

**Routine Program Changes
to
State of Hawaii Coastal Zone Management Program**

Request for Concurrence

September 2014

**Submitted by:
State of Hawaii Office of Planning
P.O. Box 2359, Honolulu Hawaii 96804**

HAWAII COASTAL ZONE MANAGEMENT NETWORK

In 1977, the Hawaii State Legislature enacted Hawaii Revised Statutes (HRS) Chapter 205A as the legal foundation of the Hawaii Coastal Zone Management (CZM) Program. The Legislature designed the Hawaii CZM law to build upon the existing functions of agencies that comprise Hawaii's CZM Program network. HRS Chapter 205A requires the state and county agencies, within the scope of their authorities, to assure that their statutes, ordinances, rules and actions comply with the CZM objectives and policies. The Hawaii CZM Program is the State's policy umbrella for coastal resource management that focuses on land and water uses.

From time to time, statutory and regulatory changes to the legal mechanisms for the Hawaii CZM network agencies are necessary to address new challenges, strengthen the management regime, clarify provisions, or otherwise modify management of activities affecting coastal resources. In order for these statutory and regulatory changes to be incorporated into the State's federally approved CZM Program, they must be submitted for federal review and concurrence in accordance with 15 Code of Federal Regulations (CFR) Part 923 for approval. The State of Hawaii is submitting this request for the National Oceanic and Atmospheric Administration (NOAA) Office of Ocean and Coastal Resource Management (OCRM) to concur in the incorporation of these changes as routine program changes into the Hawaii CZM Program.

In accordance with requirements for routine program changes as set forth in 15 CFR § 923.84 and the guidelines for routine program changes contained in OCRM's *Program Change Guidance* 1996, and its addendum dated November 2013, the Hawaii CZM Program has prepared the following analysis of program changes, with the description of changed policies to:

- (1) Identify the enforceable policies and program policies to be added to the CZM Program;
- (2) Explain why the proffered changes to Hawaii CZM Program are routine program changes and are not amendments as described in 15 CFR § 923.80(d); and
- (3) Examine the effect the changes have on the existing management program.

INTRODUCTION

The submittal of routine program changes to the Hawaii CZM Program for OCRM's concurrence at this time includes:

1. Federal consistency procedures for emergency proclamations issued by the Governor of the State of Hawaii, or a mayor of one of the counties;
2. Adding HRS Chapter 226 to the Hawaii CZM Program as program policies with HRS Chapter 225 repealed; and
3. Incorporating the amendment to HRS Chapter 225M by adding HRS 225M-2(b)(9) into the Hawaii CZM Program as a program policy.

DESCRIPTION AND ANALYSIS

1. Federal Consistency Procedures for Governor or Mayor Issued Emergency Proclamations

Description of Program Change:

When the Governor of the State of Hawaii, or a mayor of one of the counties, issues a proclamation for disaster or emergency relief purposes, expedited Coastal Zone Management (CZM) Program federal consistency procedures are necessary so that government agencies can maintain the strength, resources, and economic life of the community, and to protect the public health, safety and welfare. However, the Hawaii CZM Program does not have federal consistency procedures for providing immediate responses for federal actions dealing with disaster or emergency situations. Therefore, alternative federal consistency procedures are proposed for federal agency activities, federal licenses and permits, and federal assistance, which would be applicable only when the governor or a mayor issues a disaster or emergency proclamation.

Text of Program Change:

Hawaii CZM Program Federal Consistency Procedures for Federal Agency Activities, Federal Licenses and Permits, and Federal Assistance, that are applicable when the Governor or a Mayor Issues a Proclamation for Disaster or Emergency Relief Purposes

Pursuant to Act 111, Session Laws of Hawaii (SLH) 2014 (**Reference 1**), emergency powers are conferred on the Governor of the State of Hawaii, and the mayors of the counties, to deal with disasters or emergencies; to ensure the administration of state and federal programs providing disaster relief; to protect the public health, safety and welfare; and to preserve the lives and property of the people of the State of Hawaii. The proposed routine program changes are intended to expedite federal, state, and county actions that are necessary to respond to, or provide relief for, disaster or emergency situations while addressing Coastal Zone Management Act federal consistency requirements. With the proposed changes, whenever the governor or a mayor, issues a proclamation for disaster or emergency relief purposes, federal, state, and county agencies may carry out emergency response activities without CZM consistency review and concurrence, that would otherwise be subject to review for federal agency activities (15 CFR

Part 930, Subpart C), federal licenses or permits (15 CFR Part 930, Subpart D), or federal assistance (15 CFR Part 930, Subpart F).

Add the following provision to the Hawaii CZM Program:

a) Federal Agency Activities (15 CFR Part 930, Subpart C)

Federal agency activities that are necessary to respond to a disaster or emergency situation, for which the Governor or a mayor has issued a proclamation for relief purposes, are considered to be emergency activities for the purposes and procedures provided in the federal consistency regulations at 15 CFR § 930.32(b).

Amend the Hawaii list of federal licenses and permits subject to federal consistency review as follows.

b) Hawaii List of Federal Licenses and Permits Subject to Federal Consistency Review

U.S. Army Corps of Engineers permits required under:

Rivers and Harbors Act of 1899, Sections 9, 10 and 11

Marine Protection, Research and Sanctuaries Act of 1972, Section 103

Federal Water Pollution Control Act of 1972 and amendments, Section 404

Add the following provision:

Whenever the Governor or a mayor issues a proclamation for disaster or emergency relief purposes, these U.S. Army Corps of Engineers permits may be issued to state and county agencies for emergency response activities without CZM consistency review and concurrence. For monitoring purposes, state and county agencies shall inform the Hawaii CZM Program, as soon as practicable, of emergency activities authorized by these permits. If a state or county agency requires additional federal permit authorization after the proclamation has expired or after 1 year from the date of the proclamation, whichever date comes first unless another date is otherwise mutually agreed to by the Hawaii Coastal Management Program and the Corps, then the state or county agency shall comply with the applicable federal consistency review requirements and procedures.

Department of Transportation, U.S. Coast Guard:

Permits and licenses for construction of bridges under 33 USC 401, 491-507, and 523-534

Permits and licenses for deepwater ports under the Deepwater Port Act of 1974

Add the following provision:

Whenever the Governor or a mayor issues a proclamation for disaster or emergency relief purposes, these U.S. Coast Guard permits may be issued to state and county agencies for emergency response activities without CZM consistency review and concurrence. For monitoring purposes, state and county agencies shall inform the Hawaii CZM Program, as soon as practicable, of emergency activities authorized by these permits. If a state or

county agency requires additional federal permit authorization after the proclamation has expired or after 1 year from the date of the proclamation, whichever date comes first unless another date is otherwise mutually agreed to by the Hawaii Coastal Management Program and the U.S. Coast Guard, then the state or county agency shall comply with the applicable federal consistency review requirements and procedures.

Amend the Hawaii list of federal assistance programs subject to federal consistency review as follows.

c) Hawaii List of Federal Assistance Programs Subject to Federal Consistency Review

**Department of Transportation, Federal Highway Administration (FHWA)
20.205 Highway Planning and Construction**

The following types of activities funded under this program are not subject to federal consistency review:

- Non-construction activities related to highway planning and construction
- Acquisition of real property and rights-of-way
- Feasibility, alternative analysis, technical studies and data collection
- Road maintenance and repairs including removal of existing pavement, resurfacing, pavement preventive maintenance, striping and markings, replacing signage, and repairs to sidewalks and curbs.
- Reconstruction, rehabilitation and widening of roadways within established rights-of-way.
- Installation of sidewalks within established rights-of-way, e.g., Safe Routes to School.
- Installation of ADA curbs and ramps.
- Roadway improvements including installation of lighting, traffic signals, signage, pedestrian signals and crosswalks, and traffic management devices.
- Installation of drainage improvements for existing roadways within established rights-of-way.
- Repairs and improvements to existing bridges, including seismic retrofitting of bridges.
Note: Construction of new bridges and widening of existing bridges requires federal consistency review.

Add the following item to the list of activities that are not subject to federal consistency review:

- State and county activities required to provide disaster or emergency relief in response to a proclamation issued by the Governor or a mayor. For monitoring purposes, state and county agencies shall inform the Hawaii CZM Program, as soon as practicable, of emergency activities that received funding under this federal assistance program. If a state or county agency requires additional funding from this federal assistance program after the proclamation has expired or after 1 year from the date of the proclamation, whichever date comes first unless another date is otherwise mutually agreed to by the Hawaii Coastal Management Program and the Federal agency, then the state or county agency shall comply with the applicable federal consistency review requirements and procedures.

Analysis:

The proposed program change is necessary to implement alternative federal consistency procedures when the Governor of the State of Hawaii, or a mayor of one of the counties, issues a proclamation for disaster or emergency relief purposes. The procedural change constitutes a routine program change, and is not an amendment, because: (1) it meets the objectives of OCRM Program Approvability Area No. 5 - *Coordination, Public Involvement and National Interest* (15 CFR Part 923, Subpart F) for coastal management programs' federal consistency procedures; and (2) it is consistent with the OCRM *Program Change Guidance* (July 1996) "Definition of Program Change" (section II. A.) which includes, "changes to policies and procedures affecting state or federal consistency review or federal agency, local government, and public participation." The proposed procedural changes are intended to expedite federal, state, and county actions that are necessary to respond to, or provide relief for, disaster or emergency situations while addressing CZM Act federal consistency requirements.

2. Adding HRS Chapter 226 to the Hawaii CZM Program with HRS Chapter 225 Repealed

Description of Program Change:

In previous requests for routine program changes, the Hawaii CZM Program inadvertently missed adding HRS Chapter 226, Hawaii State Planning Act, which was adopted by the state on May 22, 1978, and took effect on May 22, 1978 and May 1, 1979 through Act 100, SLH 1978. See **Attachment 1**.

Act 100, SLH 1978, added HRS Chapter 226 and repealed HRS Chapter 225. HRS Chapter 225, Policy Planning, was approved to be integrated into the Hawaii CZM Program by *State of Hawaii Coastal Zone Management Program and Final Environmental Impact Statement*, prepared by U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management, and was listed in Table 5 *Authorities Matrix*, pages 86-90. See **Reference 2**.

The purpose of HRS Chapter 225 was to create a structure for policy plan formulation and program plan coordination which ordered the action of all state and county agencies under the general policies and directions prescribed by the legislature through a state plan. Repealed HRS Chapter 225 included Part I. Policy and Planning Coordination, and Part II. State Plan. For repealed HRS Chapter 225, please see **Attachment 2**.

In replacement of HRS Chapter 225, HRS Chapter 226 serves as a guide for the long-range development of the state by describing a desired future for the state of Hawaii and providing a set of goals, objectives, and policies to shape the general direction of public and private development. The purpose of HRS Chapter 226 is "to improve the planning process in this State, to increase the effectiveness of government and private actions, to improve coordination among different agencies and levels of government, to provide for wise use of Hawaii's resources and to guide the future development of the State." The State Office of Planning (OP) is charged with providing technical assistance in administering the Act.

HRS Chapter 226 includes Part I. Overall Theme of Hawaii State Plan, Goals, Objectives and Policies; Part II. Planning Coordination and Implementation; and Part III. Priority Guidelines. The overall theme, goals, objectives, and policies in Part I provide the broad guidelines for the state. Part II is to establish a statewide planning system to coordinate and guide all major state and county activities and to implement the overall theme, goals, objectives, policies, and priority guidelines. Part III provides those guidelines which shall take precedence when addressing areas of statewide concern. For each of the specific sections as of 2014, please refer to **Attachment 3**.

The recent amendments to HRS Chapter 226 are: 1) Act 286, SLH 2012, which amends HRS Chapter 226, by adding § 226-109 Climate change adaptation priority guidelines to Part III. Climate change adaptation priority guidelines set forth in HRS § 226-109 focus state and county resources on major areas of statewide concern that merit priority attention to improve the quality of life for Hawaii's present and future population through the pursuit of desirable courses of action. The priority guidelines serve as a guiding policy for adapting to the expected impacts of climate change through the existing implementation provisions of the Hawaii State Planning Act, which include guiding all major state and county activities, programs, budgetary, land use, and other decision making processes, and county general plans and development plans, pursuant to Part II of HRS Chapter 226, Hawaii State Planning Act. Under the climate change adaptation priority guidelines set forth in HRS § 226-109, further state statute laws and county ordinances and rules are needed to enforce the climate change adaptation policies within the state.

2) Act 133, SLH 2014, which amends § 226-6(b), § 226-10, § 226-10.5, § 226-103(a), and § 226-103(g), to promote and encourage innovative activity and entrepreneurship in regards to the economy of the State.

3) Act 155, SLH 2014, which amends § 226-20, by adding § 226-20(a)(3) and § 226-20(b)(7) to update the Hawaii State Planning Act's objectives for health to include a dual commitment to addressing Native Hawaiian health and eliminating health disparities.

In this submittal we propose to add HRS Chapter 226, Hawaii State Planning Act, as amended as of 2014, to the Hawaii CZM Program as routine program changes in program policies rather than enforceable policies, as HRS Chapter 225 was repealed. Pursuant to HRS § 226-52(a), county general plans or development plans, and state programs shall further define the overall theme, goals, objectives, policies, and priority guidelines contained within Chapter 226.

3. Modifying HRS Chapter 225M by adding HRS 225M-2(b)(9)

Description of Program Change:

HRS Chapter 225M, State Planning, was previously submitted to OCRM for routine program changes on June 13, 1990, and approved by OCRM on July 18, 1990.

HRS Chapter 225M was amended through Act 83, SLH 2014, by adding HRS § 225M-2(b)(9) that the State of Hawaii Office of Planning shall engage in climate adaptation planning, which includes (a) develop, monitor and evaluate strategic climate adaptation plans and

actionable policy recommendations; (b) provide planning and policy guidance and assistance to the state and county agencies regarding climate change; and (c) publish its findings, recommendations, and progress reports on actions taken no later than December 31, 2017, and its annual report to the governor and the legislature thereafter.

The State of Hawaii Legislature finds that it is time to ensure that Hawaii adapts to the effects of climate change before the effects grow beyond the State's ability to prevent the worst impacts on Hawaii's economy, environment, and way of life. The purpose of Act 83, SLH 2014, is to address the effects of climate change through 2050 to protect the State's economy, health, environment, and way of life. The initial focus of this Act is to address the impact of sea level rise on Hawaii and to support ongoing climate change adaptation efforts of the State. For the amendments to HRS § 225M, please refer to **Attachment 4**.

In this submittal we propose to incorporate HRS § 225M-2(b)(9) into the Hawaii CZM Program as a program policy rather than an enforceable policy for federal consistency review.

Analysis:

In accordance with *Program Change Guidance 1996*, a substantial change is a high threshold. Indicators of a substantial change include:

- (1) New or revised enforceable policies that address coastal uses or resources not previously managed may be substantial;
- (2) The extent to which the proposed change impacts the national interest reflected in the CZM Act; and
- (3) The extent to which the proposed change is similar to past program change requests that were treated as amendments.

In replacement of HRS Chapter 225, adding HRS Chapter 226 to the Hawaii CZM Program will not result in substantial changes in one or more of these five program areas identified in subparts B through F of 15 CFR Part 923. The following analysis responds to each of these five (5) program areas from adding HRS Chapter 226 with HRS Chapter 225 repealed, and amending HRS Chapter 225M by adding § 225M-2(b)(9).

§ 923.80(d)(1) Uses Subject to Management – The Hawaii CZM Program, built upon the existing agency functions, provides criteria under the CZM objectives and policies, and special management area guidelines for managing land uses and water uses within the coastal zone which have a significant impact on coastal waters.

HRS § 205A-5 provides as follows:

- (a) All agencies shall ensure that their rules comply with the objectives and policies of this chapter and any guidelines enacted by the legislature.
- (b) All agencies shall enforce the objectives and policies of this chapter and any rules adopted pursuant to this chapter.

The criteria under the CZM objectives and policies, and the existing Hawaii CZM network management will not be changed with the approval of the proposed routine program changes by integrating HRS § 225M-2(b)(9) and HRS Chapter 226 into the CZM Program as program policies while HRS Chapter 225 was repealed.

§ 923.80(d)(2) Special Management Areas – Hawaii’s areas of particular concern are concerned primarily with the preservation and restoration of such areas for their conservation, recreational, ecological, or aesthetic values. For example, the Natural Area Reserve System (NARS) was established by the state legislature under HRS Chapter 195 to protect geological, volcanic, and other natural areas with distinctive marine, animal, and terrestrial features from loss due to growth of population and technology. The NARS counterpart on the water side of the coastal zone is the Marine Life Conservation District (MLCD) Program, which was established under HRS Chapter 190 to preserve unique areas of Hawaii’s marine environment. The criteria for designating and managing the areas of particular concern, including the special management areas in Part II of HRS Chapter 205A, will not be changed with the approval of the proposed routine program changes. Incorporation of HRS Chapter 226 and HRS § 225M-2(b)(9) into the Hawaii CZM Program will improve coordination among different agencies and levels of government, for wise use of Hawaii’s resources, including responses to the climate change impacts. In fact, managing and reducing the potential adverse effects of climate change and sea level rise are required by the National CZM Act.

§ 923.80(d)(3) Boundaries – Requirements for defining Hawaii’s coastal zone boundary are provided in HRS Chapter 205A, Hawaii CZM Law. As defined in HRS §205A-1, “Coastal zone management area” means all lands of the state and the area extending seaward from the shoreline to the limit of the state’s police power and management authority, including the United States territorial sea. The Hawaii CZM Program boundary will not be changed with the approval of the proposed routine program changes by amending HRS § 225M and adding HRS Chapter 226 with repealed HRS Chapter 225.

§ 923.80(d)(4) Authorities and Organizations – The Hawaii Legislature designed the Hawaii CZM law to build upon the existing functions of agencies that comprise Hawaii’s CZM Program network. The state retains techniques for control of land uses and water uses within the coastal zone and is organized to achieve this through the networked agencies of Hawaii CZM Program. No changes in the Hawaii CZM network framework come from this submittal, nor will the submittal affect or change State’s overall management authorities, organizations, and responsibilities through the Hawaii CZM Program.

§ 923.80(d)(5) Coordination, Public Involvement and National Interest – The Hawaii CZM Program provides opportunities for involvement and participation from federal and state agencies, local governments, interested parties, and the public in permitting processes, consistency determinations, and other similar participation and involvements. The subject routine program changes involving amending HRS § 225M, and adding HRS Chapter 226 Hawaii State Planning Act are being submitted under § 923.80(d)(5). The State’s management and process in coordination, public involvement will be enhanced, and the national interest will not be affected with the approval of the proposed routine program changes.

Effects of Incorporation:

Incorporation of HRS § 225M-2(b)(9) and HRS Chapter 226 Hawaii State Planning Act enhances the implementation framework of Hawaii CZM Program that has been established on the existing agency functions.

HRS Chapter 226 sets forth the Hawaii State Plan, which (1) serves as a guide for the future long-range development of the State; (2) identifies the goals, objectives, policies, and priorities for the State; (3) provides a basis for determining priorities and allocating limited resources, such as public funds, services, human resources, land, energy, water, and other resources; (4) improves coordination of federal, state, and county plans, policies, programs, projects, and regulatory activities; and (5) establishes a system for plan formulation and program coordination to provide for an integration of all major state, and county activities.

Adding HRS chapter 226 to Hawaii CZM Program helps to (1) improve the planning process in the State, (2) increase the effectiveness of government and private actions, (3) improve coordination among different agencies and levels of government, (4) provide for wise use of Hawaii's resources, and (5) guide the future development of the State.

The National CZM Act, 16 U.S.C. § 1451, notes that “global warming may result in a substantial sea level rise with serious adverse effects in the coastal zone” and that “coastal states must anticipate and plan for such an occurrence.” Correspondingly, HRS § 226-109 provides climate change adaptation priority guiding policies to respond to the impacts of climate change and sea level rise across the state of Hawaii. As priority guidelines, climate change adaptation must be considered in state and county budgetary, land use, and other decision-making processes. In particular, the State Land Use Commission and Board of Land and Natural Resources must consider whether land use entitlements are consistent with the priority guidelines. Land use planning, coastal permitting, and zoning at the county level must be consistent with county general plans, which must be consistent with HRS Chapter 226, Hawaii State Planning Act.

HRS § 225M-2(b)(9) addresses the impact of sea level rise on Hawaii and supports ongoing climate change adaptation efforts of the State. Adding HRS Chapter 226 to the Hawaii CZM Program with repealed HRS Chapter 225 enhances the program policies in the Hawaii CZM Program, and achieves the purpose previously set forth in HRS Chapter 225 of creating a structure for policy plan formulation and program plan coordination through a state plan.

CONCLUSION

Pursuant to CZM Act § 306(e) and 15 CFR § 923.80, the Hawaii CZM Program finds that the alternative federal consistency review procedures for Governor declared disasters or emergencies, adding HRS Chapter 226 with repealed HRS Chapter 225, and incorporation of HRS 225M-2(b)(9) will not substantially change the enforceable authorities of Hawaii CZM Program, uses subject to management under the Hawaii CZM Program, or the national interests in the state's coastal zone. The proposed routine program changes will enhance the policies of

the state to manage, preserve, and sustain the coastal resources of the state of Hawaii, taking into account the impacts of climate change.

According to the standards set forth by 15 CFR § 923.80(d), procedures set forth by 15 CFR § 923.84, and the OCRM's *Program Change Guidance* July 1996, with the addendum November 2013, the Hawaii CZM Program submits the proposed alternative federal consistency review procedures for declared disasters or emergencies by the Governor of the State of Hawaii, or a mayor of one of the counties, as the routine program changes in enforceable policies for federal consistency review, and integration of HRS 225M-2(b)(9), and HRS Chapter 226 with repealed HRS Chapter 225 as the routine program changes in program policies, and requests for a concurrence from NOAA OCRM with this action.

SUMMARY TABLE: CHANGES TO THE HAWAII CZM PROGRAM

Summary of Changes	Legal Citation (reference)	Enforcement Mechanism(s)	Date Adopted by State	Date Effective by State	Significance of Changes
ADDED:					
<p>1. Not subject to Hawaii CZM Program Federal Consistency Procedures when the Governor or a mayor issues an Emergency Proclamation:</p> <p>a) Federal Agency Activities (15 CFR Part 930, Subpart C)</p> <p>b) U.S. Army Corps of Engineers Permits required under Rivers and Harbors Act of 1899, Sections 9, 10 and 11; Marine Protection, Research and Sanctuaries Act of 1972, Section 103; and Federal Water Pollution Control Act of 1972 and amendments, Section 404.</p> <p>Department of Transportation, U.S. Coast Guard – Permits and Licenses for construction of bridges under 33 USC 401, 491-507, and 523-534; and Permits and Licenses for deepwater ports under the Deepwater Port Act of 1974.</p>	<p>Pursuant to Act 111, SLH 2014, emergency powers are conferred on the Governor or a mayor to deal with disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety and welfare.</p>	<p>Whenever the Governor of the State of Hawaii, or a mayor of one of the counties, issues a proclamation for disaster or emergency relief purposes, federal, state, and county agencies, or a representative acting on their behalf, may carry out emergency response activities without CZM consistency review and concurrence by the Office of Planning.</p>	<p>Upon OCRM Approval</p>	<p>Upon OCRM Approval</p>	<p>The proposed procedural changes are intended to expedite federal, state, and county actions that are necessary to respond to, or provide relief for, disaster or emergency situations while addressing CZM Act federal consistency requirements.</p>

Summary of Changes	Legal Citation (reference)	Enforcement Mechanism(s)	Date Adopted by State	Date Effective by State	Significance of Changes
c) Department of Transportation, Federal Highway Administration (FHWA) 20.205 Highway Planning and Construction; State and County activities required to provide disaster or emergency relief in response to a proclamation issued by the Governor.					

Summary of Changes	Legal Citation (reference)	Enforcement Mechanism(s)	Date Adopted by State	Date Effective by State	Significance of Changes
2. Incorporation of HRS Chapter 226 into the Hawaii CZM Program as Program Policies	Act 100, SLH 1978, and as amended as of 2014 (Act 133, Act 155, SLH 2014)	Land use planning, coastal permitting, and zoning at the county level must be consistent with county general plans, which must be consistent with HRS Chapter 226. The State Office of Planning is charged with providing technical assistance in administering the Act.	05/22/1978 06/24/2014 06/30/2014	05/22/1978 05/01/1979 07/01/2014 06/30/2014	<ul style="list-style-type: none"> ▪ Does not substantially change the uses subject to management or the enforceable authorities or organizational structure within the coastal zone. ▪ Improve the planning process, increase the effectiveness of government and private actions, improve coordination among different agencies and levels of government, and provide for wise use of Hawaii's resources and to guide the future development of the State. ▪ Serve as a guiding policy, including adaptation to climate change impacts, through the existing implementation provisions of the Hawaii State Planning Act.
MODIFIED:					

Summary of Changes	Legal Citation (reference)	Enforcement Mechanism(s)	Date Adopted by State	Date Effective by State	Significance of Changes
3. HRS Chapter 225M was amended by adding HRS 225M-2(b)(9)	Act 83, SLH 2014	State of Hawaii Office of Planning is required to engage in climate adaptation planning to (a) develop and evaluate strategic climate adaptation plans and actionable policies; and (b) provide planning and policy guidance to the state and county agencies regarding climate change.	06/09/2014	07/01/2014	<ul style="list-style-type: none"> ▪ Does not substantially change the uses subject to management or the enforceable authorities or organizational structure within the coastal zone. ▪ Develop and provide strategic climate adaptation plans and policy guidance; ▪ Report statewide evaluations and findings regarding climate change impacts
DELETED:					

Summary of Changes	Legal Citation (reference)	Enforcement Mechanism(s)	Date Adopted by State	Date Effective by State	Significance of Changes
4. HRS Chapter 225 was repealed	Act 100, SLH 1978	Added HRS Chapter 226 and repealed HRS Chapter 225	05/22/1978	05/22/1978	<ul style="list-style-type: none"> ▪ Does not substantially change the uses subject to management or the enforceable authorities or organizational structure within the coastal zone. ▪ In replacement of HRS Chapter 225, HRS Chapter 226 serves as a guide for the long-range development of the state by describing a desired future for the state of Hawaii and providing a set of goals, objectives, and policies to shape the general direction of public and private development.

LIST OF INCORPORATION OF CHANGES

Name/Description of State or Local Law/Regulation/Policy/Program Authority		State/Local Legal Citation	Date Adopted by State	Date Effective in State
ADDED:				
1	<p>Not subject to Hawaii CZM Program Federal Consistency Procedures when the Governor or a mayor issues an Emergency Proclamation:</p> <p>a) Federal Agency Activities (15 CFR Part 930, Subpart C)</p> <p>b) U.S. Army Corps of Engineers Permits required under Rivers and Harbors Act of 1899, Sections 9, 10 and 11; Marine Protection, Research and Sanctuaries Act of 1972, Section 103; and Federal Water Pollution Control Act of 1972 and amendments, Section 404.</p> <p>Department of Transportation, U.S. Coast Guard – Permits and Licenses for construction of bridges under 33 USC 401, 491-507, and 523-534; and Permits and Licenses for deepwater ports under the Deepwater Port Act of 1974.</p> <p>c) Department of Transportation, Federal Highway Administration (FHWA) 20.205 Highway Planning and Construction; State and County activities required to provide disaster or emergency relief in response to a proclamation issued by the governor.</p>	Pursuant to Act 111, SLH 2014, emergency powers are conferred on the Governor or a mayor to deal with disasters or emergencies	Upon OCRM Approval	Upon OCRM Approval
2	Incorporation of HRS Chapter 226 into the Hawaii CZM Program as Program Policies	Act 100, SLH 1978, and as amended as of 2014, Act 133, Act 155, SLH 2014	05/22/1978 06/24/2014 06/30/2014	05/22/1978 05/01/1979 07/01/2014 06/30/2014
MODIFIED:				
3	HRS Chapter 225M was amended by adding HRS 225M-2(b)(9)	Act 83, SLH 2014	06/09/2014	07/01/2014
DELETED:				
4	HRS Chapter 225 was repealed	Act 100, SLH 1978	05/22/1978	05/22/1978

**Routine Program Changes
to
State of Hawaii Coastal Zone Management Program**

Request for Concurrence

September 2014

Attachment 1 - Act 100, SLH 1978

Attachment 2 - HRS Chapter 225 Repealed

Attachment 3 - HRS Chapter 226

Attachment 4 - Act 83, SLH 2014

Reference 1 - Act 111, SLH 2014

Reference 2 - Authorities Matrix

Submitted by:

**State of Hawaii Office of Planning
P.O. Box 2359, Honolulu Hawaii 96804**

Attachment 1

Act 100, Session Laws of Hawaii (SLH) 1978

Relating to Planning

**Hawaii Revised Statutes (HRS) Chapter 225 Repealed
HRS Chapter 226 Added**

SESSION LAWS
OF
HAWAII
PASSED BY THE
NINTH STATE LEGISLATURE

REGULAR SESSION
1978

Convened on Wednesday, January 18

and

Adjourned sine die on Friday, April 14

Published by Authority of the
Revisor of Statutes
Honolulu, Hawaii

the general public. All such rules and regulations shall be adopted pursuant to chapter 91. The rules and regulations may forbid acts or practices deemed by the board to be detrimental to the accomplishment of the purpose of this chapter;

- (3) To enforce this chapter and rules and regulations adopted pursuant thereto including the denial, suspension or revocation of any license; and
- (4) To examine all applicants and determine their qualifications prior to the issuance of licenses."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This Act shall take effect upon its approval.
(Approved May 20, 1978.)

ACT 100

H.B. NO. 2173-78

A Bill for an Act Relating to Planning.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 225, Hawaii Revised Statutes, is repealed.

SECTION 2. Notwithstanding any law to the contrary, the Hawaii Revised Statutes is amended by adding a new chapter, to be appropriately designated, and to read as follows:

"CHAPTER

HAWAII STATE PLANNING ACT

PART I. OVERALL THEME, GOALS, OBJECTIVES AND POLICIES

Sec. -1. **Findings and purpose.** The legislature finds that there is a need to improve the planning process in this State, to increase the effectiveness of public and private actions, to improve coordination among different agencies and levels of government, to provide for wise use of Hawaii's resources and to guide the future development of the State.

The purpose of this chapter is to set forth the Hawaii state plan that shall serve as a guide for the future long-range development of the State, identify the goals, objectives, policies, and priorities for the State of Hawaii; provide a basis for determining priorities and allocating limited resources, such as public funds, services, manpower, land, energy, water, and other resources; and assure coordination of state and county plans, policies, programs, projects, and regulatory activities.

The purpose of this chapter is also to establish a system for plan formulation and program coordination to provide for an integration of all major state and county activities. Implementation provisions contained herein are designed to carry out statewide guidelines presented in the form of the overall theme, goals, objectives, policies, and priority directions by:

- (1) Fostering policy integration and coordination of state and county plans, programs, projects, and regulatory activities;
- (2) Defining a statewide planning system and processes; and
- (3) Providing a basis for determining priorities and allocating limited resources.

Sec. -2 **Definitions.** As used in this chapter, unless the context otherwise requires:

- (1) "Department" means the department of planning and economic development.
- (2) "Policy council" means the council established in section -53.
- (3) "Advisory committee" means the committee established in section -57 to advise and assist in the formulation of the state functional plans.
- (4) "State agency" means any department, office, board, or commission of the State, or the University of Hawaii.
- (5) "County agency" means any department, office, board, or commission of the county.
- (6) "Hawaii state plan" means a long-range comprehensive plan, including the overall theme, goals, objectives, policies, priority directions, and implementation mechanisms established in this chapter.
- (7) "Priority directions" means the overall direction and implementing actions established in this chapter.
- (8) "County general plan" means the comprehensive long-range plan or development plan, if any, which has been adopted by ordinance or resolution by a county council.
- (9) "County development plan" means a relatively detailed plan for an area or region within a county to implement the objectives and policies of a county general plan.
- (10) "Functional plan" means a plan setting forth the policies, programs, and projects designed to implement the objectives of a specific field of activity, when such activity or program is proposed, administered, or funded by any agency of the State.
- (11) "State programs" means a combination of actions and activities undertaken by any state agency that are designed, coordinated, and executed to achieve an objective or set of objectives and policies within defined areas of concern.
- (12) "A-95 Clearinghouse" means the agency or agencies designated to carry out the procedures established pursuant to federal directive A-95 whereby certain applications for federal funds are reviewed and affected agencies are notified of the proposed applications.
- (13) "Regional carrying capacity" means the maximum population in a given area that can be adequately supported in an economically and environmentally sound manner.

Sec. -3 **Overall theme.** Hawaii's people, as both individuals and groups, generally accept and live by a number of principles or values which are an integral part of society. This concept is the unifying theme of the state plan. The following

levels of self-reliance and self-determination, it shall be the goal of the State to achieve:

- (1) A strong, viable economy, characterized by stability, diversity, and growth, that enables the fulfillment of the needs and expectations of Hawaii's present and future generations.
- (2) A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people.
- (3) Physical, social, and economic well-being, for individuals and families in Hawaii, that nourishes a sense of community responsibility, of caring and of participation in community life.

Sec. -5 Objective and policies for population. (a) It shall be the objective in planning for the State's population to guide population growth to be consistent with the achievement of physical, economic, and social objectives contained in this chapter.

(b) To achieve the population objective, it shall be the policy of this State to:

- (1) Manage population growth statewide in a manner that provides increased opportunities for Hawaii's people to pursue their physical, social, and economic aspirations while recognizing the unique needs of each county.
- (2) Encourage an increase in economic activities and employment opportunities on the Neighbor Islands consistent with community needs and desires.
- (3) Ensure that adequate support services and facilities are provided to accommodate the desired distribution of future growth throughout the State.
- (4) Promote increased opportunities for Hawaii's people to pursue their socio-economic aspirations throughout the islands.
- (5) Seek legislative and other means to manage the rate of migration of new residents to the State of Hawaii, in order that it may be consistent with the achievement of physical, economic, and social objectives contained in this chapter.
- (6) Foster an understanding of Hawaii's capacities to accommodate population needs.
- (7) Encourage federal actions that will promote a more balanced distribution of immigrants among the states provided that such actions do not prevent the reunion of immediate family members.
- (8) Pursue an increase in federal assistance for states with a greater proportion of foreign immigrants relative to their state's population.

Sec. -6 Objectives and policies for the economy—in general. (a) Planning for the State's economy in general shall be directed toward achievement of the following objectives:

- (1) Increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawaii's people.

principles or values are established as the overall theme of the Hawaii state plan:

- (1) *Individual and family self-sufficiency* refers to the rights of people to maintain as much self-reliance as possible. It is an expression of the value of independence, in other words, being able to freely pursue personal interests and goals. Self-sufficiency means that individuals and families can express and maintain their own self-interest so long as that self-interest does not adversely affect the general welfare. Individual freedom and individual achievement are possible only by reason of other people in society, the institutions, arrangements and customs that they maintain, and the rights and responsibilities that they sanction.
- (2) *Social and economic mobility* refers to the right of individuals to choose and to have the opportunities for choice available to them. It is a corollary to self-sufficiency. Social and economic mobility means that opportunities and incentives are available for people to seek out their own levels of social and economic fulfillment.
- (3) *Community or social well-being* is a value that encompasses many things. In essence, it refers to healthy social, economic, and physical environments that benefit the community as a whole. A sense of social responsibility, of caring for others and for the well-being of our community and of participating in social and political life, are important aspects of this concept. It further implies the aloha spirit—attitudes of tolerance, respect, cooperation and unselfish giving, within which Hawaii's society can progress.

One of the basic functions of our society is to enhance the ability of individuals and groups to pursue their goals freely, to satisfy basic needs and to secure desired socio-economic levels. The elements of choice and mobility within society's legal framework are fundamental rights. Society's role is to encourage conditions within which individuals and groups can approach their desired levels of self-reliance and self-determination. This enables people to gain confidence and self-esteem; citizens contribute more when they possess such qualities in a free and open society.

Government promotes citizen freedom, self-reliance, self-determination, social and civic responsibility and goals achievement by keeping order, by increasing cooperation among many diverse individuals and groups, and by fostering social and civic responsibilities that affect the general welfare. The greater the number and activities of individuals and groups, the more complex government's role becomes. The function of government, however, is to assist citizens in attaining their goals. Government provides for meaningful participation by the people in decision-making and for effective access to authority as well as an equitable sharing of benefits. Citizens have a responsibility to work with their government to contribute to society's improvement. They must also conduct their activities within an agreed-upon legal system that protects human rights.

Sec. -4 State goals. In order to guarantee those elements of choice and mobility that insure that individuals and groups may approach their desired

- (2) A growing and diversified economic base that is not overly dependent on a few industries.
- (b) To achieve the general economic objectives, it shall be the policy of this State to:

- (1) Expand Hawaii's national and international marketing, communication, and organizational ties, to increase the State's capacity to adjust to and capitalize upon economic changes and opportunities occurring outside the State.
- (2) Promote Hawaii as an attractive market for investment activities that benefit Hawaii's people.
- (3) Seek broader outlets for new or expanded Hawaii business investments.
- (4) Expand existing markets and penetrate new markets for Hawaii's products and services.
- (5) Assure that the basic economic needs of Hawaii's people are maintained in the event of disruptions in overseas transportation.
- (6) Strive to achieve a sustained level of construction activity responsive to, and consistent with, state growth objectives.
- (7) Encourage the formulation of marketing cooperatives to assist small scale producers, manufacturers, and distributors.
- (8) Pursue more favorable marketing arrangements at the regional and local levels for Hawaii's export products.
- (9) Encourage labor-intensive activities that are economically satisfying.
- (10) Foster greater cooperation and coordination between the public and private sectors in solving Hawaii's employment problems.
- (11) Promote economic activities, especially those which benefit areas with substantial unemployment problems.
- (12) Maintain acceptable working conditions and standards for Hawaii's workers.
- (13) Provide equal employment opportunities for all segments of Hawaii's population through affirmative action and anti-discrimination measures.
- (14) Encourage businesses that have favorable financial multiplier effects within Hawaii's economy.
- (15) Promote and protect intangible resources in Hawaii, such as scenic beauty and the aloha spirit, which are vital to a healthy economy.

Sec. -7 Objectives and policies for the economy —agriculture.

- (a) Planning for the State's economy with regard to agriculture shall be directed towards achievement of the following objectives:
 - (1) Increased viability in sugar and pineapple industries.
 - (2) Continued growth and development of diversified agriculture throughout the State.
- (b) To achieve the agriculture objectives, it shall be the policy of this State to:
 - (1) Foster attitudes and activities conducive to maintaining agriculture as a major sector of Hawaii's economy.

- (2) Seek federal legislation that benefits Hawaii's agricultural industries.
- (3) Promote Hawaii's agricultural products locally, on the continental United States, and internationally.
- (4) Support research and development activities that provide greater efficiency and economic productivity in agriculture.
- (5) Enhance agricultural growth by providing public incentives and encouraging private initiatives.
- (6) Assure the availability of agriculturally suitable lands with adequate water to accommodate present and future needs.
- (7) Increase the attractiveness and opportunities for an agricultural education and livelihood.
- (8) Expand Hawaii's agricultural base by promoting growth and development of flowers, tropical fruits and plants, livestock, feed grains, forestry, food crops, aquaculture, and other potential enterprises.
- (9) Strengthen diversified agriculture by developing an effective marketing and distribution system between producer and consumer.
- (10) Promote economically competitive activities that increase Hawaii's agricultural self-sufficiency.
- (11) Promote and assist in the establishment of sound financial programs for diversified agriculture.

Sec. -8 Objective and policies for the economy —visitor industry.

- (a) Planning for the State's economy with regard to the visitor industry shall be directed towards the achievement of the objective of a visitor industry that constitutes a major component of steady growth for Hawaii's economy.
- (b) To achieve the visitor industry objective, it shall be the policy of this State to:
 - (1) Assist in the overseas promotion of Hawaii's vacation attractions.
 - (2) Ensure that visitor industry activities are in keeping with the social, economic, and physical needs and aspirations of Hawaii's people.
 - (3) Improve the quality of existing visitor destination areas.
 - (4) Encourage greater cooperation between the public and private sectors in developing and maintaining well-designed and adequately serviced visitor industry and related developments.
 - (5) Ensure that visitor facilities and destination areas are carefully planned and sensitive to existing neighboring communities and activities.
 - (6) Develop the industry in a manner that will provide the greatest number of primary jobs and steady employment for Hawaii's people.
 - (7) Provide opportunities for Hawaii's people to obtain job training and education that will allow for upward mobility within the visitor industry.
 - (8) Foster a recognition of the contribution of the visitor industry to Hawaii's economy and the need to perpetuate the aloha spirit.
 - (9) Foster an understanding by visitors of the aloha spirit and of the unique and sensitive character of Hawaii's cultures and values.

Sec. -9 Objective and policies for the economy —federal expenditures.

- (a) Planning for the State's economy with regard to federal expenditures shall be

directed towards achievement of the objective of a stable federal investment base as an integral component of Hawaii's economy.

(b) To achieve the federal expenditures objective, it shall be the policy of this State to:

- (1) Encourage the sustained flow of federal expenditures in Hawaii that generates long-term government civilian employment.
- (2) Maintain Hawaii's supportive role in national defense.
- (3) Promote the future development of federally supported activities in Hawaii that respect statewide economic concerns, are sensitive to community needs, and minimize impacts on Hawaii's environment.
- (4) Increase opportunities for entry and advancement of Hawaii's people into federal government.
- (5) Encourage federal use of local commodities, services, and facilities available in Hawaii.
- (6) Strengthen federal-state-county communication and coordination in all federal activities that affect Hawaii.
- (7) Promote the return of federally controlled lands in Hawaii that are not required for the defense of the nation and the mutually beneficial exchanges of land between federal agencies, the state and the counties.

Sec. -10 Objective and policies for the economy—potential growth activities. (a) Planning for the State's economy with regard to potential growth activities shall be directed towards achievement of the objective of development and expansion of potential growth activities that serve to increase and diversify Hawaii's economic base.

(b) To achieve the potential growth activity objective, it shall be the policy of this State to:

- (1) Encourage investment and employment in economic activities that have the potential for growth such as diversified agriculture, aquaculture, apparel and textile manufacturing, and energy and marine-related industries.
- (2) Expand Hawaii's capacity to attract and service international programs and activities that generate employment for Hawaii's people.
- (3) Enhance Hawaii's role as a center for international trade, finance, services, technology, education, culture, and the arts.
- (4) Accelerate research and development of new energy-related industries based on wind, solar, ocean, and underground resources and solid waste.
- (5) Encourage the formulation of marketing cooperatives to assist small scale producers, manufacturers, and distributors.
- (6) Pursue more favorable marketing arrangements at the regional and local levels for Hawaii's export products.
- (7) Promote Hawaii's geographic, environmental, and technological advantages to attract new economic activities into the State.
- (8) Provide public incentives and encourage private initiative to attract new industries that will support Hawaii's social, economic, physical, and environmental objectives.

- (9) Generate new ocean-related economic activities in mining, food production, and scientific research.

Sec. -11 Objectives and policies for the physical environment—land-based, shoreline, and marine resources. (a) Planning for the State's physical environment with regard to land-based, shoreline, and marine resources shall be directed towards achievement of the following objectives:

- (1) Prudent use of Hawaii's land-based, shoreline, and marine resources.
- (2) Effective protection of Hawaii's unique and fragile environmental resources.
- (b) To achieve the land-based, shoreline, and marine resources objectives, it shall be the policy of this State to:
 - (1) Exercise an overall conservation ethic in the use of Hawaii's natural resources.
 - (2) Ensure compatibility between land-based and water-based activities and natural resources and ecological systems.
 - (3) Take into account the physical attributes of areas when planning and designing activities and facilities.
 - (4) Encourage the beneficial use of statewide forest resources without generating costly or irreparable environmental damage.
 - (5) Consider multiple uses in watershed areas, provided such uses do not detrimentally affect water quality and recharge functions.
 - (6) Encourage the protection of rare or endangered plant and animal species and habitats native to Hawaii.
 - (7) Provide public incentives that encourage private actions to protect significant natural resources from degradation or unnecessary depletion.
 - (8) Pursue compatible relationships among activities, facilities, and natural resources, especially within shoreline areas.
 - (9) Promote greater accessibility and prudent use of the shoreline for public recreational, educational, and scientific purposes.

Sec. -12 Objective and policies for the physical environment—scenic, natural beauty, and historic resources. (a) Planning for the State's physical environment shall be directed towards achievement of the objective of enhancement of Hawaii's scenic assets, natural beauty, and multi-cultural/historical resources.

(b) To achieve the scenic, natural beauty, and historic resources objective, it shall be the policy of this State to:

- (1) Promote the preservation and restoration of significant natural and historic resources.
- (2) Provide incentives to maintain and enhance historic, cultural, and scenic amenities.
- (3) Promote the visual and aesthetic enjoyment of mountains, ocean vistas, scenic landscapes, and other natural features.
- (4) Protect those special areas, structures, and elements that are an integral and functional part of Hawaii's ethnic and cultural heritage.

- (5) Encourage the design of developments and activities that complement the natural beauty of the islands.

Sec. -13 Objectives and policies for the physical environment—land, air, and water quality. (a) Planning for the State's physical environment with regard to land, air, and water quality shall be directed towards achievement of the following objectives:

- (1) Maintenance and pursuit of improved quality in Hawaii's land, air, and water resources.
- (2) Greater public awareness and appreciation of Hawaii's environmental resources.
- (b) To achieve the land, air, and water quality objectives, it shall be the policy of this State to:
 - (1) Foster educational activities that promote a better understanding of Hawaii's limited environmental resources.
 - (2) Promote the proper management of Hawaii's land and water resources.
 - (3) Promote effective measures to achieve desired quality in Hawaii's surface, ground, and coastal waters.
 - (4) Encourage actions to maintain or improve aural and air quality levels to enhance the health and well-being of Hawaii's people.
 - (5) Reduce the threat to life and property from erosion, flooding, tsunamis, earthquakes, and other natural or man-induced hazards and disasters.
 - (6) Encourage design and construction practices that enhance the physical qualities of Hawaii's communities.
 - (7) Encourage urban developments in close proximity to existing services and facilities.
 - (8) Foster recognition of the importance and value of the land, air, and water resources to Hawaii's people and their cultures.

Sec. -14 Objective and policies for facility systems—in general. (a) Planning for the State's facility systems in general shall be directed towards achievement of the objective of water, transportation, waste disposal, and utility systems that support statewide social, economic, and physical objectives.

(b) To achieve the general facility systems objective, it shall be the policy of this State to:

- (1) Accommodate the needs of Hawaii's people through improvement priorities established through the planning process.
- (2) Encourage flexible service delivery systems that can adapt to changing public demands and priorities.
- (3) Ensure that required facility systems can be supported within resource capacities and at reasonable cost to the user.

Sec. -15 Objectives and policies for facility systems—solid and liquid wastes. (a) Planning for the State's facility systems with regard to solid and liquid wastes shall be directed towards the achievement of the following objectives:

- (1) Maintenance of basic public health and sanitation standards relating to treatment and disposal of solid and liquid wastes.
- (2) Adequate sewer infrastructure facilities for physical and economic ac-

tivities that alleviate problems in housing, employment, mobility, and other areas.

(b) To achieve solid and liquid waste objectives, it shall be the policy of this

State to:

- (1) Encourage the adequate development of sewer systems that complement planned growth.
- (2) Encourage re-use and recycling to reduce solid and liquid wastes and develop a conservation ethic.
- (3) Promote research to develop more efficient and economical treatment and disposal of solid and liquid wastes.

Sec. -16 Objective and policies for facility systems—water. (a) Planning for the State's facility systems with regard to water shall be directed towards achievement of the objective of the provision of water to adequately accommodate domestic, agricultural, commercial, industrial, recreational, and other needs within resource capacities.

(b) To achieve the facility systems water objective, it shall be the policy of this State to:

- (1) Relate growth activities to existing and potential water supply.
- (2) Support research and development of alternative water sources.
- (3) Reclaim and encourage the productive use of runoff water and waste water discharges.
- (4) Assist in improving the quality, efficiency, service, and storage capabilities of water systems for domestic and agricultural use.
- (5) Support water supply services to areas experiencing critical water problems.
- (6) Promote water conservation practices.

Sec. -17 Objectives and policies for facility systems—transportation. (a) Planning for the State's facility systems with regard to transportation shall be directed towards the achievement of the following objectives:

- (1) An integrated multi-modal transportation system that services statewide needs and promotes the efficient, economical, safe, and convenient movement of people and goods.

(2) A statewide transportation system consistent with planned growth objectives throughout the State.

(b) To achieve the transportation objectives, it shall be the policy of this

State to:

- (1) Design, program, and develop a multi-modal system in conformance with desired growth and physical development as stated in this chapter.
- (2) Coordinate state, county, federal, and private transportation activities and programs toward the achievement of statewide objectives.
- (3) Encourage a reasonable distribution of financial responsibilities for transportation among participating governmental and private parties.
- (4) Provide for improved accessibility to shipping, docking, and storage facilities.
- (5) Promote a reasonable level and variety of mass transportation services that adequately meet statewide and community needs.

- (6) Encourage the use of transportation systems that serve as a means of accommodating present and future development needs of communities.
- (7) Promote a variety of carriers to offer increased opportunities and advantages to inter-island movement of people and goods.
- (8) Increase the capacities of airport and harbor systems and support facilities to effectively accommodate transshipment and storage needs.
- (9) Increase the ability of transportation systems to assist statewide economic growth and diversification.
- (10) Encourage the design and development of transportation systems sensitive to the needs of affected communities and the quality of Hawaii's natural environment.
- (11) Encourage safe and convenient use of low-cost, energy-efficient, non-polluting means of intra-island transportation.

Sec. -18 Objectives and policies for facility systems—energy/utilities. (a) Planning for the State's facility systems with regard to energy/utilities shall be directed towards the achievement of the following objectives:

- (1) Dependable, efficient, and economical statewide energy and communication systems capable of supporting the needs of the people.
- (2) Increased energy self-sufficiency.
- (b) To achieve the energy/utilities objectives, it shall be the policy of this State to:

- (1) Accelerate research development and use of new energy sources.
- (2) Provide adequate, reasonably priced, and dependable power and communication services to accommodate demand.
- (3) Ensure a sufficient supply of energy to enable power systems to support the demands of growth.
- (4) Promote prudent use of power and fuel supplies through education, conservation, and energy-efficient practices.
- (5) Ensure that the development or expansion of power systems and sources adequately consider environmental, public health, and safety concerns, and resource limitations.
- (6) Promote the use of new energy sources.
- (7) Facilitate the development and use of improved communications technology.

Sec. -19 Objectives and policies for socio-cultural advancement—housing. (a) Planning for the State's socio-cultural advancement with regard to housing shall be directed towards achievement of the following objectives:

- (1) Greater opportunities for Hawaii's people to secure reasonably priced, safe, sanitary, livable homes located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals.
- (2) The orderly development of residential areas sensitive to community needs and other land uses.
- (b) To achieve the housing objectives, it shall be the policy of this State to:
- (1) Effectively accommodate the housing needs of Hawaii's people, es-

pecially the elderly, handicapped, displacees of redevelopment areas, and newly formed households.

- (2) Stimulate and promote feasible approaches that increase housing choices for low-income, moderate-income, and gap-group households.
- (3) Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.
- (4) Promote appropriate improvement, rehabilitation, and maintenance of existing housing.
- (5) Promote design and location of housing developments taking into account the physical setting, accessibility to public facilities and services, and other concerns of existing communities and surrounding areas.
- (6) Facilitate the use of available urban lands to accommodate the housing needs in various communities.
- (7) Foster a variety of lifestyles traditional to Hawaii through the design and maintenance of neighborhoods that reflect the culture and values of the community.

Sec. -20 Objectives and policies for socio-cultural advancement—health. (a) Planning for the State's socio-cultural advancement with regard to health shall be directed towards achievement of the following objectives:

- (1) Fulfillment of basic individual health needs of the general public.
- (2) Maintenance of sanitary and environmentally healthful conditions in Hawaii's communities.
- (b) To achieve the health objectives, it shall be the policy of this State to:
- (1) Provide adequate and accessible services and facilities for prevention and treatment of physical and mental health problems.
- (2) Provide effective short-term and long-term assistance to prevent, alleviate, or cope with mental health problems of individuals and families.
- (3) Encourage improved cooperation among public and private sectors in the provision of health care to accommodate the total health needs of individuals throughout the State.
- (4) Foster an awareness of the need for personal health maintenance and preventive health care through education and other measures.
- (5) Provide services and activities that ensure sanitary conditions.

Sec. -21 Objective and policies for socio-cultural advancement—education. (a) Planning for the State's socio-cultural advancement with regard to education shall be directed towards achievement of the objective of the provision of a variety of educational opportunities to enable individuals to fulfill their needs, responsibilities, and aspirations.

- (b) To achieve the education objective, it shall be the policy of this State to:
- (1) Support educational programs and activities that enhance personal development, physical fitness, recreation, and cultural pursuits of all groups.
- (2) Ensure the provision of adequate and accessible educational services and facilities that are designed to meet individual and community needs.

- (3) Increase the ability of education to promote an understanding of Hawaii's cultural heritage.
- (4) Provide job preparation training for groups experiencing critical unemployment conditions.
- (5) Provide higher educational opportunities that enable Hawaii's people to adapt to changing employment demands.
- (6) Assist individuals, especially those who are disadvantaged in meeting job qualifications, through manpower and other related training opportunities.
- (7) Promote programs and activities that facilitate the acquisition of basic skills, such as reading, writing, computing, listening, speaking, and reasoning.
- (8) Emphasize quality educational programs in Hawaii's institutions to promote academic excellence.
- (9) Support research programs and activities that enhance the education programs of the State.

Sec. -22 Objective and policies for socio-cultural advancement—social services. (a) Planning for the State's socio-cultural advancement with regard to social services shall be directed towards the achievement of the objective of improved public and private social services and activities that induce greater individual, family, and group initiative, self-reliance, and self-esteem.

(b) To achieve the social service objective, it shall be the policy of the State to:

- (1) Provide adequate services, facilities, and resources within the State's fiscal capacities to assist in alleviating hardship conditions of Hawaii's people.
- (2) Promote coordination and integration of public and private services and programs that enable individuals, families, and groups to deal effectively with social problems and to enhance their participation in society.
- (3) Facilitate the adjustment of new residents into Hawaii's communities.

Sec. -23 Objective and policies for socio-cultural advancement—leisure. (a) Planning for the State's socio-cultural advancement with regard to leisure shall be directed towards the achievement of the objective of the adequate provision of resources to accommodate diverse cultural, artistic, and recreational needs for present and future generations.

(b) To achieve the leisure objective, it shall be the policy of this State to:

- (1) Foster and preserve Hawaii's multi-cultural heritage through supportive programs and activities.
- (2) Provide a wide range of activities and facilities to fulfill the recreation needs of all diverse and special groups.
- (3) Enhance the enjoyment of recreational experiences through safety measures, educational opportunities, and improved facility design and maintenance.
- (4) Promote the recreational and educational potential of natural resources having scenic, open space, cultural, historical, geological, or

biological values.

- (5) Ensure opportunities for everyone to use and enjoy Hawaii's recreational resources.
- (6) Assure the availability of sufficient resources to provide for future recreational needs.
- (7) Provide adequate and accessible physical fitness programs to promote the physical and mental well-being of Hawaii's people.
- (8) Increase opportunities for appreciation and participation in the creative arts, including the literary, theatrical, and musical arts.
- (9) Encourage the development of creative expression in the artistic disciplines to enable all segments of Hawaii's population to participate in the creative arts.

Sec. -24 Objective and policies for socio-cultural advancement—individual rights and personal well-being. (a) Planning for the State's socio-cultural advancement with regard to individual rights and personal well-being shall be directed towards achievement of the objective of an increased individual capacity to fulfill personal socio-economic needs and aspirations.

(b) To achieve the individual rights and personal well-being objective, it shall be the policy of this State to:

- (1) Provide effective services and activities that protect individuals from criminal acts and unfair practices and that foster a safe and secure environment.
- (2) Enhance and protect the national and state constitutional rights of every individual.
- (3) Assure access to, and availability of, legal assistance, consumer protection, and other social justice services.
- (4) Ensure equal opportunities for individual participation in society.

Sec. -25 Objective and policies for socio-cultural advancement—culture. (a) Planning for the State's socio-cultural advancement with regard to culture shall be directed toward the achievement of the objective of enhancement of cultural identities, traditions, values, customs, and arts of Hawaii's people.

(b) To achieve the culture objective, it shall be the policy of this State to:

- (1) Foster increased knowledge and understanding of Hawaii's ethnic and cultural heritages and the history of Hawaii.
- (2) Support activities and conditions that promote cultural values, customs, and arts that enrich the life styles of Hawaii's people.
- (3) Encourage increased awareness of the effects of proposed public and private actions on life styles in Hawaii.
- (4) Encourage the essence of the aloha spirit in people's daily activities.

Sec. -26 Objectives and policies for socio-cultural advancement—public safety. (a) Planning for the State's socio-cultural advancement with regard to public safety shall be directed towards the achievement of the following objectives:

- (1) Assurance of public safety and adequate protection of life and property for all people.

to minimize the ineffective and inefficient delivery of government programs and services.

PART II. PLANNING COORDINATION AND IMPLEMENTATION

Sec. -51 Purpose. The purpose of this part is to establish a statewide planning system to coordinate all major state and county activities and to implement the overall theme, goals, objectives, policies, and priority directions.

Sec. -52 Statewide planning system. (a) The statewide planning system shall consist of the following policies, plans, and programs:

- (1) The overall theme, goals, objectives, and policies established in this chapter shall provide the broad guidelines for the State.
- (2) The priority directions established in this chapter shall provide direction for decision-making by the state and the counties for the immediate future and set priorities for the allocation of resources. Conformance with the priority directions shall be demonstrated in the formulation, amendment, and implementation of state functional plans, county general plans and development plans, and state programs.
- (3) State functional plans shall be prepared for, but not limited to, the areas of agriculture, conservation lands, education, energy, higher education, health, historic preservation, housing, recreation, tourism, transportation, and water resources development. State functional plans shall define, implement, and be in conformance with the overall theme, goals, objectives, policies, and priority directions contained within this chapter. County general plans and development plans shall be used as a basis in the formulation of state functional plans.

(4) County general plans shall indicate desired population and physical development patterns for each county and regions within each county. In addition, county general plans or development plans shall address the unique problems and needs of each county and regions within each county. County general plans or development plans shall further define, implement, and be in conformance with the overall theme, goals, objectives, policies, and priority directions contained within this chapter. State functional plans which have been adopted by concurrent resolution by the legislature shall be utilized as guidelines in amending the county general plans to be in conformance with the overall theme, goals, objectives, and priority directions.

(5) State programs shall include, but not be limited to, those programs involving coordination and review; research and support; design, construction, and maintenance; services; and regulatory powers. State programs that exercise coordination and review functions shall include, but not be limited to, the state clearinghouse process, capital improvements program, and coastal zone management program. State programs that exercise regulatory powers in resource allocation shall include, but not be limited to, the land use and management programs administered by the land use commission and the board of land and natural resources. State programs shall further define, implement, and

(2) Maintenance of adequate levels of statewide security, communication, and preparedness in case of civil disruptions, wars, natural disasters, and other major disturbances.

(3) Promotion of a sense of community responsibility for the welfare and safety of Hawaii's people.

(b) To achieve the public safety objectives, it shall be the policy of this State to:

- (1) Support law enforcement programs aimed at curtailing criminal activities.
- (2) Develop coordinated management programs for public safety and criminal justice throughout the State.
- (3) Ensure that public safety programs are effective and responsive to community needs.
- (4) Encourage increased community awareness and participation in public safety programs.
- (5) Emphasize improvement in social rehabilitation programs and facilities throughout the State.
- (6) Ensure that responsible organizations are in a proper state of readiness to respond to major war-related or natural disasters and civil disturbances at all times.

Sec. -27 Objective and policies for socio-cultural advancement—government. (a) Planning the State's socio-cultural advancement with regard to government shall be directed towards the achievement of the objectives of efficient, effective, and responsive government services at all levels in the State of Hawaii.

(b) To achieve the government objective, it shall be the policy of this State to:

- (1) Provide for necessary public goods and services not assumed by the private sector.
- (2) Pursue an openness and responsiveness in government that permits the flow of public information, interaction, and response.
- (3) Ensure fiscal responsibility in government in Hawaii.
- (4) Minimize the size of government to that necessary to be effective.
- (5) Stimulate the responsibility in citizens to productively participate in government for a better Hawaii.
- (6) Assure that public attitudes, actions, and services are sensitive to community needs and concerns.

Sec. -28 Objective and policies for fiscal management—government. (a) Planning the State's fiscal management with regard to government shall be directed towards the objective of ensuring fiscal integrity, responsibility, and efficiency in the state government and county governments.

(b) To achieve the government objective, it shall be the policy of this State to:

- (1) Provide for a balanced fiscal budget.
- (2) Improve the fiscal budgeting and management system of the State.
- (3) Promote the consolidation of state and county governmental functions

be in conformance with the overall theme, goals, objectives, policies, and priority directions contained within this chapter, and the state functional plans adopted pursuant to this chapter.

(b) The statewide planning system shall also consist of several implementation mechanisms:

- (1) The overall review, coordination, and evaluation process. The overall review, coordination, and evaluation shall be conducted by the policy council, with the assistance of the department.
- (2) The budgetary and land use decision-making processes. The budgetary and land use decision-making processes shall consist of:
 - (A) Program appropriations process. The appropriation of funds for major programs under the biennial and supplemental budgets, shall be in conformance with the overall theme, goals, objectives, policies, and priority directions contained within this chapter, and the state functional plans adopted pursuant to this chapter.
 - (B) Capital improvement project appropriations process. The appropriation of funds for major plans and projects under the capital improvements program shall be in conformance with the overall theme, goals, objectives, policies, and priority directions contained within this chapter, and the state functional plans adopted pursuant to this chapter.
 - (C) Budgetary review process of the department of budget and finance. The budgetary review and allocation process of the department of budget and finance shall be in conformance with the provisions of this chapter.
 - (D) Decision-making process of the state land use commission. The decisions made by the land use commission shall be in conformance with the overall theme, goals, objectives, policies, and priority directions contained within this chapter, and the state functional plans adopted pursuant to this chapter. The rules and regulations adopted by the land use commission to govern land use decision-making shall be in conformance with the provisions of this chapter.
 - (E) Decision-making process of the board of land and natural resources. The decisions made by the board of land and natural resources shall be in conformance with the overall theme, goals, objectives, policies, and priority directions contained within this chapter, and the state functional plans adopted pursuant to this chapter. The rules and regulations adopted by the board of land and natural resources to govern land use decision-making shall be in conformance with the provisions of this chapter.
 - (3) Other coordination processes include the use of the A-95 state clearinghouse process. The state clearinghouse shall coordinate the review of all projects requiring federal funding and shall notify the policy council of all proposed federal projects which conflict with this chapter, any functional plan adopted under this chapter, or any county

general plans or development plans which are in conformance with the provisions of this chapter.

Sec. -53 Policy council; composition; voting rights. (a) There is established a policy council whose membership shall include the following:

- (1) The planning director from each county.
- (2) Nine public members, being four from the city and county of Honolulu, one from the county of Kauai, and two from each of the counties of Maui and Hawaii, provided that in the case of the county of Maui, one such public member shall be from Molokai or Lanai and, in the case of the county of Hawaii, one public member shall be from west Hawaii and one from east Hawaii, appointed by the governor from a list of public persons from each county nominated by the respective mayor, with the advice and consent of the council of the respective county, who shall submit no less than three names for each appointive public member to which the county is entitled.
- (3) The directors or chairmen from the departments of agriculture, budget and finance, planning and economic development, land and natural resources, health, social services and housing, transportation, and labor and industrial relations; from the office of environmental quality control; the superintendent of education; the president of the University of Hawaii; the executive director of the Hawaii housing authority; and the executive officer of the land use commission.

The director of the department of planning and economic development shall serve as chairman of the council.

The terms of the nine members from the public shall be for four years; provided, that the governor may reduce the terms of those initially appointed so as to provide, as nearly as can be, for the expiration of an equal number of terms at intervals of one year. Each such term shall commence on January 1 and expire on December 31; provided, that the governor may establish the commencing and expiration dates of the terms of those initially appointed. No member from the public shall be appointed consecutively to more than two terms; provided, that membership shall not exceed eight consecutive years. No member from the public shall serve on any other public board or commission. The governor may remove or suspend for cause any member of the council after due notice and public hearing.

Expenses incurred by a state governmental member participating in policy council deliberations shall be borne by his respective governmental agency. Travel expenses incurred by planning directors participating in policy council deliberations shall be reimbursed by the department of planning and economic development. A public member shall receive no compensation for his services, but each shall be reimbursed by the department of planning and economic development for necessary expenses incurred in the performance of his duties.

(b) There shall be a total of eighteen voting members on the policy council. The voting rights shall be apportioned as follows:

- (1) The planning director from each county shall each be entitled to one vote;

- (2) The nine members from the public shall each be entitled to one vote; and
- (3) The chairman of the council and four of the state agency heads herein described shall each be entitled to one vote.
- The governor, in consultation with the director of the department of planning and economic development, shall determine which of the other state agency heads described herein shall have voting rights on the basis of the subject matter or functional area before the policy council. The governor may also rotate the voting rights among those state agency heads deemed most affected by the nature of the subject matter or functional area before the policy council; provided that the state agency heads shall not cast more than five votes on any one issue before the policy council. State agency heads who are not entitled to vote upon a given subject or functional area shall serve as ex-officio members of the policy council.
- (c) All recommendations made to the legislature by the policy council shall be approved by two-thirds of its voting members, which shall not preclude minority reports.

Sec. -54 Policy council; duties. The policy council shall:

- (1) Provide a forum for the discussion of conflicts between and among this chapter, functional plans either adopted by the legislature or to be submitted to the legislature for adoption, county general plans and development plans, and state programs;
- (2) Transmit to the governor, legislature, and the mayors and legislative bodies of the respective counties its findings and recommendations on all conflicts as described above, and on the resolution of conflicts;
- (3) Review and evaluate state functional plans for conformance with the provisions of this chapter, seek to resolve any identified conflicts, and transmit its findings and recommendations to the legislature at the time of submittal of the functional plan;
- (4) Advise the legislature on the administration, amendment, and review of this chapter, including the overall theme, goals, objectives, policies, and priority directions contained within this chapter;
- (5) Prepare guidelines for the development of the state functional plans in accordance with sections -57 and -58;
- (6) Adopt rules in accordance with section -56 to provide procedures for public input into the amendment processes and for submittal of proposed amendments;
- (7) Maintain a record of its activities;
- (8) Conduct a comprehensive review of Part I of this chapter at least every four years following enactment by the legislature, and Part III of this chapter at least every odd-numbered year to coincide with the state budget process commencing in 1981; and
- (9) Prepare an annual review and report to the legislature in accordance with section -63.

Sec. -55 Department of planning and economic development; duties. The department shall provide assistance and staff services to the policy council in administering this chapter. To further the intent and purpose of this chapter, the

department shall:

- (1) Provide recommendations to the policy council on conflicts between and among this chapter, state functional plans either adopted by the legislature or to be submitted to the legislature for adoption, county general plans and development plans, and state programs;
- (2) Review and evaluate this chapter and recommend amendments as needed to the policy council;
- (3) Review, as necessary, major plans, programs, projects, and regulatory activities proposed by state and county agencies, and provide advisory opinions and reports to the policy council as needed;
- (4) Analyze existing state policies, planning and program operations, laws, rules and practices relative to formulation, implementation, and coordination of the state plan;
- (5) Review state capital improvement projects for consistency with this chapter and report findings and recommendations to the governor prior to allocation of funds;
- (6) Conduct special studies and prepare reports that address major policy issues relating to statewide growth and development;
- (7) Cooperate with all public agencies to ensure an ongoing, uniform, and reliable base of data and projections;
- (8) Assist the policy council in conducting a comprehensive review of Part I of this chapter at least every four years following enactment by the legislature, and Part III of this chapter at least every odd-numbered year commencing in 1981;
- (9) Assist the policy council in preparing and submitting an annual review and report to the legislature in accordance with section -63;
- (10) Prepare and adopt in consultation with the policy council, administrative guidelines in accordance with this chapter and chapter 91 by June 30, 1979; and
- (11) Provide other technical assistance and staff services to the policy council as needed.

The department may contract with public and private agencies and persons for special research and planning assistance.

Sec. -56 Amendments to the overall theme, goals, objectives, policies, and priority directions. The policy council shall promulgate rules for amendments to the goals, objectives, policies, and priority directions, subject to the following provisions:

- (a) Any person may submit to the department proposals for the revision of the overall theme, goals, objectives, policies, and priority directions;
- (b) The department shall review the proposed amendments to the overall theme, goals, objectives, policies, and priority directions and shall submit its findings and recommendations to the policy council;
- (c) The policy council shall submit its final recommendations on the amendments to the overall theme, goals, objectives, policies, and priority directions to the legislature thirty days prior to the convening of the next legislative session following its review of the proposed

amendments, along with minority reports, if any; and

(d) The policy council, in reviewing the proposed amendments of the department, shall make public its findings and recommendations and shall hold public hearings in each county of the State in accordance with chapter 91. There shall be not less than two public hearings in each county on the recommended revisions to the overall theme, goals, objectives, and policies of the state plan; provided that there shall be not less than three public hearings in the city and county of Honolulu and there shall be not less than one public hearing on each of the islands of Maui, Molokai, and Lanai in the county of Maui.

Sec. -57 Functional plans; preparation. (a) The state agency head primarily responsible for a given functional area shall prepare the functional plan for the area. In the preparation of the functional plan, the state agency head shall work in close cooperation with the advisory committee, respective officials, and people of each county. In the formulation of the functional plan, the preparing agency shall solicit public views and concerns. The formulation and amendment of a state functional plan shall conform to the state plan and use as a basis the county general plans. Functional plans and any amendments thereto shall be adopted by the legislature by concurrent resolution and shall, upon adoption, provide direction to state and county agencies, provided that in the event of a conflict between the proposed functional plan and general plan of a county, every effort shall be made to determine which of the matters in conflict has the greater merit and recommend modifications by the appropriate state or county agency to the proposed functional plan or county general plan. Where such accord cannot be achieved, the policy council shall prepare a report to the legislature citing the differences and the justification for each of the conflicting positions together with recommendation. Minority reports, if any, may be submitted to the legislature.

(b) The functional plan shall contain objectives to be achieved and policies to be pursued in the primary field of activity and such policies shall address major programs and the location of major facilities. The functional plan shall also contain implementation priorities and actions which may include, but not be limited to, programs, maps, regulatory measures, standards, and interagency coordination provisions.

(c) For each functional plan, the governor shall establish an advisory committee, where a committee which meets the criteria set out hereunder is not already in existence, whose membership shall be composed of at least one public official from each county to be appointed from a list of four such officials submitted by the mayor of each county; members of the public; experts in the field for which a functional plan is being prepared; and state officials. The committee shall advise the state agency in preparing a functional plan to be in conformance with the overall theme, goals, objectives, policies, and priority directions contained within this chapter. The functional plan, with any recommendations of the advisory committee including minority reports, if any, shall be submitted to the policy council for review and evaluation. The advisory committee shall serve until the respective functional plan is adopted by the legislature.

Sec. -58 Functional plans; form and submittal. (a) Functional plans

shall be prepared to implement the goals, objectives, policies, and priority directions contained within this chapter and policy council guidelines developed pursuant to this chapter.

(b) A functional plan shall be submitted to the policy council for review and evaluation at least ninety days prior to the date designated for submittal to the legislature. The policy council shall submit findings and recommendations to the legislature on each functional plan reviewed.

(c) The functional plans for agriculture, housing, tourism, and transportation, with any findings and recommendations of the policy council, shall be submitted not later than thirty days prior to the convening of the 1979 legislature. The functional plans for conservation lands, education, energy, higher education, health, historic preservation, recreation, and water resources development, with any findings and recommendations of the policy council, shall be submitted not later than thirty days prior to the convening of the 1980 legislature.

(d) Upon receipt by the legislature of a functional plan as submitted by the policy council, with recommendations of the preparing state agency, the legislature shall review, modify, and as appropriate, adopt the functional plan by concurrent resolution.

(e) If the legislature fails to adopt such functional plan by concurrent resolution, it shall revert to the state agency of origin for revision and be resubmitted thirty days prior to the convening of the next legislature.

Sec. -59 Functional plans; implementation. (a) Functional plans shall not be used as a guide or to implement state policy unless said plans shall have been approved by the legislature.

(b) The legislature, upon a finding of overriding statewide concern, may determine in any given instance that the site for a specific project may be other than that designated on the county general plan; provided however, that any proposed facility or project contained in a county general plan shall not require the actual development or implementation of said facility or project or the inclusion of the same in any state functional plan by any state agency. The implementation of functional plans shall conform to existing laws, rules, and standards, and the provisions of this chapter.

Sec. -60 Programs and projects; receipt of federal funds. The failure of the legislature to adopt a functional plan by concurrent resolution, or any amendment thereto, shall not be construed in any manner that would jeopardize the receipt of federal funds, or to prevent the implementation and performance of programs and projects for which state funds have been appropriated.

Sec. -61 County general plans; preparation. (a) The county general plans and development plans shall be formulated with input from the state and county agencies as well as the general public.

County general plans or development plans shall indicate desired population and physical development patterns for each county and regions within each county. In addition, county general plans or development plans shall address the unique problems and needs of each county and regions within each county. The county general plans or development plans shall further define and implement applicable provisions of this chapter provided that any amendment to the county

(b) Prior to the submittal of the annual report to the legislature and the counties, the department shall hold public informational meetings in each county of the State, provided that in the county of Maui there shall be at least one public hearing on Lanai and Molokai.

(c) The annual review and report shall be submitted to the legislature, mayors, and the county councils no later than February 1 of each year.

PART III. PRIORITY DIRECTIONS

Sec. -101 Purpose. The purpose of this part is to establish an overall priority direction and implementing actions to address areas of statewide concern.

Sec. -102 Overall direction. The State of Hawaii shall strive to ensure the availability of desired employment opportunities for Hawaii's present and future population in an environmentally and socially sound manner through the fostering of a balanced population and economic growth rate.

Sec. -103 Economic implementing actions. (a) Priority actions in the area of general business and finance:

- (1) Stimulate the economy to provide needed jobs for Hawaii's people without stimulating unnecessary in-migration.
 - (2) Support business expansion and development to achieve a stable and diversified economy.
 - (3) Seek different means to assist new and existing businesses in obtaining loans.
 - (4) Assist in the development and commercialization of technological advancements.
 - (5) Assist local producers in competing with mainland producers.
 - (6) Lessen the financial burden on businesses.
 - (7) Promote Hawaii as an attractive market for investment activities that benefit Hawaii's people.
- (b) Priority actions for the visitor industry:
- (1) Foster a social environment which enhances the Aloha Spirit by minimizing inconveniences to Hawaii's people and visitors.
 - (2) Protect the economic health and quality of the visitor industry.
 - (3) Maintain or enhance the quality of existing and future hotels and resort destination areas which conform with regional carrying capacities and state policies providing for adequate shoreline setbacks and beach access.
 - (4) Provide incentives to encourage existing hotel owners to upgrade, repair and maintain visitor facilities.
 - (5) Preserve and enhance Hawaii's significant natural environmental and scenic, historic, and cultural sites.
 - (6) Develop and maintain career opportunities in the visitor industry for Hawaii's people, with emphasis on managerial positions.
 - (7) Adopt a tourism functional plan and management organization to implement tourism plan policies.
 - (8) Coordinate effective tourism promotion abroad.

general plan of each county shall not be contrary to the county charter. The formulation, amendment, and implementation of county general plans or development plans shall utilize as guidelines, statewide objectives, policies, and programs stipulated in state functional plans adopted in consonance with this chapter.

(b) County general plans shall be formulated on the basis of sound rationale, data, analyses, and input from state and county agencies and the general public, and contain objectives and policies as required by the charter of each county. Further, the county general plans should:

- (1) Contain objectives to be achieved and policies to be pursued with respect to population density, land use, transportation system location, public and community facility locations, water and sewage system locations, visitor destinations, urban design and all other matters necessary for the coordinated development of each county and regions within each county.
- (2) Contain implementation priorities and actions to carry out policies to include but not be limited to, land use maps, programs, projects, regulatory measures, standards and principles and interagency coordination provisions.
- (c) The county general plans and development plans shall be in conformance with the overall theme, goals, objectives, policies, and priority directions contained in this chapter by January, 1982.

Sec. -62 State programs. (a) State programs shall be in conformance with this chapter. The formulation, administration, and implementation of state programs shall be in conformance with the overall theme, goals, objectives, policies, and priority directions contained within this chapter, and the state functional plans adopted pursuant to this chapter.

(b) The director of the department of planning and economic development shall assist the governor in assuring that state programs are in conformance with this chapter.

Sec. -63 Annual review and report. (a) The policy council, with the assistance of the department shall prepare an annual report for submittal to the legislature, mayors, and county councils. The annual report shall contain recommendations for legislative consideration and action. Major components of the annual review and report shall include the following:

- (1) An assessment of progress being made in attaining the overall theme, goals, objectives, policies, and priority directions contained within this chapter and the state functional plans;
- (2) Recommendations to further implement this chapter and to improve coordination between and among the overall theme, goals, objectives, policies, and priority directions contained within this chapter, county general plans and development plans, state functional plans, and state programs; and
- (3) An assessment of legislation and programs of the preceding calendar year that have major statewide or countywide impact in terms of their consistency with this chapter.

- (9) Maintain and enhance visitor satisfaction.
- (10) Maintain and encourage a more favorable resort investment climate consistent with the objectives of this chapter.
- (11) Support law enforcement activities that provide a safer environment for both visitors and residents alike.
- (c) Priority actions for the sugar and pineapple industries:
 - (1) Provide adequate agricultural lands to ensure the economic viability of the sugar and pineapple industries.
 - (2) Continue efforts to maintain federal support to provide stable sugar prices high enough to allow profitable operations in Hawaii.
 - (3) Support research and development, as appropriate, to improve the quality and production of sugar and pineapple crops.
- (d) Priority actions for diversified agriculture and aquaculture:
 - (1) Seek to protect prime agricultural and aquacultural lands through affirmative and comprehensive programs.
 - (2) Seek federal assistance to increase water supply and to improve transmission, storage, and irrigation facilities to promote diversified agriculture and aquaculture.
 - (3) Assist small independent farmers in securing land and loans.
 - (4) Assist in the formation and operation of production and marketing associations and cooperatives to reduce production and marketing costs.
 - (5) Encourage and assist with the development of a waterborne and air-borne freight and cargo system capable of meeting the needs of Hawaii's agricultural community.
 - (6) Encourage the use of public and private resources to develop agricultural and aquacultural activities which have economic growth potential.
 - (7) Explore new agricultural industries and encourage the expansion of existing agricultural industries that can provide jobs and profitable long-term use of land.
 - (8) Seek favorable freight rates for Hawaii's agricultural products from interisland and overseas transportation operators.
 - (9) Continue the development of agricultural parks.
 - (10) Expand vocational training programs in agriculture and aquaculture.
 - (11) Assist in providing adequate, reasonably priced water for existing agricultural activities.
 - (12) Require agricultural uses in agricultural subdivisions and closely monitor the uses in these subdivisions.
 - (13) Encourage the expansion of the statewide agricultural base through the promotion of products for export and local consumption.
- (e) Priority action for developing economic activities to encourage the development of industries which promise long-term growth potentials and which have the following characteristics:
 - (1) An industry that can take advantage of Hawaii's unique location and available manpower resources.

- (2) A clean industry that would have minimal effects on Hawaii's environment.
- (3) An industry that is willing to hire and train Hawaii's people to meet the industry's labor needs.
- (4) An industry that would provide reasonable income and steady employment.
- (f) Priority actions for the construction industry:
 - (1) Promote a consistent and stable level of construction activity.
 - (2) Explore alternatives for more effective management of the growth and development of the State's construction industry.
 - (3) Encourage the streamlining of the building and development permit and review process.
- (g) Priority action for the shipping industry shall be to continue to seek legislation to protect Hawaii from shipping interruptions between Hawaii and the continental United States.
- (h) Priority actions for water use and development:
 - (1) Encourage water conservation to reduce the per capita water consumption rate through education and the promotion of conservation awareness.
 - (2) Assist agriculture in determining the feasibility of using wastewater effluent to irrigate crops.
 - (3) Encourage restriction of new urban development in areas where water supply is insufficient for both agricultural and domestic uses.
 - (4) Pursue the improvement of irrigation technology to increase the effective and efficient use of water.
 - (5) Increase the support for research and development of alternative water sources.
- (i) Priority actions for energy use and development:
 - (1) Encourage the development of alternate energy sources.
 - (2) Encourage development of a program to promote conservation of energy use in the State.
 - (3) Encourage future urbanization into easily serviceable, more compact, concentrated developments in existing urban areas wherever feasible to maximize energy conservation.
 - (4) Encourage consumer education programs to reduce energy waste and to increase awareness for the need to conserve energy.
 - (5) Encourage the use of energy conserving technology and appliances in homes and other buildings.
 - (6) Explore possible incentives to encourage the use of alternate energy sources in homes and other buildings.
 - (7) Encourage the development and use of energy and cost-efficient transportation systems.
- (j) Priority actions for manpower training and development:
 - (1) Encourage more effective career counseling and guidance in high schools and post-secondary institutions to inform students of present and future career opportunities.

- (2) Encourage the allocation of educational resources to career areas where high employment growth is expected.
- (3) Encourage the expansion of technological research to assist industry development.
- (4) Pursue the establishment of Hawaii's university as the research and training center of the Pacific.

Sec. -104 Population growth and distribution implementing actions. (a) Priority actions to effect desired statewide growth:

- (1) Manage population growth rates throughout the State consistent with available and planned resource capacities.
- (2) Encourage hiring of Hawaii's people by firms doing business in the State.
- (3) Seek federal legislation which would provide federal moneys for social programs, training, housing, and public services to each state proportionate to the number of immigrants received by the state.
- (4) Seek to provide for adequate housing to meet the needs of Hawaii's people without encouraging an additional influx of people.
- (5) Encourage continued low birth rate among Hawaii's population.
- (b) Priority actions to influence statewide growth distribution:
 - (1) Manage a growth rate for Hawaii's economy that will parallel future employment needs for Hawaii's people.
 - (2) Plan the development and availability of land and water resources in a coordinated manner so as to provide for the desired levels of growth in each geographical area.
 - (3) Encourage the location of state and federal agencies on neighbor islands, as appropriate.
 - (4) Encourage major state investments to promote economic development and private investment to the neighbor islands, as appropriate.
 - (5) Encourage CIP expenditures, public services, and housing developments that recognize the needs and preferences of the counties.
 - (6) Explore the possibility of making available urban land, low-interest loans, and housing subsidies to encourage selective economic and population growth on the neighbor islands.
 - (7) Seek federal funds and other funding sources outside the state for research, program development, and training to provide future employment opportunities on the neighbor islands.
- (c) Priority actions for regional growth distribution:
 - (1) Pursue rehabilitation of appropriate urban areas.
 - (2) Encourage urban growth primarily to existing urban areas where adequate public facilities are already available or can be provided with reasonable public expenditures. Secondarily, encourage urban growth away from areas where other important benefits are present, such as protection of valuable agricultural land or preservation of life styles.
 - (3) In order to preserve green belts, give priority to state capital expenditures that encourage locating urban development within existing urban areas in accordance with the following: funding for transportation

activities that serve the needs of existing urban areas; allocation of water for urban uses to areas within urban areas; and wherever possible, locate state buildings and facilities within urban centers close to public transportation; except where compelling public interest dictates development of a non-contiguous new urban core.

- (4) Direct future urban development away from critical environmental areas or impose mitigating measures so that negative impacts on the environment would be minimal.
- (5) Identify critical environmental areas in Hawaii to include but not be limited to the following: watershed and recharge areas; wildlife habitats (on land and in the ocean); areas with endangered species of plants and wildlife; natural streams and water bodies; scenic and recreational shoreline resources; open space and natural areas; historic and cultural sites; areas particularly sensitive to reduction in water and air quality; and scenic resources.
- (6) Encourage the location of new industrial development to existing and planned urban areas.
- (7) Seek participation from the private sector for the cost of building infrastructure, utilities, and open spaces.
- (8) Encourage the identification of all areas within the respective jurisdictions where priority should be given to preserving rural character and lifestyle.
- (9) Coordinate planning for wastewater and solid waste disposal with state and county growth objectives.

Sec. -105 Hawaii's Land Resources. Priority actions for the use of Hawaii's resources:

- (a) Preserve and improve shoreline open spaces and scenic resources.
- (b) Seek to utilize Hawaii's limited land resources wisely in order to insure the protection of the environment and the availability of the shoreline, conservation lands and other limited resources for future generations.
- (c) Seek to accommodate urban growth in existing urban areas while maintaining agricultural lands in agricultural designation.

SECTION 3. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 4. Part I and Part II of this Act shall take effect upon its approval, and Part III of this Act shall, upon its approval, take effect on May 1, 1979.

(Approved May 22, 1978.)

ACT 101

S.B. NO. 1787-78

A Bill for an Act Relating to Public Employment.

Be It Enacted by the Legislature of the State of Hawaii:

Attachment 2

HRS Chapter 225 – Repealed

changes of population
state goals in the areas
transportation, housing,

migration in or out of the
the population of the

reference to agricultural
regeneration time of
in these areas;
the department of edu-
in establishing popula-
lge in current and new
te;

effective family plan-
the operational respon-
anning program to the

the United States, and

utility control in matters
g to population and its

existing efforts in this

or other governmental
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nformation and assist-
1 or any other member

tion and the Hawaiian
e people of Hawaii as
The commission shall
e State, governmental
tes and cooperate with
ver possible, the com-
roadcasting authority
of public information
pt of §1]

POLICY PLANNING

Sec. 225-2

[§224-7] Construction. This chapter shall be liberally construed to effec-
tuate its purpose. [L 1973, c 204, pt of §1]

Appropriation and severability provisions, omitted. See L 1973, c 204, pt of §1.

[CHAPTER 225] POLICY PLANNING

PART I. POLICY AND PLANNING COORDINATION

SECTION

- [225-1] DEFINITIONS
- [225-2] POWERS AND DUTIES OF THE DIRECTOR
- 225-3 POLICY COUNCIL
- [225-4] POLICY COUNCIL; FUNCTIONS

PART II. STATE PLAN

- [225-21] STATE PLAN; ENACTMENT, REVIEW AND COMPLIANCE
- [225-22] COUNTY GENERAL PLANS
- 225-23 PUBLIC HEARINGS
- [225-24] STATE PLAN; REVIEW
- [225-25] ANNUAL POLICY REVIEW
- 225-26 STATUS REPORT OF STATE PLAN

PART I. POLICY AND PLANNING COORDINATION

[§225-1] Definitions. As used in this chapter:

- (1) "Director" means the director of the department of planning and economic development.
- (2) "County general plan" means the comprehensive long-range plan or development plan, if any, which has been adopted by ordinance or resolution by a county council.
- (3) "Policy council" means the council established in section 225-3.
- (4) "State agency" means any department, office, board, or commission of the State.
- (5) "State plan" means a long-range, comprehensive plan and policies developed pursuant to section 225-21(a) which shall serve as a guide for the future long-range development of the State and contains inter-related statements of the general, social, economic, environmental, physical and design objectives to be achieved for the general welfare and prosperity of the people of the State. Such plan shall include, but not be limited to, a statewide land use guidance policy. [L 1975, c 189, pt of §2]

For legislative findings and purpose see L 1975, c 189, §1.

[§225-2] Powers and duties of the director. (a) The director shall be responsible for the development and coordination of a state plan and shall have such powers delegated by the governor as are necessary to coordinate all state and county governmental agencies in matters concerning the comprehensive state plan.

- (b) To further the objective of subsection (a), the director shall:
 - (1) Formulate the state plan in consultation with the policy council.

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- (2) Relate comprehensive policy planning to policy statements of the counties as reflected in the county general plans or other documents containing such policy statements.
- (3) Review and make periodic reports to the policy council on the actions of state and county agencies relative to the state plan.
- (4) Identify areas of conflict between state agencies and between the State and the several counties, and aid the policy council in reconciling such conflicts as they relate to state planning and program implementation.
- (5) Analyze existing state policies, planning and program operations, laws, rules and practices relative to formulation, implementation, and coordination of the state plan.
- (6) Provide advisory opinions and reports on the compatibility of proposed actions with the state plan at the discretion of the director.
- (7) Review state capital improvement projects for conformity with the objectives of the state plan, and report his findings and recommendations to the governor prior to allocation of funds.
- (8) Evaluate and review in consultation with the policy council the state plan and recommend revisions and amendments.
- (9) Monitor, evaluate, and report on the implementation of the state plan.
- (10) Advise the legislature and county councils as to major policy affecting all areas of state and county development.
- (11) Submit an annual report to the legislature and the county councils as to the progress in attaining the goals and objectives of the policies in the state plan.
- (12) Report to the governor and general public on the problems of state planning, and mobilize the resources of the general community and members of concerned professional and environmental groups to address such problems.
- (13) Contract among public and private agencies and persons for special research and planning assistance.
- (14) Cooperate with all public agencies to ensure an ongoing, uniform and valid base of data and projections. [L 1975, c 189, pt of §2]

§225-3 Policy council. There is established a policy council. The governor shall appoint one of its members as its chairman. Members of the council shall all serve ex officio and shall include:

- (1) The planning director from each county;
- (2) The directors or chairmen from the departments of agriculture, budget and finance, planning and economic development, land and natural resources, health, social services and housing, transportation, office of environmental quality control, and land use commission, and the superintendent of education, and the executive director of Hawaii housing authority.

Expenses incurred by a member participating in council deliberations shall be borne by his respective public agency. [L 1975, c 189, pt of §2; am L 1976, c 63, §1(1)]

[§225-4] Policy council; functions. The policy council shall:

- (1) Advise the director in the formulation, amendment, and review of the state plan;

- (2) Monitor and review actions of all state agencies for conformity with the state plan;
- (3) Provide a forum for resolving differences between the state and county policies and plans;
- (4) Participate in the four-year review of the state plan in accordance with section 225-24;
- (5) Submit an annual report to the legislature and the county councils as to the progress in attaining the goals and objectives of the policies in the state plan. [L 1975, c 189, pt of §2]

PART II. STATE PLAN

[§225-21] State plan; enactment, review and compliance. (a) The director, in consultation with the policy council and the appropriate state agencies, shall prepare and submit to the legislature not later than January 1, 1977 a state plan which shall be a composite of proposed and already developed state policies and programs relating to the development of the land and the development of natural, environmental, recreational, scenic, historic and other resources within the State. The state plan shall establish both long and short range goals and general implementation directions for the State which shall include but not be limited to the following areas, provided that emphasis is given to their inter-relatedness:

- (1) Cultural development; human, ethnic and community identity; individual rights; and social problems;
- (2) Ecology, energy, natural resources, open space, and agriculture;
- (3) Education, recreation, and leisure time;
- (4) Physical, mental, and public health; safety; and related environmental protection;
- (5) Land use and transportation/communication systems;
- (6) Housing and urban design;
- (7) Public utility and governmental services;
- (8) Population size, density, and distribution;
- (9) Economic development and employment diversity; and
- (10) Rate and location of public facilities and community services.

(b) All revisions to the state plan shall be reviewed by the policy council prior to submission to the legislature. Upon receipt of the state plan, the legislature shall diligently review, modify, or enact into law a state plan.

(c) All state agencies, and the respective counties, shall comply with and implement the state plan, and the policy council shall monitor and recommend solutions to the governor in all cases of dispute over conformity with the plan or coordination between different agencies. [L 1975, c 189, pt of §2]

[§225-22] County general plans. Within two years after enactment by the legislature of the state plan, and any amendments to the state plan, the general plans of the respective counties shall be amended to conform to such state plan or any amendments thereto. [L 1975, c 189, pt of §2]

§225-23 Public hearings. (a) Before the submission of the state plan to the legislature, the director shall hold public hearings with notice given provided

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in chapter 91 in each county in the State. There shall be not less than two public hearings in each county giving widest geographical coverage; provided that in the city and county of Honolulu there shall be not less than three public hearings with the widest geographical coverage.

(b) The director shall hold additional hearings and informational hearings subject to subsection (a), not less than six months prior to finalization and submission of the state plan to the legislature, for the purposes of discussing any analyses, reports, or drafts then in existence as well as eliciting citizen comments on the progress and form of the development of the state plan. [L 1975, c 189, pt of §2; am L 1976, c 63, §1(2)]

[§225-24] State plan; review. The director shall conduct a comprehensive review of the state plan every fourth year following enactment by the legislature of the initial state plan. The review shall be carried out in consultation with the policy council. The director shall recommend revisions or amendments of the state plan to the legislature for action in the legislative session following said review. [L 1975, c 189, pt of §2]

[§225-25] Annual policy review. The director, in consultation with the policy council, shall submit a report to the legislature covering legislation and programs of the preceding calendar year which have major statewide or county impact. The report shall assess the consistency of said legislation and programs with the state plan and shall be submitted no later than February 1 of each year. [L 1975, c 189, pt of §2]

§225-26 Status report of state plan. Prior to January 1, 1976, the director shall submit to the legislature a detailed status report on the progress as well as a preliminary draft of the proposed state plan. From July 1, 1976 until the plan is submitted for legislative approval pursuant to section 225-21, the director shall submit a detailed status report on progress semi-annually. [L 1975, c 189, pt of §2; am L 1976, c 63, §1(3)]

Attachment 3

HRS Chapter 226, Acts 133 and 155, SLH 2014

CHAPTER 226
HAWAII STATE PLANNING ACT

Part I. Overall Theme, Goals, Objectives and Policies

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Note

2050 sustainability plan:

Review and report (2010). L 2008, c 225.

Update every ten years. L Sp 2005, c 8; L 2006, c 210, §2.

Military presence in Hawaii; memorandum of understanding. L 2012, c 65.

Cross References

Sustainable business corporations, see chapter 420D.

Law Journals and Reviews

Kaiser Hawaii Kai Development Company v. City and County of Honolulu: Zoning by Initiative in Hawaii. 12 UH L. Rev. 181.

Maha'uilepu v. Land Use Commission: A Symbol of Change; Hawaii's Land Use Law Allows Golf Course Development on Prime Agricultural Land by Special Use Permit. 13 UH L. Rev. 205.

Honolulu's Ohana Zoning Law: To Ohana or Not to Ohana. 13 UH L. Rev. 505.

The Lum Court, Land Use, and the Environment: A Survey of Hawai'i Case Law 1983 to 1991. 14 UH L. Rev. 119.

Dolan v. City of Tigard: Individual Property Rights v. Land Management Systems. 17 UH L. Rev. 193.

Avoiding the Next Hokuli'a: The Debate over Hawai'i's Agricultural Subdivisions. 27 UH L. Rev. 441 (2005).

Water Regulation, Land Use and the Environment. 30 UH L. Rev. 49 (2007).

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PART I. OVERALL THEME, GOALS, OBJECTIVES AND POLICIES

§226-1 Findings and purpose. The legislature finds that there is a need to improve the planning process in this State, to increase the effectiveness of government and private actions, to improve coordination among different agencies and levels of government, to provide for wise use of Hawaii's resources and to guide the future development of the State.

The purpose of this chapter is to set forth the Hawaii state plan that shall serve as a guide for the future long-range development of the State; identify the goals, objectives, policies, and priorities for the State; provide a basis for determining priorities and allocating limited resources, such as public funds, services, human resources, land, energy, water, and other resources; improve coordination of federal, state, and county plans, policies, programs, projects, and regulatory activities; and to establish a system for plan formulation and program coordination to provide for an integration of all major state, and county activities. [L 1978, c 100, pt of §2; am L 1984, c 236, §1; am L 1986, c 276, §1; am L 1988, c 70, §1]

Cross References

Health planning and resources development, see chapter 323D.
Statewide transportation planning, see chapter 279A.

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§226-2 Definitions. As used in this chapter, unless the context otherwise requires:

"A-95 Clearinghouse" means the agency or agencies designated to carry out the procedures established pursuant to federal directive A-95 whereby certain applications for federal funds are reviewed and affected agencies are notified of the proposed applications.

"Advisory committee" means the committee established in section [226-55] to advise and assist in the formulation of the state functional plans.

"Ahupuaa" means a traditional native Hawaiian resource and behavioral management system that ensures respect for the air, land, water, and other scarce natural resources that make life sustainable from the mountains to the sea.

"Conform", "in conformance with this chapter" or "be in conformance with the overall theme, goals, objectives and policies," for the purposes of sections 226-52, [226-55], and [226-59], means the weighing of the overall theme, goals, objectives and policies of this chapter and a determination that an action, decision, rule or state program is consistent with the overall theme, and fulfills one or more of the goals, objectives, or policies of this chapter.

"County agency" means any department, office, board, or commission of the county.

"County development plan" means a relatively detailed plan for an area or region within a county to implement the objectives and policies of a county general plan.

"County general plan" means the comprehensive long-range plan or development plan, if any, which has been adopted by ordinance or resolution by a county council.

"Federal agency" means any federal department, office, board, or commission.

"Functional plan" means a plan setting forth the policies, statewide guidelines, and priorities within a specific field of activity, when such activity or program is proposed, administered, or funded by any agency of the State.

"Guidelines" means a stated course of action which is desirable and should be followed unless a determination is made that it is not the most desirable in a particular case; thus, a guideline may be deviated from without penalty or sanction.

"Hawaii state plan" means a long-range comprehensive plan, including the overall theme, goals, objectives, policies, priority guidelines, and implementation mechanisms established in this chapter.

"Kanaka maoli" means native Hawaiians.

"Office" means the office of planning.

"Policy council". DELETED.

"Priority guidelines" means those guidelines which shall take precedence when addressing areas of statewide concern.

"Socio-cultural advancement" means those collective efforts, through governmental or private organizations or both, to improve the community or social well-being by carrying out the objectives and policies as related to: housing, health, education, social services,

leisure, individual rights, culture, and public safety.

"State agency" means any department, office, board, or commission of the State, or the University of Hawaii.

"State programs" means a combination of actions and activities undertaken by any state agency that are designed, coordinated, and executed to achieve an objective or set of objectives and policies within defined areas of concern.

"Sustainability" means achieving the following:

- (1) Respect of the culture, character, beauty, and history of the State's island communities;
- (2) Striking a balance between economic, social, community, and environmental priorities; and
- (3) Meeting the needs of the present without compromising the ability of future generations to meet their own needs. [L 1978, c 100, pt of §2; am L 1984, c 236, §2; am L 1986, c 276, §2; am L 1987, c 336, §4(1); am L 1988, c 70, §2; am L 1996, c 299, §3; am L 2003, c 3, §6; am L 2011, c 181, §3]

Note

"Policy council" as established by former §226-53 was deleted by L 1991, c 76.

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[\$226-3] Overall theme. Hawaii's people, as both individuals and groups, generally accept and live by a number of principles or values which are an integral part of society. This concept is the unifying theme of the state plan. The following principles or values are established as the overall theme of the Hawaii state plan:

- (1) Individual and family self-sufficiency refers to the rights of people to maintain as much self-reliance as possible. It is an expression of the value of independence, in other words, being able to freely pursue personal interests and goals. Self-sufficiency means that individuals and families can express and maintain their own self-interest so long as that self-interest does not adversely affect the general welfare. Individual freedom and individual achievement are possible only by reason of other people in society, the institutions, arrangements and customs that they maintain, and the rights and responsibilities that they sanction.
- (2) Social and economic mobility refers to the right of individuals to choose and to have the opportunities for choice available to them. It is a corollary to self-sufficiency. Social and economic mobility means that opportunities and incentives are available for people to seek out their own levels of social and economic fulfillment.
- (3) Community or social well-being is a value that encompasses many things. In essence, it refers to healthy social, economic, and physical environments that benefit the community as a whole. A sense of social responsibility, of caring for others and for the well-being of our community and of participating in social and political life, are important aspects of this concept. It further implies the aloha spirit--attitudes of tolerance, respect, cooperation and unselfish giving, within which Hawaii's society can progress.

One of the basic functions of our society is to enhance the ability of individuals and groups to pursue their goals freely, to satisfy basic needs and to secure desired socio-economic levels. The elements of choice and mobility within society's legal framework are fundamental rights. Society's role is to encourage conditions within which individuals and groups can approach their desired levels of self-reliance and self-determination. This enables people to gain confidence and self-esteem; citizens contribute more when they possess such qualities in a free and open society.

Government promotes citizen freedom, self-reliance, self-determination, social and civic responsibility and goals achievement by keeping order, by increasing cooperation among many diverse individuals and groups, and by fostering social and civic responsibilities that affect the general welfare. The greater the number and activities of individuals and groups, the more complex government's role becomes. The function of government, however, is to

assist citizens in attaining their goals. Government provides for meaningful participation by the people in decision-making and for effective access to authority as well as an equitable sharing of benefits. Citizens have a responsibility to work with their government to contribute to society's improvement. They must also conduct their activities within an agreed-upon legal system that protects human rights. [L 1978, c 100, pt of §2]

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§226-4 State goals. In order to guarantee, for present and future generations, those elements of choice and mobility that insure that individuals and groups may approach their desired levels of self-reliance and self-determination, it shall be the goal of the State to achieve:

- (1) A strong, viable economy, characterized by stability, diversity, and growth, that enables the fulfillment of the needs and expectations of Hawaii's present and future generations.
- (2) A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people.
- (3) Physical, social, and economic well-being, for individuals and families in Hawaii, that nourishes a sense of community responsibility, of caring, and of participation in community life. [L 1978, c 100, pt of §2; am L 1986, c 276, §3]

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§226-5 Objective and policies for population. (a) It shall be the objective in planning for the State's population to guide population growth to be consistent with the achievement of physical, economic, and social objectives contained in this chapter.

(b) To achieve the population objective, it shall be the policy of this State to:

- (1) Manage population growth statewide in a manner that provides increased opportunities for Hawaii's people to pursue their physical, social, and economic aspirations while recognizing the unique needs of each county.
- (2) Encourage an increase in economic activities and employment opportunities on the neighbor islands consistent with community needs and desires.
- (3) Promote increased opportunities for Hawaii's people to pursue their socio-economic aspirations throughout the islands.
- (4) Encourage research activities and public awareness programs to foster an understanding of Hawaii's limited capacity to accommodate population needs and to address concerns resulting from an increase in Hawaii's population.
- (5) Encourage federal actions and coordination among major governmental agencies to promote a more balanced distribution of immigrants among the states, provided that such actions do not prevent the reunion of immediate family members.
- (6) Pursue an increase in federal assistance for states with a greater proportion of foreign immigrants relative to their state's population.
- (7) Plan the development and availability of land and water resources in a coordinated manner so as to provide for the desired levels of growth in each geographic area. [L 1978, c 100, pt of §2; am L 1986, c 276, §4; am L 1988, c 70, §3; am L 1993, c 213, §3]

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§226-6 Objectives and policies for the economy--in general.

(a) Planning for the State's economy in general shall be directed toward achievement of the following objectives:

- (1) Increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawaii's people, while at the same time stimulating the development and expansion of economic activities capitalizing on defense, dual-use, and science and technology assets, particularly on the neighbor islands where employment opportunities may be limited.
- (2) A steadily growing and diversified economic base that is not overly dependent on a few industries, and includes the development and expansion of industries on the neighbor islands.

(b) To achieve the general economic objectives, it shall be the policy of this State to:

- (1) Expand Hawaii's national and international marketing, communication, and organizational ties, to increase the State's capacity to adjust to and capitalize upon economic changes and opportunities occurring outside the State.
- (2) Promote Hawaii as an attractive market for environmentally and socially sound investment activities that benefit Hawaii's people.
- (3) Seek broader outlets for new or expanded Hawaii business investments.
- (4) Expand existing markets and penetrate new markets for Hawaii's products and services.
- (5) Assure that the basic economic needs of Hawaii's people are maintained in the event of disruptions in overseas transportation.
- (6) Strive to achieve a level of construction activity responsive to, and consistent with, state growth objectives.
- (7) Encourage the formation of cooperatives and other favorable marketing arrangements at the local or regional level to assist Hawaii's small scale producers, manufacturers, and distributors.
- (8) Encourage labor-intensive activities that are economically satisfying and which offer opportunities for upward mobility.
- (9) Foster greater cooperation and coordination between the government and private sectors in developing Hawaii's employment and economic growth opportunities.
- (10) Stimulate the development and expansion of economic activities which will benefit areas with substantial or expected employment problems.
- (11) Maintain acceptable working conditions and standards for Hawaii's workers.
- (12) Provide equal employment opportunities for all segments of Hawaii's population through affirmative action and nondiscrimination measures.

- (13) Stimulate the development and expansion of economic activities capitalizing on defense, dual-use, and science and technology assets, particularly on the neighbor islands where employment opportunities may be limited.
- (14) Encourage businesses that have favorable financial multiplier effects within Hawaii's economy, particularly with respect to emerging industries in science and technology.
- (15) Promote and protect intangible resources in Hawaii, such as scenic beauty and the aloha spirit, which are vital to a healthy economy.
- (16) Increase effective communication between the educational community and the private sector to develop relevant curricula and training programs to meet future employment needs in general, and requirements of new, potential growth industries in particular.
- (17) Foster a business climate in Hawaii--including attitudes, tax and regulatory policies, and financial and technical assistance programs--that is conducive to the expansion of existing enterprises and the creation and attraction of new business and industry. [L 1978, c 100, pt of §2; am L 1986, c 276, §5; am L 1988, c 70, §4; am L 1993, c 213, §4; am L 2009, c 167, §2]

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§226-7 Objectives and policies for the economy--agriculture. (a) Planning for the State's economy with regard to agriculture shall be directed towards achievement of the following objectives:

- (1) Viability of Hawaii's sugar and pineapple industries.
- (2) Growth and development of diversified agriculture throughout the State.
- (3) An agriculture industry that continues to constitute a dynamic and essential component of Hawaii's strategic, economic, and social well-being.

(b) To achieve the agriculture objectives, it shall be the policy of this State to:

- (1) Establish a clear direction for Hawaii's agriculture through stakeholder commitment and advocacy.
- (2) Encourage agriculture by making best use of natural resources.
- (3) Provide the governor and the legislature with information and options needed for prudent decision-making for the development of agriculture.
- (4) Establish strong relationships between the agricultural and visitor industries for mutual marketing benefits.
- (5) Foster increased public awareness and understanding of the contributions and benefits of agriculture as a major sector of Hawaii's economy.
- (6) Seek the enactment and retention of federal and state legislation that benefits Hawaii's agricultural industries.
- (7) Strengthen diversified agriculture by developing an effective promotion, marketing, and distribution system between Hawaii's food producers and consumers in the State, nation, and world.
- (8) Support research and development activities that strengthen economic productivity in agriculture, stimulate greater efficiency, and enhance the development of new products and agricultural by-products.
- (9) Enhance agricultural growth by providing public incentives and encouraging private initiatives.
- (10) Assure the availability of agriculturally suitable lands with adequate water to accommodate present and future needs.
- (11) Increase the attractiveness and opportunities for an agricultural education and livelihood.

(12) In addition to the State's priority on food, expand Hawaii's agricultural base by promoting growth and development of flowers, tropical fruits and plants, livestock, feed grains, forestry, food crops, aquaculture, and other potential enterprises.

(13) Promote economically competitive activities that increase Hawaii's agricultural self-sufficiency, including the increased purchase and use of Hawaii-grown food and food products by residents, businesses, and governmental bodies as defined under section 103D-104.

(14) Promote and assist in the establishment of sound financial programs for diversified agriculture.

(15) Institute and support programs and activities to assist the entry of displaced agricultural workers into alternative agricultural or other employment.

(16) Facilitate the transition of agricultural lands in economically nonfeasible agricultural production to economically viable agricultural uses. [L 1978, c 100, pt of §2; am L 1986, c 276, §6; am L 1993, c 25, §2; am L 2009, c 167, §3; am L 2013, c 55, §2]

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§226-8 Objective and policies for the economy--visitor industry. (a) Planning for the State's economy with regard to the visitor industry shall be directed towards the achievement of the objective of a visitor industry that constitutes a major component of steady growth for Hawaii's economy.

(b) To achieve the visitor industry objective, it shall be the policy of this State to:

- (1) Support and assist in the promotion of Hawaii's visitor attractions and facilities.
- (2) Ensure that visitor industry activities are in keeping with the social, economic, and physical needs and aspirations of Hawaii's people.
- (3) Improve the quality of existing visitor destination areas by utilizing Hawaii's strengths in science and technology.
- (4) Encourage cooperation and coordination between the government and private sectors in developing and maintaining well-designed, adequately serviced visitor industry and related developments which are sensitive to neighboring communities and activities.
- (5) Develop the industry in a manner that will continue to provide new job opportunities and steady employment for Hawaii's people.
- (6) Provide opportunities for Hawaii's people to obtain job training and education that will allow for upward mobility within the visitor industry.
- (7) Foster a recognition of the contribution of the visitor industry to Hawaii's economy and the need to perpetuate the aloha spirit.
- (8) Foster an understanding by visitors of the aloha spirit and of the unique and sensitive character of Hawaii's cultures and values. [L 1978, c 100, pt of §2; am L 1986, c 276, §7; am L 1988, c 70, §5; am L 2009, c 167, §4]

Cross References

Hawaii tourism authority, see chapter 201B.

Office of tourism, see chapter 201, part VII.

Tourism development, see chapter 203.

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§226-9 Objective and policies for the economy--federal

expenditures. (a) Planning for the State's economy with regard to federal expenditures shall be directed towards achievement of the objective of a stable federal investment base as an integral component of Hawaii's economy.

(b) To achieve the federal expenditures objective, it shall be the policy of this State to:

- (1) Encourage the sustained flow of federal expenditures in Hawaii that generates long-term government civilian employment;
- (2) Promote Hawaii's supportive role in national defense, in a manner consistent with Hawaii's social, environmental, and cultural goals by building upon dual-use and defense applications to develop thriving ocean engineering, aerospace research and development, and related dual-use technology sectors in Hawaii's economy;
- (3) Promote the development of federally supported activities in Hawaii that respect statewide economic concerns, are sensitive to community needs, and minimize adverse impacts on Hawaii's environment;
- (4) Increase opportunities for entry and advancement of Hawaii's people into federal government service;
- (5) Promote federal use of local commodities, services, and facilities available in Hawaii;
- (6) Strengthen federal-state-county communication and coordination in all federal activities that affect Hawaii; and
- (7) Pursue the return of federally controlled lands in Hawaii that are not required for either the defense of the nation or for other purposes of national importance, and promote the mutually beneficial exchanges of land between federal agencies, the State, and the counties. [L 1978, c 100, pt of §2; am L 1986, c 276, §8; am L 2006, c 65, §3; am L 2009, c 167, §5]

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§226-10 Objective and policies for the economy--potential growth activities. (a) Planning for the State's economy with regard to potential growth activities shall be directed towards achievement of the objective of development and expansion of potential growth activities that serve to increase and diversify Hawaii's economic base.

(b) To achieve the potential growth activity objective, it shall be the policy of this State to:

- (1) Facilitate investment and employment growth in economic activities that have the potential to expand and diversify Hawaii's economy, including but not limited to diversified agriculture, aquaculture, renewable energy development, creative media, and science and technology-based sectors;
- (2) Expand Hawaii's capacity to attract and service international programs and activities that generate employment for Hawaii's people;
- (3) Enhance and promote Hawaii's role as a center for international relations, trade, finance, services, technology, education, culture, and the arts;
- (4) Accelerate research and development of new energy-related industries based on wind, solar, ocean, and underground resources and solid waste;
- (5) Promote Hawaii's geographic, environmental, social, and technological advantages to attract new economic activities into the State;
- (6) Provide public incentives and encourage private initiative to attract new industries that best support Hawaii's social, economic, physical, and environmental objectives;
- (7) Increase research and the development of ocean-related economic activities such as mining, food production, and scientific research;
- (8) Develop, promote, and support research and educational and training programs that will enhance Hawaii's ability to attract and develop economic activities of benefit to Hawaii;
- (9) Foster a broader public recognition and understanding of the potential benefits of new, growth-oriented industry in Hawaii;
- (10) Encourage the development and implementation of joint federal and state initiatives to attract federal programs and projects that will support Hawaii's social, economic, physical, and environmental objectives;
- (11) Increase research and development of businesses and services in the telecommunications and information industries; and
- (12) Foster the research and development of nonfossil fuel and energy efficient modes of transportation. [L 1978, c 100, pt of §2; am L 1986, c 276, §9; am L 1988, c 70, §6; am L Sp 1988, c 1, §5; am L 2009, c 156, §2 and c 167, §6]

Revision Note

Paragraph (11) redesignated.

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§226-10.5 Objectives and policies for the economy--information industry. (a) Planning for the State's economy with regard to telecommunications and information technology shall be directed toward positioning Hawaii as a leader in broadband communications and applications in the Pacific Region.

(b) To achieve the information industry objective, it shall be the policy of this State to:

- (1) Encourage the continued development and expansion of the telecommunications infrastructure serving Hawaii to accommodate future growth in the information industry;
- (2) Facilitate the development of new business and service ventures in the information industry which will provide employment opportunities for the people of Hawaii;
- (3) Encourage greater cooperation between the public and private sectors in developing and maintaining a well- designed information industry;
- (4) Ensure that the development of new businesses and services in the industry are in keeping with the social, economic, and physical needs and aspirations of Hawaii's people;
- (5) Provide opportunities for Hawaii's people to obtain job training and education that will allow for upward mobility within the information industry;
- (6) Foster a recognition of the contribution of the information industry to Hawaii's economy; and
- (7) Assist in the promotion of Hawaii as a broker, creator, and processor of information in the Pacific. [L Sp 1988, c 1, §3; am L 2009, c 167, §7]

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§226-11 Objectives and policies for the physical environment--land-based, shoreline, and marine resources. (a) Planning for the State's physical environment with regard to land-based, shoreline, and marine resources shall be directed towards achievement of the following objectives:

- (1) Prudent use of Hawaii's land-based, shoreline, and marine resources.
- (2) Effective protection of Hawaii's unique and fragile environmental resources.

(b) To achieve the land-based, shoreline, and marine resources objectives, it shall be the policy of this State to:

- (1) Exercise an overall conservation ethic in the use of Hawaii's natural resources.
- (2) Ensure compatibility between land-based and water-based activities and natural resources and ecological systems.
- (3) Take into account the physical attributes of areas when planning and designing activities and facilities.
- (4) Manage natural resources and environs to encourage their beneficial and multiple use without generating costly or irreparable environmental damage.
- (5) Consider multiple uses in watershed areas, provided such uses do not detrimentally affect water quality and recharge functions.
- (6) Encourage the protection of rare or endangered plant and animal species and habitats native to Hawaii.
- (7) Provide public incentives that encourage private actions to protect significant natural resources from degradation or unnecessary depletion.
- (8) Pursue compatible relationships among activities, facilities, and natural resources.
- (9) Promote increased accessibility and prudent use of inland and shoreline areas for public recreational, educational, and scientific purposes. [L 1978, c 100, pt of §2; am L 1986, c 276, §10]

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§226-12 Objective and policies for the physical environment--scenic, natural beauty, and historic resources. (a) Planning for the State's physical environment shall be directed towards achievement of the objective of enhancement of Hawaii's scenic assets, natural beauty, and multi-cultural/historical resources.

(b) To achieve the scenic, natural beauty, and historic resources objective, it shall be the policy of this State to:

- (1) Promote the preservation and restoration of significant natural and historic resources.
- (2) Provide incentives to maintain and enhance historic, cultural, and scenic amenities.
- (3) Promote the preservation of views and vistas to enhance the visual and aesthetic enjoyment of mountains, ocean, scenic landscapes, and other natural features.
- (4) Protect those special areas, structures, and elements that are an integral and functional part of Hawaii's ethnic and cultural heritage.
- (5) Encourage the design of developments and activities that complement the natural beauty of the islands. [L 1978, c 100, pt of §2; am L 1986, c 276, §11]

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§226-13 Objectives and policies for the physical environment--land, air, and water quality. (a) Planning for the State's physical environment with regard to land, air, and water quality shall be directed towards achievement of the following objectives:

- (1) Maintenance and pursuit of improved quality in Hawaii's land, air, and water resources.
- (2) Greater public awareness and appreciation of Hawaii's environmental resources.

(b) To achieve the land, air, and water quality objectives, it shall be the policy of this State to:

- (1) Foster educational activities that promote a better understanding of Hawaii's limited environmental resources.
- (2) Promote the proper management of Hawaii's land and water resources.
- (3) Promote effective measures to achieve desired quality in Hawaii's surface, ground, and coastal waters.
- (4) Encourage actions to maintain or improve aural and air quality levels to enhance the health and well-being of Hawaii's people.
- (5) Reduce the threat to life and property from erosion, flooding, tsunamis, hurricanes, earthquakes, volcanic eruptions, and other natural or man-induced hazards and disasters.
- (6) Encourage design and construction practices that enhance the physical qualities of Hawaii's communities.
- (7) Encourage urban developments in close proximity to existing services and facilities.
- (8) Foster recognition of the importance and value of the land, air, and water resources to Hawaii's people, their cultures and visitors. [L 1978, c 100, pt of §2; am L 1986, c 276, §12]

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§226-14 Objective and policies for facility systems--in general. (a) Planning for the State's facility systems in general shall be directed towards achievement of the objective of water, transportation, waste disposal, and energy and telecommunication systems that support statewide social, economic, and physical objectives.

(b) To achieve the general facility systems objective, it shall be the policy of this State to:

- (1) Accommodate the needs of Hawaii's people through coordination of facility systems and capital improvement priorities in consonance with state and county plans.
- (2) Encourage flexibility in the design and development of facility systems to promote prudent use of resources and accommodate changing public demands and priorities.
- (3) Ensure that required facility systems can be supported within resource capacities and at reasonable cost to the user.
- (4) Pursue alternative methods of financing programs and projects and cost-saving techniques in the planning, construction, and maintenance of facility systems. [L 1978, c 100, pt of §2; am L 1986, c 276, §13]

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§226-15 Objectives and policies for facility systems--solid and liquid wastes. (a) Planning for the State's facility systems with regard to solid and liquid wastes shall be directed towards the achievement of the following objectives:

- (1) Maintenance of basic public health and sanitation standards relating to treatment and disposal of solid and liquid wastes.
- (2) Provision of adequate sewerage facilities for physical and economic activities that alleviate problems in housing, employment, mobility, and other areas.

(b) To achieve solid and liquid waste objectives, it shall be the policy of this State to:

- (1) Encourage the adequate development of sewerage facilities that complement planned growth.
- (2) Promote re-use and recycling to reduce solid and liquid wastes and employ a conservation ethic.
- (3) Promote research to develop more efficient and economical treatment and disposal of solid and liquid wastes. [L 1978, c 100, pt of §2; am L 1986, c 276, §14]

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§226-16 Objective and policies for facility systems--water.

(a) Planning for the State's facility systems with regard to water shall be directed towards achievement of the objective of the provision of water to adequately accommodate domestic, agricultural, commercial, industrial, recreational, and other needs within resource capacities.

(b) To achieve the facility systems water objective, it shall be the policy of this State to:

- (1) Coordinate development of land use activities with existing and potential water supply.
- (2) Support research and development of alternative methods to meet future water requirements well in advance of anticipated needs.
- (3) Reclaim and encourage the productive use of runoff water and wastewater discharges.
- (4) Assist in improving the quality, efficiency, service, and storage capabilities of water systems for domestic and agricultural use.
- (5) Support water supply services to areas experiencing critical water problems.
- (6) Promote water conservation programs and practices in government, private industry, and the general public to help ensure adequate water to meet long-term needs. [L 1978, c 100, pt of §2; am L 1986, c 276, §15]

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§226-17 Objectives and policies for facility systems--

transportation. (a) Planning for the State's facility systems with regard to transportation shall be directed towards the achievement of the following objectives:

- (1) An integrated multi-modal transportation system that services statewide needs and promotes the efficient, economical, safe, and convenient movement of people and goods.
- (2) A statewide transportation system that is consistent with and will accommodate planned growth objectives throughout the State.
- (b) To achieve the transportation objectives, it shall be the policy of this State to:

- (1) Design, program, and develop a multi-modal system in conformance with desired growth and physical development as stated in this chapter;
 - (2) Coordinate state, county, federal, and private transportation activities and programs toward the achievement of statewide objectives;
 - (3) Encourage a reasonable distribution of financial responsibilities for transportation among participating governmental and private parties;
 - (4) Provide for improved accessibility to shipping, docking, and storage facilities;
 - (5) Promote a reasonable level and variety of mass transportation services that adequately meet statewide and community needs;
 - (6) Encourage transportation systems that serve to accommodate present and future development needs of communities;
 - (7) Encourage a variety of carriers to offer increased opportunities and advantages to interisland movement of people and goods;
 - (8) Increase the capacities of airport and harbor systems and support facilities to effectively accommodate transshipment and storage needs;
 - (9) Encourage the development of transportation systems and programs which would assist statewide economic growth and diversification;
 - (10) Encourage the design and development of transportation systems sensitive to the needs of affected communities and the quality of Hawaii's natural environment;
 - (11) Encourage safe and convenient use of low-cost, energy-efficient, non-polluting means of transportation;
 - (12) Coordinate intergovernmental land use and transportation planning activities to ensure the timely delivery of supporting transportation infrastructure in order to accommodate planned growth objectives; and
 - (13) Encourage diversification of transportation modes and infrastructure to promote alternate fuels and energy efficiency.
- [L 1978, c 100, pt of §2; am L 1986, c 276, §16; am L 1993, c 149, §1; am L 1994, c 96, §3]

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§226-18 Objectives and policies for facility systems--energy.

(a) Planning for the State's facility systems with regard to energy shall be directed toward the achievement of the following objectives, giving due consideration to all:

- (1) Dependable, efficient, and economical statewide energy systems capable of supporting the needs of the people;
- (2) Increased energy self-sufficiency where the ratio of indigenous to imported energy use is increased;
- (3) Greater energy security and diversification in the face of threats to Hawaii's energy supplies and systems; and
- (4) Reduction, avoidance, or sequestration of greenhouse gas emissions from energy supply and use.

(b) To achieve the energy objectives, it shall be the policy of this State to ensure the short- and long-term provision of adequate, reasonably priced, and dependable energy services to accommodate demand.

(c) To further achieve the energy objectives, it shall be the policy of this State to:

- (1) Support research and development as well as promote the use of renewable energy sources;
- (2) Ensure that the combination of energy supplies and energy-saving systems is sufficient to support the demands of growth;
- (3) Base decisions of least-cost supply-side and demand-side energy resource options on a comparison of their total costs and benefits when a least-cost is determined by a reasonably comprehensive, quantitative, and qualitative accounting of their long-term, direct and indirect economic, environmental, social, cultural, and public health costs and benefits;
- (4) Promote all cost-effective conservation of power and fuel supplies through measures, including:
 - (A) Development of cost-effective demand-side management programs;
 - (B) Education; and
 - (C) Adoption of energy-efficient practices and technologies;
- (5) Ensure, to the extent that new supply-side resources are needed, that the development or expansion of energy systems uses the least-cost energy supply option and maximizes efficient technologies;
- (6) Support research, development, demonstration, and use of energy efficiency, load management, and other demand-side management programs, practices, and technologies;
- (7) Promote alternate fuels and transportation energy efficiency;
- (8) Support actions that reduce, avoid, or sequester greenhouse gases in utility, transportation, and industrial sector applications;
- (9) Support actions that reduce, avoid, or sequester Hawaii's greenhouse gas emissions through agriculture and forestry

initiatives;

- (10) Provide priority handling and processing for all state and county permits required for renewable energy projects; and
- (11) Promote the development of indigenous geothermal energy resources that are located on public trust land as an affordable and reliable source of firm power for Hawaii. [L 1978, c 100, pt of §2; am L 1986, c 276, §17; am L 1990, c 319, §2; am L 1994, c 96, §4; am L 2000, c 176, §1; am L 2007, c 205, §6; am L 2009, c 155, §17 and c 156, §3; am L 2012, c 193, §1]

Note

L 2012, c 193, §2 provides:

"There shall be consultation and public input from the Native Hawaiian community and the general public when developing projects with public land trust lands."

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[\$226-18.5] Objectives and policies for facility systems--telecommunications. (a) Planning for the State's telecommunications facility systems shall be directed towards the achievement of dependable, efficient, and economical statewide telecommunications systems capable of supporting the needs of the people.

(b) To achieve the telecommunications objective, it shall be the policy of this State to ensure the provision of adequate, reasonably priced, and dependable telecommunications services to accommodate demand.

(c) To further achieve the telecommunications objective, it shall be the policy of this State to:

- (1) Facilitate research and development of telecommunications systems and resources;
- (2) Encourage public and private sector efforts to develop means for adequate, ongoing telecommunications planning;
- (3) Promote efficient management and use of existing telecommunications systems and services; and
- (4) Facilitate the development of education and training of telecommunications personnel. [L 1994, c 96, §2]

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§226-19 Objectives and policies for socio-cultural advancement--housing. (a) Planning for the State's socio-cultural advancement with regard to housing shall be directed toward the achievement of the following objectives:

- (1) Greater opportunities for Hawaii's people to secure reasonably priced, safe, sanitary, and livable homes, located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals, through collaboration and cooperation between government and nonprofit and for-profit developers to ensure that more affordable housing is made available to very low-, low- and moderate-income segments of Hawaii's population.
- (2) The orderly development of residential areas sensitive to community needs and other land uses.
- (3) The development and provision of affordable rental housing by the State to meet the housing needs of Hawaii's people.

(b) To achieve the housing objectives, it shall be the policy of this State to:

- (1) Effectively accommodate the housing needs of Hawaii's people.
- (2) Stimulate and promote feasible approaches that increase housing choices for low-income, moderate-income, and gap-group households.
- (3) Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.
- (4) Promote appropriate improvement, rehabilitation, and maintenance of existing housing units and residential areas.
- (5) Promote design and location of housing developments taking into account the physical setting, accessibility to public facilities and services, and other concerns of existing communities and surrounding areas.
- (6) Facilitate the use of available vacant, developable, and underutilized urban lands for housing.
- (7) Foster a variety of lifestyles traditional to Hawaii through the design and maintenance of neighborhoods that reflect the culture and values of the community.
- (8) Promote research and development of methods to reduce the cost of housing construction in Hawaii. [L 1978, c 100, pt of §2; am L 1986, c 276, §18; am L 1992, c 27, §2]

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§226-20 Objectives and policies for socio-cultural advancement--health. (a) Planning for the State's socio-cultural advancement with regard to health shall be directed towards achievement of the following objectives:

- (1) Fulfillment of basic individual health needs of the general public.
- (2) Maintenance of sanitary and environmentally healthful conditions in Hawaii's communities.

(b) To achieve the health objectives, it shall be the policy of this State to:

- (1) Provide adequate and accessible services and facilities for prevention and treatment of physical and mental health problems, including substance abuse.
- (2) Encourage improved cooperation among public and private sectors in the provision of health care to accommodate the total health needs of individuals throughout the State.
- (3) Encourage public and private efforts to develop and promote statewide and local strategies to reduce health care and related insurance costs.
- (4) Foster an awareness of the need for personal health maintenance and preventive health care through education and other measures.
- (5) Provide programs, services, and activities that ensure environmentally healthful and sanitary conditions.
- (6) Improve the State's capabilities in preventing contamination by pesticides and other potentially hazardous substances through increased coordination, education, monitoring, and enforcement. [L 1978, c 100, pt of §2; am L 1986, c 276, §19]

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§226-21 Objective and policies for socio-cultural advancement--education. (a) Planning for the State's socio-cultural advancement with regard to education shall be directed towards achievement of the objective of the provision of a variety of educational opportunities to enable individuals to fulfill their needs, responsibilities, and aspirations.

(b) To achieve the education objective, it shall be the policy of this State to:

- (1) Support educational programs and activities that enhance personal development, physical fitness, recreation, and cultural pursuits of all groups.
- (2) Ensure the provision of adequate and accessible educational services and facilities that are designed to meet individual and community needs.
- (3) Provide appropriate educational opportunities for groups with special needs.
- (4) Promote educational programs which enhance understanding of Hawaii's cultural heritage.
- (5) Provide higher educational opportunities that enable Hawaii's people to adapt to changing employment demands.
- (6) