

# HAWAII REVISED STATUTES

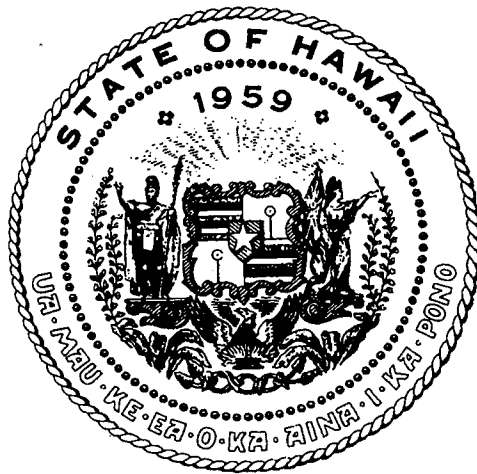
COMPRISING THE STATUTES  
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TITLES 1-5, CHAPTERS 1-42F



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## CHAPTER 26 EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS

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**PART I. ORGANIZATION, GENERALLY**

**§26-1 Office of the lieutenant governor.** (a) Except as otherwise provided by law, the lieutenant governor is designated the secretary of state for intergovernmental relations and shall perform the duties and functions heretofore exercised by the secretary of Hawaii. The duties and functions shall include, but not be 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. The lieutenant governor may employ staff as necessary without regard to chapter 76.

(b) The lieutenant governor, with the approval of the governor, may designate some other officer of the government of the State to authenticate documents on behalf of the lieutenant governor during the lieutenant governor's temporary absence outside the State or during the lieutenant governor's illness whenever the documents require the signature of the lieutenant governor. The person shall affix the person's own signature to the document with the words, "for the lieutenant governor" following and the signature shall be deemed to satisfy the requirement of the lieutenant governor's signature on the document. The designation and approval shall be in writing and shall be filed in the office of the governor and a copy thereof, certified by the governor, shall be filed with the public archives. The person so designated shall serve without additional compensation and the lieutenant governor shall be responsible and liable on the lieutenant governor's official bond for all acts done by the person so designated in the performance of the duties on behalf of the lieutenant governor.

(c) Nothing in this section shall be construed to authorize the person to exercise and discharge the powers and duties of the office of the governor as provided by the first paragraph of Article V, section 4, of the Constitution of the State. The person shall not be authorized to exercise any powers whenever a successor to the lieutenant governor assumes the duties of the lieutenant governor pursuant to Article V, section 4, of the Constitution.

(d) In addition to the functions and duties provided by law, the lieutenant governor shall assume administrative responsibility for the office of information practices.

(e) The governor shall identify and direct other duties as necessary to the lieutenant governor. [L Sp 1959 2d, c 1, §9; am L 1963, c 30, §1; am L 1965, c 96,

§10; Supp, §14A-8; HRS §26-1; am L 1981, c 82, §5; gen ch 1985; am L 1987, c 213, §1; am L 1995, c 151, §2; am L Sp 1995, c 27, §§9, 15; am L 1998, c 137, §3; am L 1999, c 141, §3; am L 2000, c 253, §150; am L 2005, c 147, §1]

**§26-2 Order of succession to offices of governor and lieutenant governor.**

(a) When the office of lieutenant governor is vacant by reason of the lieutenant governor's becoming governor, or the lieutenant governor's failure to qualify, or the lieutenant governor's removal from office, death, resignation, or otherwise, the powers and duties of the office of lieutenant governor shall devolve upon the president of the senate; or, if there is none or upon the president's failure to resign promptly from all legislative offices held by the president, then upon the speaker of the house of representatives; or if there is none or upon the speaker's failure to resign promptly from all legislative offices held by the speaker, then upon the attorney general, the director of finance, the comptroller, the director of taxation, and the director of human resources development in the order named; provided that any officer upon whom the powers and duties of the office of lieutenant governor devolve may decline the powers and duties without the officer's resignation from the office by virtue of the holding of which the officer qualifies to act as lieutenant governor, in which event the powers and duties will devolve upon the next officer listed in the order of succession.

(b) When the lieutenant governor is temporarily absent from the State or is temporarily disabled, the powers and duties of the office of the lieutenant governor shall devolve upon the foregoing officers, other than the president of the senate and the speaker of the house, in the order named.

(c) The powers and duties of any officer acting as lieutenant governor under this section shall include the powers and duties of the office of governor when that office is vacant, or when the governor is absent from the State or is unable to exercise and discharge the powers and duties of the governor's office, in addition to the other powers and duties of the lieutenant governor.

No person other than the elected governor or lieutenant governor shall become governor, provision being made by this section only for an acting governor.

(d) An officer succeeding to the powers and duties of the lieutenant governor, under subsection (b) of this section, may designate an officer in the office of the lieutenant governor to perform any or all functions other than those pertaining to the office of governor.

(e) During the period that any officer, under this section is exercising the powers and performing the duties of the office of governor or lieutenant governor by reason of a permanent vacancy therein, and not otherwise, the officer shall receive the compensation and perquisites of the governor or lieutenant governor, as the case may be.

(f) In a case covered by subsection (a), the taking of the oath of office by an officer, other than a legislative officer required to resign under subsection (a), shall be held to constitute the officer's resignation from the office by virtue of the holding of which the officer qualifies to act as lieutenant governor.

(g) No officer shall act as governor or lieutenant governor under subsection (a) or (b) of this section, unless the officer is eligible to the office of governor under the constitution. No officer other than a legislative officer shall act as governor or lieutenant governor under this section unless the officer has been appointed and confirmed prior to the time the powers and duties of the office of governor or of lieutenant governor devolve upon the officer. No officer shall act as governor or lieutenant governor under this section if the officer is under

impeachment at the time the powers and duties of the office of governor or lieutenant governor devolve upon the officer. [L 1965, c 262, §1; Supp, §14A-8.5; HRS §26-2; gen ch 1985; am L 1994, c 56, §21]

#### Case Notes

Section provides order of succession that applies only after respective officers have properly been elected to public office; it does not relieve prospective candidate from compliance with Hawaii constitution, article V, §2 during the qualification and nomination process. 81 H. 230, 915 P.2d 704.

**§26-3 Position of administrative director created.** The governor shall appoint, and may remove, an administrative director, without regard to chapter 76. The administrative director shall be experienced in the operations of government. The administrative director shall assist the governor by gathering and collating information concerning the functioning of the state government, by establishing and maintaining liaison among the several departments, by preparing the agenda for cabinet meetings, by administering management improvement programs, and in such other manner as the governor may direct.

The administrative director shall be a member of the state employees' retirement system and shall be included under the operations of the federal social security program or any other state or federal employee benefit program generally applicable to officers and employees of the State. [L 1959, c 273, §§1, 2; am L 1962, c 28, §24; am L 1965, c 223, §8(a); Supp, §14A-7; HRS §26-3; gen ch 1985; am L 2000, c 253, §150]

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

- (1) Department of human resources development (Section 26-5)
- (2) Department of accounting and general services (Section 26-6)
- (3) Department of the attorney general (Section 26-7)
- (4) Department of budget and finance (Section 26-8)
- (5) Department of commerce and consumer affairs (Section 26-9)
- (6) Department of taxation (Section 26-10)
- (7) University of Hawaii (Section 26-11)
- (8) Department of education (Section 26-12)
- (9) Department of health (Section 26-13)
- (10) Department of human services (Section 26-14)
- (11) Department of land and natural resources (Section 26-15)
- (12) Department of agriculture (Section 26-16)
- (13) Department of Hawaiian home lands (Section 26-17)
- (14) Department of business, economic development, and tourism (Section 26-18)
- (15) Department of transportation (Section 26-19)
- (16) Department of labor and industrial relations (Section 26-20)
- (17) Department of defense (Section 26-21)
- (18) Department of public safety (Section 26-14.6). [L Sp 1959 2d, c 1, §3; am L 1961, c 132, §1(a); am L 1963, c 2, §1 and c 114, §§2, 4; Supp, §14A-1; HRS §26-4; am L 1970, c 105, §4; am L 1982, c 204, §8; am L 1987, c 336, §3(1), c 338, §1(2), and c 339, §2(1); am L 1989, c 211, §§3, 4; am L 1990, c 293, §8; am L 1991, c 293, §§1, 5; am L 1994, c 56, §1]

## Cross References

Hawaii health authority, see chapter 322H.

## Attorney General Opinions

The office of the governor is a constitutional office established by §1 of article V of the state constitution and is not a principal department of the state executive branch listed in this section; thus, any agency that is not temporary and for special purposes cannot be validly placed within the office of the governor. Att. Gen Op. 96-1.

## Case Notes

Administrative agency is not a "person" under Civil Rights Act, 42 USCA §1983. 396 F. Supp. 375.

Presumption of constitutionality applies to policies set by state agencies. 56 H. 601, 546 P.2d 1005.

**§26-5 Department of human resources development.** (a) The department of human resources development shall be headed by a single executive to be known as the director of human resources development.

(b) The department shall administer the state human resources program, including human resources development and training, and central human resources services such as recruitment, examination, classification, pay administration, and payment of any claims as required under chapter 386.

(c) There shall be within the department of human resources development a board to be known as the merit appeals board which shall sit as an appellate body on matters set forth in section 76-14. The board shall consist of three members. All members shall 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 shall consider the names of qualified individuals submitted by employee organizations or management before appointing the members of the board. The chairperson of the board shall be designated as specified in the rules of the board.

