70 field offices, FMCS provides mediation and conflict resolution services to industry, government agencies, and communities.

## GENERAL SERVICES ADMINISTRATION

<http://gsa.gov>

The General Services Administration (GSA) is a federal procurement, property management, policy agency enacted by Congress to improve efficiency in government. GSA provides innovative solutions for federal, state, and local governments in support of their missions and, by so doing, fosters an effective, sustainable, and transparent government for the American people.

### **Public Buildings Service** <http://gsa.gov/portal/content/104444>

The Public Buildings Service (PBS) is the largest public real estate organization in the United States with an inventory of over 374 million square feet of work space for 1.1 million federal employees in 2,100 American communities. PBS is responsible for the design, construction, leasing, management, and maintenance of most federally controlled buildings in the United States. It is a leader in energy conservation, building green, and recycling. PBS also preserves and maintains more than four hundred historic properties in the federal government's inventory.

The Honolulu Property Management Office, located in the Prince Jonah Kuhio Kalaniana'ole Federal Building, manages a real property portfolio of 61 buildings, representing 1.8 million square feet of owned and leased space. The office spaces of the Honolulu portfolio are located in Hawaii, Guam, Saipan, Northern Mariana Islands, and American Samoa.

## HONOLULU-PACIFIC FEDERAL EXECUTIVE BOARD

<http://honolulu-pacific.feb.gov>

The Honolulu-Pacific Federal Executive Board (FEB), like executive boards in other jurisdictions, is a concept introduced by former President John F. Kennedy and is directed toward achieving greater unity of purpose and a better focus on the federal government's efforts to effectively serve its citizens. The Board is composed of principal representatives of each federal agency in the State who meet to improve interagency communication and coordination between their respective agencies. Members of the Board also establish communication between the Board and Washington so as to keep informed of national programs which have presidential interest and to secure support for local activities from high levels of government. FEB provides the context and contact by which resources can be shared and joint federal initiatives can be implemented on a broader scale and thereby made more effective.

## **NATIONAL LABOR RELATIONS BOARD**

<http://nlrb.gov>

The National Labor Relations Board (NLRB) is an independent federal agency vested with the power to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative. The agency also acts to prevent and remedy unfair labor practices committed by private sector employers and unions. It conducts elections, investigates charges, facilitates settlements, decides cases, and enforces orders.

## **OFFICE OF PERSONNEL MANAGEMENT**

<http://opm.gov>

The Office of Personnel Management (OPM) is responsible for the administration of the merit-based federal personnel system. OPM's responsibilities include recruitment and staffing operations; program evaluation and training; leadership in affirmative action and labor relations; and the administration of the federal employee retirement and insurance programs.

## **SMALL BUSINESS ADMINISTRATION**

<http://sba.gov>

The Small Business Administration (SBA) is an independent agency that aids, counsels, assists, and protects the interests of small business concerns, preserves free competitive enterprise, and maintains and strengthens the overall economy of the nation. It recognizes that small business is critical to America's economic recovery and strength, building its future, and helping it compete in the global marketplace. SBA helps Americans start, build, and grow businesses through an extensive network of field offices and partnerships with public and private organizations.

## **SOCIAL SECURITY ADMINISTRATION**

<http://ssa.gov>

The Social Security Administration assists applicants in filing claims for benefits under Social Security's retirement, survivors, disability, and Medicare insurance programs, and for Supplemental Security Income benefits for the needy aged, blind, and disabled. The Social Security Administration also provides for and administers appeals and reviews of its operations and decisions.

## U.S. POSTAL SERVICE

<https://usps.com>

A self-supporting government enterprise, the U.S. Postal Service (USPS) is the only delivery service that reaches every address in the nation – 151 million residences, businesses, and post office boxes. USPS receives no tax dollars for operating expenses and relies on the sale of postage, products, and services to fund its operations. With 32,000 retail locations and the most frequently visited website in the federal government, *USPS.com*, USPS has annual revenues of more than \$65 billion and delivers nearly 40 percent of the world's mail.

The USPS Honolulu District processes and delivers mail to customers at more than 600,000 homes, businesses, and post office boxes in a 7,273 square-mile geographic area that encompasses Hawaii, Guam, Saipan, Northern Mariana Islands, and American Samoa.

The Postal Inspection Service Office in Honolulu is responsible for supporting and protecting USPS and its employees, infrastructure, and customers; enforcing the laws that defend the nation's mail system from illegal or dangerous use; and ensuring public trust in the mail.

## UNITED STATES COURTS

<http://uscourts.gov>

### U.S. Court of Appeals – Ninth Circuit <http://www.ca9.uscourts.gov>

U.S. Courts of Appeals are intermediate appellate courts of the federal court system, immediately below the U.S. Supreme Court. The 94 federal judicial districts are organized into 12 regional circuits, each of which has a U.S. Court of Appeals that hears appeals of cases from the district courts located within its circuit, as well as appeals from decisions of federal administrative agencies.

Hawaii is one of nine states in the Ninth Circuit, together with Alaska, Arizona, California, Idaho, Montana, Nevada, Oregon, and Washington.

### U.S. District Courts

<http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/DistrictCourts.aspx>

### U.S. District Court, District of Hawaii <http://www.hid.uscourts.gov>

U.S. District Courts are the trial courts of the federal court system. Within limits set by Congress and the Constitution, the district courts have jurisdiction to hear nearly all categories of federal cases, including both civil and criminal matters. The 94 judicial districts include at least one district in each state, the District of Columbia, and Puerto Rico. Hawaii has one District Court with four District Judges. In addition, as allowed under federal law, there are federal judges called Senior Judges who are assigned a reduced caseload.



**U.S. Bankruptcy Courts**

<http://www.uscourts.gov/FederalCourts/Bankruptcy.aspx>

**U.S. Bankruptcy Court, District of Hawaii** <http://www.hib.uscourts.gov/>

Each of the 94 federal judicial districts handles bankruptcy matters, and in almost all districts, bankruptcy cases are filed in Bankruptcy Court. Bankruptcy cases cannot be filed in state court. Bankruptcy laws help people who can no longer pay their creditors get a fresh start by liquidating their assets to pay their debts, or by creating a repayment plan. Bankruptcy laws also protect troubled businesses and provide for orderly distributions to business creditors through reorganization or liquidation. These procedures are covered under Title 11 of the U.S. Code (Bankruptcy Code). The vast majority of cases are filed under the three main chapters of the Bankruptcy Code, Chapters 7, 11, and 13.

**Federal Public Defenders**

Pursuant to 18 U.S.C. 3006A, each U.S. District Court, with the approval of the judicial council of the circuit, places in operation throughout the district a plan for furnishing representation for any person financially unable to obtain adequate representation. Representation includes counsel and investigative, expert, and other services necessary for adequate representation. A district or a part of a district in which at least 200 persons annually require the appointment of counsel may establish a Federal Public Defender Organization or Community Defender Organization, or both.

# INDEX

## Acronyms for State and Local Entities

AG	Dept. of the Attorney General	DLNR	Dept. of Land and Natural Resources
AGR	Dept. of Agriculture	DOD	Dept. of Defense
B&F	Dept. of Budget and Finance	DOE	Dept. of Education
C&C	City and County of Honolulu	DOH	Dept. of Health
DAGS	Dept. of Accounting and General Services	DOT	Dept. of Transportation
DBEDT	Dept. of Business, Economic Development and Tourism	GOV	Governor
DCCA	Dept. of Commerce and Consumer Affairs	JUD	Judiciary
DHHL	Dept. of Hawaiian Home Lands	LSA	Legislative Service Agencies
DHRD	Dept. of Human Resources Development	LEG	Legislature
DHS	Dept. of Human Services	LG	Lieutenant Governor
DLIR	Dept. of Labor and Industrial Relations	LRB	Legislative Reference Bureau
		PSD	Dept. of Public Safety
		TAX	Dept. of Taxation
		UH	University of Hawaii

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