(d) The provisions of section 26-34 shall not apply and the board members shall be appointed by the governor for four-year terms and may be re-appointed without limitation; provided that the initial appointments shall be for staggered terms, as determined by the governor. The governor shall fill any vacancy by appointing a new member for a four-year term. The governor may remove for cause any member after due notice and public hearing.

(e) Nothing in this section shall be construed as in any manner affecting the civil service laws applicable to the several counties, the judiciary, or the Hawaii health systems corporation or its regional system boards, which shall remain the same as if this chapter had not been enacted.

(f) There is established in the state treasury the human resources development special fund, to be administered by the department of human resources development, which shall consist of: all revenues received by the department as a result of entrepreneurial efforts in securing new sources of funds not provided for in the department's budget for services rendered by the department, all revenues received by the department from the charging of participant fees for in-service training that are in addition to general fund appropriations in the department's budget for developing and operating in-service training programs, appropriations made by the legislature to the fund, and moneys directed to the department from any other source, including gifts, grants, and awards.

Moneys in the human resources development special fund shall be used for the following purposes:

- (1) Supporting the department's entrepreneurial initiatives, training activities, and programs;
- (2) Administrative costs of the department's entrepreneurial initiatives, training activities, and programs; and
- (3) Any other purpose deemed necessary by the director for the purpose of facilitating the department's entrepreneurial initiatives, training activities, and programs.

(g) The department of human resources development shall submit, no later than twenty days prior to the convening of each regular session [of the legislature] beginning with the regular session of 2007, a report of the number of exempt positions that were converted to civil service positions during the previous twelve months. The report shall include but not be limited to:

- (1) When the position was established;
- (2) The purpose of the position;
- (3) Rationale for the conversion; and
- (4) How many exempt positions remain in each state department after the conversions. [L Sp 1959 2d, c 1, §11; am L 1965, c 206, §1; Supp, §14A-10; HRS §26-5; am L 1969, c 41, §1; gen ch 1985; am L 1994, c 56, §2; am L 2000, c 253, §2; am L 2001, c 123, §9; am L 2006, c 300, §21; am L 2007, c 290, §3]

#### Revision Note

Subsection (g) is codified to this section pursuant to §23G-15.

#### Cross References

Commission on salaries, see §26-56.

**§26-6 Department of accounting and general services.** (a) The department of accounting and general services shall be headed by a single executive to be known as the comptroller.

- (b) The department shall:
  - (1) Preaudit and conduct after-the-fact audits of the financial accounts of all state departments to determine the legality of expenditures and the accuracy of accounts;
  - (2) Report to the governor and to each regular session of the legislature as to the finances of each department of the State;
  - (3) Administer the state risk management program;
  - (4) Establish and manage motor pools;
  - (5) Manage the preservation and disposal of all records of the State;
  - (6) Undertake the program of centralized engineering and office leasing services, including operation and maintenance of public buildings, for departments of the State;
  - (7) Undertake the functions of the state surveyor;
  - (8) Establish accounting and internal control systems;
  - (9) Provide centralized computer information management and processing services, coordination in the use of all information processing equipment, software, facilities, and services in the executive branch of the State, and consultation and support services in the use of information processing and management technologies to improve the effi-

ciency, effectiveness, and productivity of state government programs; and

- (10) Establish, coordinate, and manage a program to provide a means for public access to public information and develop and operate an information network in conjunction with its overall plans for establishing a communication backbone for state government.

(c) The state communication system shall be established to:

- (1) Facilitate implementation of the State's distributed information processing and information resource management plans;
- (2) Improve data, voice, and video communications in state government;
- (3) Provide a means for connectivity among the state, university, and county computer systems; and
- (4) Provide a long-term means for public access to public information.

(d) The department may adopt rules as may be necessary or desirable for the operation and maintenance of public buildings, and for the operation and implementation of a program to provide a means for public access to the State's information network system and public information. The rules shall be adopted pursuant to chapter 91.

(e) The King Kamehameha celebration commission shall be placed within the department of accounting and general services for administrative purposes. The functions, duties, and powers, subject to the administrative control of the comptroller, and the composition of the commission shall be as heretofore provided by law.

(f) The functions and authority heretofore exercised by the comptroller, board of commissioners of public archives, the archivist, the disposal committee, and the insurance management, surplus property management, and central purchasing functions of the bureau of the budget and the nonhighway functions of the department of public works as heretofore constituted are transferred to the department of accounting and general services established by this chapter. [L Sp 1959 2d, c 1, §12; am L 1963, c 77, §2; Supp, §14A-11; HRS §26-6; am L 1970, c 19, §1; am L 1981, c 82, §6; am L 1994, c 45, §1 and c 186, §2; am L 1995, c 126, §1; am L 2005, c 22, §1]

#### Cross References

Access Hawaii committee (management of State's internet portal), see chapter 27G.

**§26-7 Department of the attorney general.** The department of the attorney general shall be headed by a single executive to be known as the attorney general.

The department shall administer and render state legal services, including furnishing of written legal opinions to the governor, legislature, and such state departments and officers as the governor may direct; represent the State in all civil actions in which the State is a party; approve 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, prosecute cases involving violations of state laws and cases involving agreements, uniform laws, or other matters which are enforceable in the courts of the State. The attorney general shall be charged with such other duties and have such authority as heretofore provided by common law or statute.

There shall be within the department of the attorney general a commission to be known as the commission to promote uniform legislation which shall sit in an advisory capacity to the attorney general and to the legislature on matters



relating to the promotion of uniform legislation. The composition of the commission shall be as heretofore provided for the commission to promote uniform legislation existing immediately prior to November 25, 1959. The members of the commission shall be nominated, and by and with the advice and consent of the senate, appointed by the governor for terms of four years each, provided that each member shall hold office until the member's successor is appointed and qualified; and provided also that the provisions of section 26-34, limiting the appointment of members of boards and commissions to two terms and the duration of membership to not more than eight consecutive years shall not be applicable.

The functions and authority heretofore exercised by the attorney general, high sheriff, and the commission to promote uniform legislation as heretofore constituted are transferred to the department of the attorney general established by this chapter. [L Sp 1959 2d, c 1, §13; am L 1965, c 127, §1; Supp, §14A-12; HRS §26-7; am L 1969, c 123, §1 and c 175, §12; am L 1975, c 20, §1; gen ch 1985; am L 1989, c 211, §10; am L 1990, c 281, §11]

#### Case Notes

Compromise agreement resolving legal claim against board of land and natural resources was not binding on State without attorney general's approval. 57 H. 259, 554 P.2d 761.

Attorney general may represent a state employee in a civil action while prosecuting the same employee in a criminal matter. 71 H. 598, 801 P.2d 548.

Without express authorization of employees' retirement system board, attorney general lacked power to file appeal on board's behalf from circuit court's final order; where attorney general perceived conflict of interest with board, attorney general was ethically obligated to recommend retention of other counsel to represent board and take other appropriate action. 87 H. 152, 952 P.2d 1215.

**§26-8 Department of budget and finance.** (a) The department of budget and finance shall be headed by a single executive to be known as the director of finance.

(b) The department shall:

- (1) Undertake the preparation and execution of the executive budget of the state government;
- (2) Conduct a systematic and continuous review of the finances, organization, and methods of each department of the State to assist each department in achieving the most effective expenditure of all public funds and to determine that such expenditures are in accordance with the budget laws and controls in force;
- (3) Have custody of state funds and be responsible for the safekeeping, management, investment, and disbursement thereof; and
- (4) Administer state debts.

(c) The functions and authority heretofore exercised by the bureau of the budget (except for insurance management, surplus property management, and central purchasing transferred to the department of accounting and general services) and the funds custody, cash management, debt management, and administering of veterans loan functions of the treasurer as heretofore constituted are transferred to the department of budget and finance established by this chapter.

(d) The employees retirement system as constituted by chapter 88 is placed within the department of budget and finance for administrative purposes. The functions, duties, and powers, subject to the administrative control of the director of finance, and the composition of the board of trustees of the employees retirement system shall be as heretofore provided by law.

The public utilities commission is placed within the department of budget and finance for administrative purposes only. [L Sp 1959 2d, c 1, §14; am L 1963, c 114, §2; Supp, §14A-13; HRS §26-8; am L 1971, c 107, §4; am L 1976, c 165, §7; am L Sp 1988, c 1, §4; am L 1989, c 26, §1; am L 1992, c 308, §3; am L 1995, c 126, §2; am L 1997, c 350, §3]

#### Case Notes

Budget expenditures of the department of education, discussed. 70 H. 253, 768 P.2d 1279.

**§26-9 Department of commerce and consumer affairs.** (a) The department of commerce and consumer affairs shall be headed by a single executive to be known as the director of commerce and consumer affairs.

(b) The department shall protect the interests of consumers, depositors, and investors throughout the State. It shall set standards and enforce all laws and rules governing the licensing and operation of, and register and supervise the conduct of, trades, businesses, and professions, including banks, insurance companies, brokerage firms, and other financial institutions.

(c) The board of acupuncture, board of public accountancy, board of barbering and cosmetology, boxing commission, board of chiropractic examiners, contractors license board, board of dental examiners, board of electricians and plumbers, elevator mechanics licensing board, board of professional engineers, architects, surveyors, and landscape architects, board of massage therapy, Hawaii medical board, motor vehicle industry licensing board, motor vehicle repair industry board, board of naturopathic medicine, board of nursing, board of examiners in optometry, pest control board, board of pharmacy, board of physical therapy, board of psychology, board of private detectives and guards, real estate commission, board of veterinary examiners, board of speech pathology and audiology, and any board, commission, program, or entity created pursuant to or specified by statute in furtherance of the purpose of this section including but not limited to section 26H-4, or chapters 484, 514A, 514B, and 514E shall be placed within the department of commerce and consumer affairs for administrative purposes.

(d) Except as otherwise provided by this chapter, the functions, duties, and powers, subject to the administrative control of the director of commerce and consumer affairs, and the composition of each board and commission shall be as provided by law.

(e) Notwithstanding any provision to the contrary, the employment, appointment, promotion, transfer, demotion, discharge, and job descriptions of all officers and employees under the administrative control of this department shall be determined by the director of commerce and consumer affairs subject only to applicable personnel laws.

(f) The director of commerce and consumer affairs may appoint a hearings officer or officers not subject to chapter 76 to hear and decide any case or controversy regarding licenses and the application and enforcement of rules involving any of the boards, commissions, or regulatory programs within the department of commerce and consumer affairs. The hearings officer or officers shall have power to issue subpoenas, administer oaths, hear testimony, find facts, and make conclusions of law and a recommended decision; provided that the conclusions and decisions shall be subject to review and redetermination by the officer, board, or commission which would have heard the case in the first instance in the absence of a hearings officer. The review shall be conducted in accordance with chapter 91.

(g) The director of commerce and consumer affairs may appoint an information officer not subject to chapter 76 who shall ensure the prompt and efficient handling of consumer inquiries and the development of a strong consumer education program.

(h) The director may appoint a complaints and enforcement officer not subject to chapter 76 who shall facilitate the receipt, arbitration, investigation, prosecution, and hearing of complaints regarding any person who furnishes commodities, services, or real estate for which a license, registration, or certificate is required from the department or any board, commission, or regulatory program thereunder. In representing the State in bringing any action to enjoin unlicensed, unregistered, or uncertified activities, the department of commerce and consumer affairs' attorneys shall be empowered to exercise all authority granted to the attorney general and to the director of the office of consumer protection under sections 487-12, 487-14, 480-3.1, 480-15, 480-15.1, 480-20(c), and 480-22, as these sections now exist and as they subsequently may be amended. The attorneys also shall be empowered to exercise all authority granted to the attorney general and to the responsible attorneys of the various counties under section 92F-13 in all cases involving documents and records within the custody or control of the regulated industries complaints office.

(i) The functions and authority previously exercised by the treasurer (except funds custody, cash management, debt management, and administering of veterans loans transferred to the department of budget and finance) as constituted are transferred to the department of commerce and consumer affairs established by this chapter.

(j) In the course of an investigation of matters affecting the interest of consumers, depositors, or investors, or of any other matter within the jurisdiction of the department, the director shall have the power to subpoena witnesses, examine witnesses under oath, and require the production of books, papers, documents, or objects that the director deems relevant or material to the inquiry. Upon application by the director, obedience to the subpoena may be enforced by the circuit court in the county in which the person subpoenaed resides or is found in the same manner as a subpoena issued by the clerk of a circuit court.

The director shall appoint and commission one or more investigators as the exigencies of the public service may require. Persons appointed and commissioned under this section may serve subpoenas and serve process and orders pursuant to section 634-21. Nothing in this subsection shall be construed to entitle persons appointed and commissioned by the director to retirement benefits applicable to police officers under chapter 88.

(k) The director may adopt, amend, or repeal rules pursuant to chapter 91 to effectuate the purposes of all laws within the jurisdiction of the department of commerce and consumer affairs. The director's authority to adopt rules shall not modify, impair, or otherwise affect the power of boards and commissions placed within the department of commerce and consumer affairs for administrative purposes from adopting, amending, or repealing rules, except as provided for in subsection (l).

(l) Any law to the contrary notwithstanding, the director of commerce and consumer affairs may:

- (1) Establish, increase, decrease, or repeal fees relating to any aspect of the registration, certification, licensure, or any other administrative process for all laws within the jurisdiction of the department. Amendments to fee assessments shall be made pursuant to chapter 91;
- (2) Assess fees for copies in any form of media of the computerized re-

records of the business registration division or for electronic access to the computerized information on a one-time or on-going basis. The fees charged for the copies or access may include billing service fees, network usage fees, and computer consultant fees. In adopting these fees, the director shall take into account the intent to make the division self-supporting. To this end, the fees may reflect the commercial value of the service or information provided. In the case of requests for records by a nonprofit organization, the director may reduce or waive the fees. This paragraph shall control in any instance where there is a conflict between this paragraph and any other statute; and

- (3) Assess fees for copies of consumer and business educational publications prepared or issued by the department. Fees collected under this paragraph shall be deposited into the compliance resolution fund under subsection (o). In the case of requests for copies by a nonprofit organization, the director may reduce or waive the fees. For purposes of this paragraph, "consumer and business educational publications" does not include copies of statutes or administrative rules.

The fees collected by the professional and vocational licensing division and the business registration division shall be deposited into the compliance resolution fund under subsection (o).

The director may appoint program specialists, not subject to chapter 76, to assist with the activities of the professional and vocational licensing division.

(m) Notwithstanding section 92-17 or any other law to the contrary, all boards, commissions, and regulatory programs placed within the department of commerce and consumer affairs for administrative purposes shall delegate their authority to receive, arbitrate, investigate, and prosecute complaints to the department.

(n) Each board and commission, as well as the director, by written order, may delegate to the executive secretary or other personnel of the department any of its powers or duties as it deems reasonable and proper for the administration of the licensing laws that are within the jurisdiction of the department of commerce and consumer affairs. The delegated powers and duties may be exercised by the executive secretary or other personnel of the department in the name of the board, commission, or the director. However, neither a board, a commission, nor the director shall delegate the authority to adopt, amend, or repeal rules or take final disciplinary action against a licensee.

(o) Every person licensed under any chapter within the jurisdiction of the department of commerce and consumer affairs and every person licensed subject to chapter 485A or registered under chapter 467B shall pay upon issuance of a license, permit, certificate, or registration a fee and a subsequent annual fee to be determined by the director and adjusted from time to time to ensure that the proceeds, together with all other fines, income, and penalties collected under this section, do not surpass the annual operating costs of conducting compliance resolution activities required under this section. The fees may be collected biennially or pursuant to rules adopted under chapter 91, and shall be deposited into the special fund established under this subsection. Every filing pursuant to chapter 514E or section 485A-202(a)(26) shall be assessed, upon initial filing and at each renewal period in which a renewal is required, a fee that shall be prescribed by rules adopted under chapter 91, and that shall be deposited into the special fund established under this subsection. Any unpaid fee shall be paid by the licensed person, upon application for renewal, restoration, reactivation, or reinstatement of a license, and by the person responsible for the renewal,

restoration, reactivation, or reinstatement of a license, upon the application for renewal, restoration, reactivation, or reinstatement of the license. If the fees are not paid, the director may deny renewal, restoration, reactivation, or reinstatement of the license. The director may establish, increase, decrease, or repeal the fees when necessary pursuant to rules adopted under chapter 91. The director may also increase or decrease the fees pursuant to section 92-28.

There is created in the state treasury a special fund to be known as the compliance resolution fund to be expended by the director's designated representatives as provided by this subsection. Notwithstanding any law to the contrary, all revenues, fees, and fines collected by the department shall be deposited into the compliance resolution fund. Unencumbered balances existing on June 30, 1999, in the cable television fund under chapter 440G, the division of consumer advocacy fund under chapter 269, the financial institution examiners' revolving fund, section 412:2-109, the special handling fund, section 414-13, and unencumbered balances existing on June 30, 2002, in the insurance regulation fund, section 431:2-215, shall be deposited into the compliance resolution fund. This provision shall not apply to the drivers education fund underwriters fee, sections 431:10C-115 and 431:10G-107, insurance premium taxes and revenues, revenues of the workers' compensation special compensation fund, section 386-151, the captive insurance administrative fund, section 431:19-101.8, the insurance commissioner's education and training fund, section 431:2-214, the medical malpractice patients' compensation fund as administered under section 5 of Act 232, Session Laws of Hawaii 1984, and fees collected for deposit in the office of consumer protection restitution fund, section 487-14, the real estate appraisers fund, section 466K-1, the real estate recovery fund, section 467-16, the real estate education fund, section 467-19, the contractors recovery fund, section 444-26, the contractors education fund, section 444-29, and the condominium education trust fund, section 514B-71. Any law to the contrary notwithstanding, the director may use the moneys in the fund to employ, without regard to chapter 76, hearings officers and attorneys. All other employees may be employed in accordance with chapter 76. Any law to the contrary notwithstanding, the moneys in the fund shall be used to fund the operations of the department. The moneys in the fund may be used to train personnel as the director deems necessary and for any other activity related to compliance resolution.

As used in this subsection, unless otherwise required by the context, "compliance resolution" means a determination of whether:

- (1) Any licensee or applicant under any chapter subject to the jurisdiction of the department of commerce and consumer affairs has complied with that chapter;
  - (2) Any person subject to chapter 485A has complied with that chapter;
  - (3) Any person submitting any filing required by chapter 514E or section 485A-202(a)(26) has complied with chapter 514E or section 485A-202(a)(26);
  - (4) Any person has complied with the prohibitions against unfair and deceptive acts or practices in trade or commerce; or
  - (5) Any person subject to chapter 467B has complied with that chapter;
- and includes work involved in or supporting the above functions, licensing, or registration of individuals or companies regulated by the department, consumer protection, and other activities of the department.

The director shall prepare and submit an annual report to the governor and the legislature on the use of the compliance resolution fund. The report shall describe expenditures made from the fund including non-payroll operating

expenses.

(p) Any law to the contrary notwithstanding, the department of commerce and consumer affairs, or any board or commission placed within it for administrative purposes, may contract with professional testing services to prepare, administer, and grade examinations and tests for license applicants. For these purposes, the department may require applicants to pay the examination fee directly to the testing agency.

(q) Any law to the contrary notwithstanding, when any type of bond or insurance required to be maintained by any licensee under a regulatory program of the department of commerce and consumer affairs, or of any board or commission assigned to the department of commerce and consumer affairs, cannot reasonably be secured, the department, board, or commission may provide by rule for alternative forms of security to the consumer so long as that alternate security is no less than that provided by the type of bond or insurance initially required.

(r) Notwithstanding any other law to the contrary, the department of commerce and consumer affairs, or any board or commission placed within it for administrative purposes, may change any license renewal date by rules adopted in accordance with chapter 91.

(s) The director of commerce and consumer affairs may establish advisory committees, the members of which shall serve as consultants to the boards and to the director in their review of licensees referred for possible disciplinary action and as experts to the department for investigations and professional vocational licensing matters. Each advisory committee shall be appointed by the director from a list of licensees submitted annually by the board or by referral from the regulated industry for which an advisory committee is appointed. Each member of the committee shall serve until a new committee is established or until the particular case for which the member was designated a consultant or expert has been concluded.

All members of the advisory committee shall serve voluntarily and without compensation, but shall be paid reasonable allowances for travel and expenses that may be incurred as a result of performance of their duties on the committee. The costs shall be paid by the department.

Any member of the advisory committee shall be immune from civil liability for any act done in connection with this subsection. [L Sp 1959 2d, c 1, pt of §15; am L 1963, c 21, §1, c 111, §2, c 114, §4, and c 136, §1; Supp, §14A-14; HRS §26-9; am L 1970, c 63, §2; am L 1976, c 18, §1 and c 165, §8; am L 1980, c 92, §1; am L 1981, c 75, §1, c 82, §7, and c 136, §1; am L 1982, c 60, §1, c 203, §1, and c 204, §1; am L 1983, c 54, §1, c 124, §2, c 153, §5, and c 224, §2; am L 1984, c 45, §2, c 97, §1, and c 213, §7; am L 1985, c 58, §1, c 68, §1, c 115, §1, and c 276, §2; am L 1986, c 140, §1; am L 1988, c 101, §2, c 126, §1, and c 141, §4; am L 1989, c 211, §10; am L 1990, c 166, §3, c 281, §11, and c 285, §3; am L 1991, c 47, §1; am L 1993, c 173, §1, c 280, §24, and c 322, §1; am L 1994, c 279, §2; am L 1995, c 198, §2; am L 1997, c 87, §1, c 88, §1, c 223, §1, c 225, §1, c 231, §1, c 235, §1, and c 301, §2; am L 1999, c 129, §1 and c 248, §2; am L 2000, c 253, §150; am L 2002, c 16, §2, c 39, §1, and c 40, §1; am L 2004, c 116, §1 and c 164, §§4, 5; am L 2005, c 22, §2; am L 2006, c 229, §2 and c 300, §3; am L 2008, c 9, §3 and c 28, §3; am L 2009, c 77, §1 and c 129, §2; am L Sp 2009, c 22, §11(1)]

#### Cross References

Uniform professional and vocational licensing act, see chapter 436B.

Case Notes

Director of regulatory agencies as protector of consumer's interest is party to proceeding before PUC. 54 H. 663, 513 P.2d 1376.

**§26-10 Department of taxation.** (a) The department of taxation shall be headed by a single executive to be known as the director of taxation.

(b) The department shall administer and enforce the tax revenue laws of the State and collect all taxes and other payments payable thereunder.

(c) The director of taxation shall visit low-income communities to assist taxpayers in the preparation of tax filings. The qualification of and the visitation to specific low-income communities shall be at the discretion of the director; provided that the visitation shall be on an annual basis and statewide.

(d) There shall be within the department of taxation a board of review for each taxation district and a tax appeal court. The composition of each board of review and the tax appeal court and its respective functions, duties, and powers shall be as heretofore provided by law for the boards of review and tax appeal court existing immediately prior to November 25, 1959.

(e) The functions and authority heretofore exercised by the office of tax commissioner as heretofore constituted are transferred to the department of taxation established by this chapter. [L Sp 1959 2d, c 1, §16; Supp, §14A-15; am L 1967, c 37, §1(1); HRS §26-10; am L 2008, c 202, §3]

Case Notes

Where regulatory fees assessed against insurers by the insurance commissioner, an officer of the executive branch, for payment into the insurance regulation fund under §431:2-215 were transferred by the legislature via transfer bills from the insurance division into the general fund, and the regulatory fees became available for general purposes as if derived from general tax revenues, the transfers violated the separation of powers doctrine under the Hawaii constitution, article VIII, §3, and subsection (b). 120 H. 51, 201 P.3d 564.

**§26-11 University of Hawaii.** (a) The University of Hawaii shall be headed by an executive board to be known as the board of regents.

The board shall consist of fifteen members. At least one member shall be a University of Hawaii student at the time of the initial appointment. This member may be reappointed for one additional term even though the member may no longer be a student at the time of reappointment. The governor shall reduce the terms of those initially appointed to each seat on the board of regents to provide, as far as practicable, for the expiration of three terms each year; provided that the term of the student member shall not be reduced.

At least twelve members, except for the student member, shall represent and reside in the specified geographic areas as follows:

- (1) Two members from the county of Hawaii;
- (2) Two members from the county of Maui;
- (3) One member from the county of Kauai; and
- (4) Seven members from the city and county of Honolulu.

The board shall have the power, in accordance with the Hawaii constitution and with law, to formulate policy and to exercise control over the university through its executive officer, the president of the university. The board shall have exclusive jurisdiction over the internal organization and management of the university.

(b) The board of regents shall appoint and may remove an executive officer to be known as the president of the University of Hawaii.

The University of Hawaii as heretofore constituted as a body corporate is

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continued as the University of Hawaii established by this chapter. [L Sp 1959 2d, c 1, §17; am imp HB 253 (1964) and election Nov 3, 1964; Supp, §14A-16; HRS §26-11; am L 1971, c 143, §1; am L 1979, c 86, §3; am L 1996, c 266, §1; am L 1997, c 342, §1; am L 2007, c 56, §3; am L Sp 2008, c 9, §2]

### Attorney General Opinions

The university is a constitutionally independent corporation and not an administrative or executive agency; the president need not satisfy the three-year residence requirement. Att. Gen. Op. 61-84.

Cited regarding regents' authority to delegate limited investment authority to external investment managers. Att. Gen. Op. 78-1.

**§26-12 Department of education.** The department of education shall be headed by an executive board to be known as the board of education.

Under policies established by the board, the superintendent shall administer programs of education and public instruction throughout the State, including education at the preschool, primary, and secondary school levels, adult education, school library services, health education and instruction (not including dental health treatment transferred to the department of health), and such other programs as may be established by law. The state librarian, under policies established by the board of education, shall be responsible for the administration of programs relating to public library services and transcribing services for the blind.

The functions and authority heretofore exercised by the department of education (except dental health treatment transferred to the department of health), library of Hawaii, Hawaii county library, Maui county library, and the transcribing services program of the bureau of sight conservation and work with the blind, as heretofore constituted are transferred to the public library system established by this chapter.

The management contract between the board of supervisors of the county of Kauai and the Kauai public library association shall be terminated at the earliest time after November 25, 1959, permissible under the terms of the contract and the provisions of this paragraph shall constitute notice of termination, and the functions and authority heretofore exercised by the Kauai county library as heretofore constituted and the Kauai public library association over the public libraries in the county of Kauai shall thereupon be transferred to the public library system established by this chapter.

The management contracts between the trustees of the library of Hawaii and the Friends of the Library of Hawaii, and between the library of Hawaii and the Hilo library and reading room association, shall be terminated at the earliest time after November 25, 1959, permissible under the terms of the contracts, and the provisions of this paragraph shall constitute notice of termination.

Upon the termination of the contracts, the State or the counties shall not enter into any library management contracts with any private association; provided that in providing library services the board of education may enter into contracts approved by the governor for the use of lands, buildings, equipment, and facilities owned by any private association.

Notwithstanding any law to the contrary, the board of education may establish, specify the membership number and quorum requirements for, appoint members to, and disestablish a commission in each county to be known as the library advisory commission, which shall in each case sit in an advisory capacity to the board of education on matters relating to public library services in their respective county. [L Sp 1959 2d, c 1, §18; am L 1965, c 175, §41(a); Supp,



§14A-17; HRS §26-12; am L 1970, c 59, §1; am L 1981, c 150, §1; am L 1997, c 202, §1]

#### Attorney General Opinions

The three-year residence requirement of Constitution is not applicable to the superintendent of education. Att. Gen. Op. 66-27.

#### Case Notes

Duty of supervision of students. 56 H. 337, 536 P.2d 1195.  
Budget expenditures of the department of education, discussed. 70 H. 253, 768 P.2d 1279.

**§26-13 Department of health.** (a) The department of health shall be headed by a single executive to be known as the director of health.

There shall be, within the department of health, an advisory board to be known as the board of health, which shall advise the director of health on matters within the jurisdiction of the department of health. The board of health shall consist of eleven voting members appointed by the governor as provided in section 26-34 and shall include the director of [human services] as an ex officio nonvoting member. The appointed members shall include at least one resident of each of the major counties including the county of Kalawao. The appointed members shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.

The department shall administer programs designed to protect, preserve, care for, and improve the physical and mental health of the people of the State. Without limit to the generality of the foregoing, the programs shall include the administration and enforcement of matters and laws of public health of the State, including the state hospital, but excluding assistance and care for the indigent and the medically indigent.

(b) The functions and authority heretofore exercised by the board of health (excluding assistance and care for the indigent and the medically indigent) and the department of institutions with respect to the state hospital and the dental health treatment function of the department of public instruction as heretofore constituted are transferred to the department of health established by this chapter.

The governor shall define and differentiate dental health treatment from dental health instruction and shall provide for the gradual transfer of any personnel within the definition of dental health treatment to the department of health. This section shall not be construed to require the transfer from the department of education to the department of health of any dental hygienist having a teacher's certificate and employed by the department of public instruction immediately prior to November 25, 1959. [L Sp 1959 2d, c 1, §19; Supp, §14A-18; HRS §26-13; am L 1974, c 252, §1; am L 1983, c 260, §1; am L 1995, c 189, §§1, 26; am L 1998, c 133, §5]

#### Cross References

Waimano ridge; approval and authorization for new or expanded uses, see §171-64.5.

**§26-14 Department of human services.** (a) The department of human services shall be headed by a single executive to be known as the director of human services.

(b) The department shall administer programs designed to improve the social well-being and productivity of the people of the State. Without limit to

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the generality of the foregoing, the department shall concern itself with problems of human behavior, adjustment, and daily living through the administration of programs of family, child and adult welfare, economic assistance, health care assistance, rehabilitation toward self-care and support, public housing, and other related programs provided by law.

(c) The functions and authority heretofore exercised by the department of public welfare, the bureau of sight conservation and work with the blind (except for the transcription services program transferred to the department of education), the council on veterans' affairs, and any other agency of the state or county governments with respect to the assistance and care of the indigent and medically indigent as heretofore constituted are transferred to the department of human services established by this chapter.

(d) The Hawaii public housing authority and the Hawaii state commission on the status of women are placed within the department of human services for administrative purposes only. [L Sp 1959 2d, c 1, §20; am L 1961, c 128, §4; am L 1963, c 193, §4; am L 1965, c 175, §41(b); Supp, §14A-19; am L 1967, c 274, §2; HRS §26-14; am L 1969, c 42, §1; am L 1970, c 105, §5; am L 1975, c 79, §1; am L 1976, c 92, §§6, 8; am L 1980, c 10, §1; am L 1983, c 74, §1; gen ch 1985; am L 1987, c 338, §1(3) superseded by c 339, §2(2); am L 1993, c 197, §2; am L 1996, c 186, §1; am L 1997, c 350, §4; am L 2003, c 92, §2; am L 2005, c 147, §2; am L 2007, c 249, §41]

### Cross References

State rehabilitation council, see §348-8.

### Attorney General Opinions

Qualifications of director construed. Att. Gen. Op. 62-18.

**§26-14.5 REPEALED.** L 1989, c 211, §11.

**§26-14.6 Department of public safety.** (a) The department of public safety shall be headed by a single executive to be known as the director of public safety.

(b) The department of public safety shall be 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 the service of process, and for the security of state buildings.

(c) Effective July 1, 1990, the Hawaii paroling authority and the crime victim compensation commission are placed within the department of public safety for administrative purposes only.

(d) Effective July 1, 1990, the functions and authority heretofore exercised by:

- (1) The department of corrections relating to adult corrections and the intake service centers;
- (2) The judiciary relating to the sheriff's office and judiciary security personnel; and
- (3) The department of the attorney general relating to state law enforcement officers and narcotics enforcement investigators with the narcotics enforcement division,

shall be transferred to the department of public safety.

(e) Effective July 1, 1990, the functions and authority heretofore exercised by the department of health pursuant to chapters 329 and 329C, with the exception of sections 329-2, 329-3, and 329-4(3) to (8), shall be transferred to the department of public safety.

(f) Effective July 1, 1990, the functions, authority, and obligations, together with the limitations imposed thereon and the privileges and immunities conferred thereby, exercised by a "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy", under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14, 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9, 353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4, 485A-202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, 587-33, 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11, 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to the same extent by the department of public safety.

(g) Effective January 1, 1993, the functions and authority heretofore exercised by the attorney general and the department of the attorney general relating to the executive security officers shall be transferred to the department of public safety.

(h) Effective July 1, 1999, the functions and authority heretofore exercised by the director of public safety and the department of public safety relating to after hours security contracts at department of education facilities, except for the security functions being performed by employees of the public library system as well as the contractual security services for the libraries, shall be transferred to the department of education.

(i) Effective January 1, 1993, the functions and authority heretofore exercised by the director of health and the department of health relating to uniformed security employees and security contracts at various state hospitals throughout the State shall be transferred to the department of public safety. Effective July 1, 2005, the functions, authority, and employee positions of the department of public safety relating to uniformed security employees and security contracts at health facilities that are under the operation, management, and control of the Hawaii health systems corporation shall be transferred to the Hawaii health systems corporation.

(j) Effective January 1, 1993, the functions and authority heretofore exercised by the director of human services and the department of human services relating to contractual security guard services shall be transferred to the department of public safety.

(k) Effective July 1, 1994, the functions and authority heretofore exercised by the adjutant general relating to security for national guard and state civil defense facilities in the Diamond Head complex, for after work hours, shall be transferred to the department of public safety.

(l) Effective July 1, 2002, the functions and authority heretofore exercised by the director of public safety and the department of public safety relating to after hours security contracts at department of education facilities, including all security functions being performed by employees of the public library system, as well as the contractual security services for the libraries, shall be transferred to the department of education and the public library system as appropriate. [L 1989, c 211, §2; am L 1990, c 281, §2; am L 1991, c 114, §1; am L 1992, c 146, §3; am L 1993, c 6, §4; am L 1994, c 154, §2; am L 1995, c 58, §1; am L 1996, c 128, §2; am L 1998, c 11, §1, c 227, §3, and c 240, §6; am L 1999, c 134, §1; am L 2002, c 44, §2; am L 2004, c 44, §§26, 33; am L 2005, c 61, §2; am L 2006, c 229, §3; am

L 2007, c 249, §§3, 4]

**§26-15 Department of land and natural resources.** (a) The department of land and natural resources shall be headed by an executive board to be known as the board of land and natural resources, except for matters relating to the state water code where the commission on water resource management shall have exclusive jurisdiction and final authority.

The board shall consist of seven members, one from each land district and three at large. The appointment, tenure, and removal of the members and the filling of vacancies on the board shall be as provided in section 26-34. At least one member of the board shall have a background in conservation and natural resources, as provided in section 171-4.

The governor shall appoint the chairperson of the board from among the members thereof.

The board may delegate to the chairperson such duties, powers, and authority, or so much thereof, as may be lawful or proper for the performance of the functions vested in the board.

The chairperson of the board shall serve in a full-time capacity. The chairperson, in that capacity, shall perform those duties, and exercise those powers and authority, or so much thereof, as may be delegated by the board.

(b) The department shall manage and administer the public lands of the State and minerals thereon and all water and coastal areas of the State except the commercial harbor areas of the State, including the soil conservation function, the forests and forest reserves, aquatic life, wildlife resources, state parks, including historic sites, and all activities thereon and therein including, but not limited to, boating, ocean recreation, and coastal areas programs.

(c) The functions and authority heretofore exercised by the commissioner and board of public lands (including the hydrography division and the bureau of conveyances), the Hawaii water authority, the commission on ground water resources, the Hawaii land development authority, the soil conservation committee, and the commission on historical sites and the function of managing the state parks and the function of promoting the conservation, development and utilization of forests, including the regulatory powers over the forest reserve, aquatic life and wildlife resources of the State heretofore exercised by the board of commissioners of agriculture and forestry as heretofore constituted are transferred to the department of land and natural resources established by this chapter. [L Sp 1959 2d, c 1, §21; am L 1961, c 132, §1(b) to (e); am L 1963, c 10, §1; am L 1965, c 223, §8(b); Supp, §14A-20; am L 1967, c 145, §1; HRS §26-15; am L 1983, c 15, §1; am L 1987, c 45, §3; am L 1991, c 272, §3; am L 1999, c 6, §1; am L 2002, c 16, §3; am L 2005, c 9, §1]

**§26-16 Department of agriculture.** (a) The department of agriculture shall be headed by an executive board to be known as the board of agriculture.

The board shall consist of ten members:

- (1) One who shall be a resident of the county of Hawaii;
- (2) One who shall be a resident of the county of Maui;
- (3) One who shall be a resident of the county of Kauai;
- (4) Four at large;
- (5) The chairperson of the board of land and natural resources, who shall serve as an ex officio voting member;
- (6) The director of business, economic development, and tourism, who shall serve as an ex officio voting member; and

- (7) The dean of the University of Hawaii college of tropical agriculture and human resources, who shall serve as an ex officio voting member.

The majority of the members of the board shall be from the agricultural community or the agricultural support sector. The appointment, tenure, and removal of the members and the filling of vacancies on the board shall be as provided in section 26-34. The governor shall appoint a chairperson of the board from the members.

(b) The board may delegate to the chairperson such duties, powers, and authority, or so much thereof, as may be lawful or proper for the performance of the functions vested in the board.

The chairperson of the board shall serve in a full-time capacity. The chairperson shall, in that capacity:

- (1) Perform such duties and exercise such powers and authority, or so much thereof, as may be delegated to the chairperson by the board; and
- (2) Identify problems related to agriculture and the appropriate state agencies and departments needed to solve the problem. With the approval of the governor, the designated agencies shall provide any necessary assistance to the chairperson until the problem is resolved.
- (c) The department shall:
  - (1) Promote the conservation, development, and utilization of agricultural resources in the State;
  - (2) Assist the farmers of the State and any others engaged in agriculture by research projects, dissemination of information, 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 the lands;
  - (3) Administer the programs of the State relating to animal husbandry, entomology, farm credit, development and promotion of agricultural products and markets, and the establishment and enforcement of the rules on the grading and labeling of agricultural products; and
  - (4) Administer the aquaculture program under section 141-2.5.

(d) The functions and authority heretofore exercised by the board of commissioners of agriculture and forestry (except the management of state parks and the conservation, development, and utilization of forest resources, including regulatory powers over the forest reserve provided in Act 234, section 2, Session Laws of Hawaii 1957, and of fish and game resources transferred to the department of land and natural resources), by the farm loan board as heretofore constituted, and by the University of Hawaii with respect to the crop and livestock reporting service and market news service, are transferred to the department of agriculture established by this chapter. [L Sp 1959 2d, c 1, §22; am L 1961, c 132, §1(f); am L 1963, c 206, §1; am L 1965, c 214, §1 and c 223, §8(c); Supp, §14A-21; am L 1967, c 145, §2; HRS §26-16; am L 1969, c 4, §1; am L 1973, c 15, §1; am L 1982, c 147, §1; am L 1983, c 12, §1 and c 141, §1; am L 1991, c 135, §1; am L 1995, c 69, §1; am L 1996, c 166, §2; am L 1998, c 176, §4]

**§26-17 Department of Hawaiian home lands.** The department of Hawaiian home lands shall be headed by an executive board to be known as the Hawaiian homes commission.

The commission shall be composed of nine members. The appointment, tenure, and removal of the members and the filling of vacancies on the commission shall be in accordance with section 26-34 and section 202(a) of the Hawaiian

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Homes Commission Act of 1920, as amended. The governor shall appoint the chairperson of the commission from among the members thereof.

The commission may delegate to the chairperson such duties, powers, and authority, or so much thereof as may be lawful or proper, for the performance of the functions vested in the commission.

The chairperson of the board shall serve in a full-time capacity and shall perform such duties, and exercise such powers and authority, or so much thereof as may be delegated to the chairperson by the board.

The department shall administer the Hawaiian Homes Commission Act of 1920 as set forth in the Constitution of the State and by law.

The functions and authority heretofore exercised by the Hawaiian homes commission as heretofore constituted are transferred to the department of Hawaiian home lands established by this chapter. [L Sp 1959 2d, c 1, §24; am L 1963, c 207, §6; am L 1965, c 223, §8(d); Supp, §14A-23; HRS §26-17; am L 1982, c 147, §2 superseded by c 273, §2; gen ch 1985; am L 1989, c 265, §3; gen ch 1993]

Law Journals and Reviews

Native Hawaiian Homestead Water Reservation Rights: Providing Good Living Conditions for Native Hawaiian Homesteaders. 25 UH L. Rev. 85.

**§26-18 Department of business, economic development, and tourism.** (a) The department of business, economic development, and tourism shall be headed by a single executive to be known as the director of business, economic development, and tourism.

The department shall undertake statewide business and economic development activities, undertake energy development and management, provide economic research and analysis, plan for the use of Hawaii's ocean resources, and encourage the development and promotion of industry and international commerce through programs established by law.

(b) The following are placed in the department of business, economic development, and tourism for administrative purposes as defined by section 26-35: Aloha Tower development corporation, Hawaii community development authority, Hawaii housing finance and development corporation, high technology development corporation, land use commission, natural energy laboratory of Hawaii authority, and any other boards and commissions as shall be provided by law.

The department of business, economic development, and tourism shall be empowered to establish, modify, or abolish statistical boundaries for cities, towns, or villages in the State and shall publish, as expeditiously as possible, an up-to-date list of cities, towns, and villages after changes to statistical boundaries have been made. [L Sp 1959 2d, c 1, §25; am L 1961, c 132, §1(h), (i); am L 1963, c 2, §1 and c 25, §2; Supp, §14A-24; HRS §26-18; am L 1981, c 98, §2; am L 1983, c 239, §2; am L 1987, c 336, §3(2) and c 337, §2; am L 1988, c 79, §1; am L 1989, c 26, §2; am L 1990, c 293, §8; am L 1991, c 3, §1; am L 1997, c 350, §5; am L 2003, c 92, §3; am L 2007, c 249, §42]

**§26-19 Department of transportation.** The department of transportation shall be headed by a single executive to be known as the director of transportation.

The department shall establish, maintain, and operate transportation facilities of the State, including highways, airports, harbors, and such other transportation facilities and activities as may be authorized by law.

The department shall plan, develop, promote, and coordinate various transportation systems management programs that shall include, but not be limited to, alternate work and school hours programs, bicycling programs, and ridesharing programs.

The department shall develop and promote ridesharing programs which shall include but not be limited to, carpool and vanpool programs, and may assist organizations interested in promoting similar programs, arrange for contracts with private organizations to manage and operate these programs, and assist in the formulation of ridesharing arrangements. Ridesharing programs include informal arrangements in which two or more persons ride together in a motor vehicle.

The functions and authority heretofore exercised by the department of public works with respect to highways are transferred to the department of transportation established by this chapter.

On July 1, 1961, the Hawaii aeronautics commission, the board of harbor commissioners and the highway commission shall be abolished and their remaining functions, duties, and powers shall be transferred to the department of transportation.

Upon the abolishment of the Hawaii aeronautics commission, the board of harbor commissioners, and the highway commission, there shall be established within the department of transportation a commission to be known as the commission on transportation which shall sit in an advisory capacity to the director of transportation on matters within the jurisdiction of the department of transportation. The commission on transportation shall consist of not more than eleven members, with the number of members from each county insofar as practicable being approximately proportional to the population of the respective counties to the population of the State; provided that each of the four counties shall be represented by at least one member. [L Sp 1959 2d, c 1, §26; Supp. §14A-25; HRS §26-19; am L 1980, c 220, §§1, 2; am L 1981, c 140, §1; am L 1983, c 43, §1; am L 1984, c 233, §1; am L 1989, c 31, §2; am L 1993, c 224, §§2, 6; am L 1995, c 25, §1; am L 1997, c 309, §4]

**§26-20 Department of labor and industrial relations.** The department of labor and industrial relations shall be headed by a single executive to be known as the director of labor and industrial relations.

The department shall administer 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 shall also have the function of developing, preparing, and disseminating information on employment, unemployment, and general labor market conditions.

The labor and industrial relations appeals board provided for in chapters 371 and 386 is placed within the department of labor and industrial relations for administrative purposes. The respective functions, duties, and powers, subject to the administrative control of the director of labor and industrial relations, and the composition of the board shall be as heretofore provided by law.

There shall be within the department of labor and industrial relations a board to be known as the Hawaii labor relations board as provided for in section 89-5, which shall exercise powers and duties in accordance with chapters 89, 377, and 396. The director shall have general administrative supervision over the board, but shall not have the power to supervise or control the board in the

exercise of its powers or duties.

The functions of mediation heretofore exercised by the commission of labor and industrial relations existing immediately prior to November 25, 1959, as provided in section 371-10, shall be exercised by the governor or the governor's designated agent.

The director may establish within the department of labor and industrial relations a committee to be known as the apprenticeship council which shall sit in an advisory capacity to the director of labor and industrial relations on matters within the jurisdiction of the department of labor and industrial relations relating to apprenticeship programs. The membership and organization of the council shall be determined by the director. [L Sp 1959 2d, c 1, §27; am L 1963, c 27, §1; Supp, §14A-26; HRS §26-20; am L 1975, c 41, §1; am L 1985, c 251, §1; gen ch 1985, 1993; am L 1998, c 205, §1; am L 2002, c 104, §1]

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

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

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

The devolution of command of the military forces in the absence of the adjutant general shall be within the military establishment. The devolution of command of the civil defense agency in the absence of the director of civil defense shall be within the civil defense agency.

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

(c) The functions and authority heretofore exercised by the military department and the civil defense agency as heretofore constituted are transferred to the department of defense established by this chapter.

The office of veterans' services and the advisory board on veterans' services as constituted by chapter 363 are placed within the department of defense for administrative purposes. [L Sp 1959 2d, c 1, §28; Supp, §14A-27; HRS §26-21; am L 1969, c 122, §1; am L 1981, c 82, §2 and c 135, §4; am L 1988, c 115, §2]

**§26-22 Transfer of functions.** Whenever the functions of a previously existing department, office, or other agency are transferred to any department established by this chapter, the newly established department shall succeed to all of the rights and powers exercised, and all of the duties and obligations incurred by the previously existing department, office, or agency in the exercise of the functions transferred, whether the powers, duties, and obligations are mentioned in or granted by any law, contract, or other document. All references in any such law, contract, or document to the previously existing department, office, or agency in connection with the functions transferred shall apply to the newly established department as if the latter were specifically named in the law, contract, or document in place of the previously existing department, office, or agency. [L Sp 1959 2d, c 1, §31; Supp, §14A-30; HRS §26-22]

**§26-23 Assignment of functions.** Any executive or administrative function



of the state government that may not have been allocated to a principal department by this chapter shall be assigned by the governor to that department which the governor deems can most appropriately and effectively perform the function. [L Sp 1959 2d, c 1, §37; Supp, §14A-33; HRS §26-23; gen ch 1985]

**§26-24 Agencies and offices abolished.** The following agencies and offices and their respective boards and commissions as heretofore constituted are abolished: board of commissioners of agriculture and forestry, bureau of the budget, commission on children and youth, economic planning and coordination authority, board of commissioners of public archives, territorial planning office, Hawaii development council, department of public works, territorial highway department, treasury department, office of the tax commissioner, tax appeal court, boards of (tax) review, comptroller, high sheriff, territorial loyalty board, board of health, department of institutions, advisory boards on institutions, territorial hospital and Waimano home appeal commission, bureau of sight conservation and work with the blind, department of public welfare, public welfare board, council on veterans' affairs, library of Hawaii, Hawaii county library managing board, Maui county libraries managing board, board of public lands, commissioner of public lands, territorial surveyor, bureau of conveyances, hydrographer, board of appraisers, territorial commission on historical sites, Hawaii water authority, Hawaii soil conservation committee, farm loan board of Hawaii, airport zoning board, commission of labor and industrial relations, department of labor and industrial relations, Hawaii employment relations board, apprenticeship council, military department, civil defense agency, civil defense advisory council, board of prison inspectors, dental health advisory committee, territorial advisory committee for hospitals and medical care, fishery advisory committees, voting machine board, disposal committee, board of disposal, commission on ground water resources, Hawaii land development authority, department of attorney general, commission to promote uniform legislation, department of civil service, civil service commission, department of public instruction, board of commissioners of public instruction, university of Hawaii, board of regents of the university of Hawaii, and Hawaiian homes commission.

The following agencies and offices and their respective boards and commissions shall expire at such time provided in this Act: Kauai county libraries managing board, Hawaii aeronautics commission, board of harbor commissioners, and fair commission of Hawaii. [L Sp 1959 2d, c 1, §38; Supp, §14A-34; HRS §26-24; am L 1989, c 211, §10; am L 1990, c 281, §11]

#### Note

This "Act" refers to L Sp 1959 2d, c 1.

**[§26-25] Services to the judiciary and legislature.** Any executive department may provide services to the judiciary and the legislature, but nothing in this part and this chapter shall be construed as granting any authority to the governor or any department to exercise control over the organization, programs, functions, operations, and expenditures of the judiciary and the legislature. [L 1974, c 159, §2]

## PART II. OTHER GENERAL PROVISIONS

**§26-31 Selection and terms of single executives as heads of departments.**

repealed or amended and such action shall not affect other provisions or applications of this chapter. [L 1977, c 70, pt of §2]

§26H-8 REPEALED. L 1994, c 279, §8.

## CHAPTER 27 STATE FUNCTIONS AND RESPONSIBILITIES

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- 27-41 SPECIAL ADVISOR FOR TECHNOLOGY DEVELOPMENT
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### PART VIII. HAWAII PERFORMANCE PARTNERSHIPS BOARD

- 27-51 HAWAII PERFORMANCE PARTNERSHIPS BOARD; ESTABLISHMENT
- 27-52 DUTIES OF THE BOARD
- 27-53 ANNUAL REPORT
- 27-54 DATA COLLECTION RELATING TO THE WELL-BEING OF HAWAII'S CHILDREN AND FAMILIES

#### Cross References

Uniform electronic transactions act, see chapter 489E.

## PART I. GENERAL PROVISIONS

§27-1 **Functions of statewide concern.** The purpose of the chapter is to

fix responsibility for certain functions, which are of statewide concern, in the state government. These functions which are declared to be state functions are as follows:

- (1) Planning, construction, improvement and maintenance of public school facilities and grounds and the transportation of school children; provided that nothing in this paragraph shall preclude the several counties from expending their own funds to supplement state funds;
- (2) Burial of indigents;
- (3) Planning, construction, improvement, maintenance, and operation of public hospitals and other public health and medical facilities;
- (4) Rendering of medical treatment and hospitalization services to state and county pensioners;
- (5) Administration and operation of district courts; and
- (6) Providing information and services to the public through joint cooperation with the several counties. [L 1965, c 97, §2; Supp, §14B-1; HRS §27-1; am L 1968, c 38, §2; am L 1975, c 150, §2]

#### Case Notes

Cited re allowing counties to supplement education funds. 411 U.S. 1.  
Paragraph (1) is unconstitutional to extent it authorizes appropriations for transportation of non-public school children. 51 H. 1, 449 P.2d 130.  
Cited: 56 H. 582, 545 P.2d 684.

**§27-2 Assignment of functions by governor; report.** The governor may assign the functions in section 27-1, except the administration and operation of district courts, to such respective department or departments as can most appropriately and effectively perform the functions. [L 1965, c 97, §2; Supp, §14B-2; HRS §27-2]

#### Cross References

Transfer of district courts to the judiciary branch, see L 1965, c 97, §21.

**§27-3 Rights and powers transferred; bond obligations.** The state department to which functions have been assigned by the governor shall succeed to all the rights and powers exercised, and all of the duties and obligations incurred by the counties in the exercise of the functions transferred, whether the powers, duties, and obligations are mentioned in or granted by any law, contract, or other document; provided that the counties shall not be relieved of their obligation of paying the interest and principal on bonds which have been issued for improvements related to the functions set forth above. Except as provided herein, all references to a county, in any law, contract, or document in connection with the functions assigned to the State by this chapter shall apply to the state government or respective state department as the case may be as if it were specifically named in the law, contract, or document in place of the county or any agency thereof. [L 1965, c 97, §4; Supp, §14B-4; HRS §27-3]

**§27-4 Offenses and penalties not affected; suits and actions.** No offense committed and no penalty or forfeiture incurred under the laws of the State or any county ordinance or rule or regulation shall be affected by the assignment of functions to the State by this chapter; provided that whenever any punishment, penalty, or forfeiture is mitigated by any provision of this chapter, such provi-

sion may be extended and applied to any judgment pronounced after May 29, 1965. No suit or prosecution, pending at the time this chapter takes effect, shall be affected by this chapter. The right of any administrative officer of the county to institute proceedings for prosecution for an offense or any action to recover a penalty or forfeiture shall henceforth be vested in the head of the state department to which the function has been assigned by the governor or some person designated by the head of the department or the governor or as may be otherwise directed by law.

The right of appeal from administrative actions or determinations as provided by law shall not be impaired by this chapter.

Whenever a right of appeal from administrative actions or determinations is provided by law to any county for functions which are assigned to the State, the right of appeal shall lie to or from the state department to which the assignment of function has been made. The right of appeal shall exist to the same extent and in accordance with the procedure as immediately prior to July 1, 1965. [L 1965, c 97, §6; Supp, §14B-5; HRS §27-4]

**§27-5 Modification to preserve federal aid or bond obligations.** The governor may, only to the extent necessary to preserve the receipt of any federal aid and not to impair the obligation of the State or counties to the holders of any bonds issued by the State or counties, modify the strict provisions of this chapter and shall promptly report any such modification with the governor's reasons therefor to the succeeding legislature for review. [L 1965, c 97, §7; Supp, §14B-6; HRS §27-5; gen ch 1985]

**[§27-6] Extended state information and services provided.** The office of the governor shall receive and review requests from state agencies for providing information and services to the public. Upon determination of needed extension services, the office shall solicit the aid and cooperation of the counties. Joint efforts will be made to use existing state and county facilities, and to create new facilities if necessary. [L 1975, c 150, §3]

## PART II. SCHOOLS

### Cross References

Department of education generally, see chapter 302A.

**§27-11 Planning, construction, and improvements of public school facilities and grounds; custodial and janitorial services for public schools; transportation of school children.** The following functions and services, heretofore performed by the several counties under contractual arrangements with the State, shall be directly administered and performed by the department or departments, or divisions of government designated by the governor:

- (1) Planning, construction, and improvements of public school facilities and grounds; provided that the department of education shall add to its list of considerations in the planning and development of schools the role of the Hawaii public housing authority in developing housing projects and the resulting educational needs of those housing projects; and provided further that nothing in this section shall be construed to prohibit the Hawaii public housing authority from planning educational facilities and related infrastructure as a necessary and integral part of its housing projects;

- (2) Repair, maintenance, custodial, and janitorial services for public school facilities; and
- (3) Transportation of school children. [L 1967, c 203, §2; HRS §27-11; am L 1995, c 210, §2; am L 1997, c 350, §14; am L 2005, c 196, §26(a); am L 2006, c 180, §16]

§§27-12, 13 REPEALED. L 1988, c 244, §§2, 3.

§27-14 **Transfer of real property.** No real property or improvements thereon belonging to the several counties and used in the performance of the functions and services covered in this part shall be required to be conveyed to the State; provided that any real property and improvements related and necessary to the performance of the duties covered in section 27-11 shall be reported to the next succeeding legislature by the appropriate department which shall include in the report thereof recommendations for the disposition of the real property and improvements. [L 1967, c 203, §5; HRS §27-14]

§27-15 REPEALED. L 1988, c 244, §4.

**PART III. HEALTH**

§27-21 REPEALED. L 1989, c 327, §3.

§27-21.1 REPEALED. L 1989, c 327, §4.

§§27-21.2, 21.3 REPEALED. L 1988, c 244, §§5, 6.

§27-21.4 **Transfer of real property.** The several counties shall convey to the State all of their respective interests in and to any real property and the improvements used in the functional areas covered by section 27-21.1 and which are directly related to and necessary for the operation and maintenance thereof. The conveyances shall be without cost to the State or reimbursement to the county, and without compliance with disposal procedures or requirements, any law to the contrary notwithstanding.

If within a period of ten years after January 1, 1970, any of the real property so transferred is abandoned or ceases to be used for purpose stated in the preceding paragraph, the board of land and natural resources shall by resolution declaring such abandonment or cessation as to any of the real property conveyed hereunder or any portion thereof, reconvey such realty or portion to the county from which it had originally been transferred. The provisions of this paragraph shall not apply to state lands that had been set aside for use by the county, or to real property where the major portion of the cost of the land or improvements was financed by state funds. [L 1969, c 265, §4]

**Note**

Section 27-21.1 referred to in text is repealed.

**Revision Note**

“January 1, 1970” substituted for “the effective date of this Act”.

§27-21.5 REPEALED. L 1988, c 244, §7.

**§27-21.6 Functions reassigned to the counties.** The following functions are hereby reassigned to the several counties:

- (1) The medical care of inmates of county jails;
- (2) The rendering of medical investigatory services requested by the police;
- (3) Physical examinations of employees to the extent that such functions had been performed immediately prior to the adoption of Act 97, Session Laws of Hawaii 1965;
- (4) The care and treatment of county workers' compensation cases to the extent that such functions had been performed immediately prior to the adoption of Act 97, Session Laws of Hawaii 1965; and
- (5) The regulation of the design, construction, and operation of individual wastewater systems and private wastewater treatment works, provided that the transfer of this function to each county shall take place on the date that the expenditure of start-up funds is made by the State to such county for this purpose. [L 1969, c 265, §6; am L 1975, c 41, §1; am L 1978, c 148, §3; am L 1985, c 282, §1]

**§§27-22, 22.5, 22.7, 23, 24 REPEALED.** L 1989, c 327, §§5 to 9.

#### **PART IV. JUNIOR POLICE**

**§27-26 Junior police officer training programs.** The State shall appropriate funds to facilitate the training programs of the several junior police organizations, and shall make adequate provisions by procuring insurance and assuming liability on the part of the State therefor, for the medical care and hospitalization of children who may be injured, for the defrayment of funeral expenses and for the death of children dying from injuries received, and for the protection against public liability, while performing duty as junior police officers and in all other activities certified as proper junior police functions by the police departments of the several counties, as follows:

The cost of medical care and hospitalization of any child so injured will be met in a sum not to exceed \$20,000 and the funeral expenses of any child dying from injuries received while performing such duty will be met in a sum not to exceed \$1,500. A death benefit in the principal sum of \$5,000 shall be awarded to the legal guardian, parents, or designated beneficiary or beneficiaries of the child whose death was caused by reason of participation in junior police activities.

The State shall procure insurance to protect any child participating in the junior police program from claims for damages arising or resulting from the child's activities as a junior officer in an amount not to exceed \$100,000 for each claim or cause of action. This protection for legal liability shall inure to the benefit of the legal guardian or parents of the child in the event they are named as parties to the action.

The right of the child or of any other person lawfully claiming damages by reason of injuries to, or death of the child, shall in nowise be affected by this section. [L 1967, c 203, §9; HRS §27-26; am L 1973, c 151, §1; gen ch 1985]

#### **Cross References**

Police departments, generally, see chapter 52D.

Attorney General Opinions

Coverage is limited to JPO's in public schools; to extend coverage to nonpublic schools would violate state constitution. Att. Gen. Op. 73-15.

**PART V. HIGHWAYS; PARKS; HISTORICAL SITES**

**§27-31 Maintenance of state highways.** Notwithstanding any law to the contrary, the governor may enter into contracts with the several counties for their services in the repair and maintenance of state highways, which may include roadway maintenance, structures maintenance, streetlights, street sweeping, landscaping, and cantoneering. In addition thereto, the governor may transfer functions covered herein, or any portion thereof, to the several counties; provided that any transfer of functions made under their authorization shall be temporary and shall be subject to the express approval of the next succeeding legislature. [L 1967, c 203, §10; HRS §27-31]

Cross References

Highways generally, see chapter 264.

**§27-32 Maintenance of state parks.** Notwithstanding any law to the contrary, the governor may enter into contracts with the several counties for their services in the repair, maintenance, and operation of the buildings and grounds of state parks and historical sites. In addition thereto, the governor may transfer functions covered herein, or any portion thereof, to the several counties; provided that any transfer of functions made under this authorization shall be temporary and shall be subject to the express approval of the next succeeding legislature. [L 1967, c 203, §11; HRS §27-32]

Cross References

Historical sites, see chapter 6E.  
Parks, see chapter 184.

**PART VI. REVIEW**

**§27-36 REPEALED.** L 1988, c 244, §8.

**[PART VII. TECHNOLOGY]**

**[§27-41] Special advisor for technology development.** (a) There is established within the office of the governor a special advisor for technology development to be appointed by the governor as provided in section 26-34.

- (b) The duties of the special advisor shall include but not be limited to:
- (1) Developing, coordinating, and implementing short- and long-range state policies and directions to enhance the development of high technology industries in Hawaii;
  - (2) Coordinating all state high technology agencies while developing a plan for reorganization or consolidation of these agencies in the interests of greater efficiency and cost effectiveness;
  - (3) Advising the private sector in the development of high technology activities and resources and providing technical or other assistance to private industry upon request;
  - (4) Creating, disseminating, and updating a listing of all high technology

- assistance programs in the State and where they can be reached;
- (5) Pursuing appropriate public-private sector business partnerships;
  - (6) Coordinating the State's promotion and marketing of the high technology industry, including a review of current marketing efforts;
  - (7) Arranging for the conduct of research through contractual services with the University of Hawaii or any agency or other qualified persons;
  - (8) Encouraging the development of educational, training, and career programs in high technology industries; and
  - (9) Performing other necessary or desirable functions to facilitate the intent of this section.
- (c) In carrying out the duties of this section, the special advisor for technology development may utilize the services of the State's high technology agencies, including those of the University of Hawaii, as appropriate.
- (d) In carrying out the duties of this section, the special advisor for technology development shall seek and utilize any available funding sources, including grant moneys. [L 1999, c 178, pt of §3]

**§27-42 REPEALED.** L 2007, c 9, §20.

**[PART VIII. HAWAII PERFORMANCE PARTNERSHIPS BOARD]**

**[§27-51] Hawaii performance partnerships board; establishment.** (a) There is established within the office of the governor, on a special and temporary basis, the Hawaii performance partnerships board.

(b) The board shall consist of the following nine members who shall be appointed by the governor in accordance with section 26-34:

- (1) Three members representing business;
- (2) Three members representing philanthropy; and
- (3) Three members representing government.

(c) Members shall serve for five-year terms, except for appointed state officials, who shall serve for the length of their appointments.

(d) The members of the board shall serve without compensation and without reimbursement for expenses, including travel expenses.

(e) The governor shall designate a chairperson from among the members of the board. [L 1999, c 160, §13]

**[§27-52] Duties of the board.** The board shall:

- (1) Propose key community outcomes of well-being for the residents of the State to the legislature, and report to the legislature and the citizens of Hawaii on progress in attaining the outcomes adopted by the legislature;
- (2) Execute an agreement between the federal government, the state executive branch, and representatives of philanthropy and community service organizations to encourage intergovernmental partnerships with federal agencies and state, county, and community organizations for the purpose of measuring results in exchange for fiscal and regulatory flexibility in achieved shared goals;
- (3) Increase the use of performance measurement initiatives in each state agency through the governor's cabinet; and
- (4) Increase the number of performance partnerships between federal, state, county, and community-based agencies through the governor's cabinet. [L 1999, c 160, §14]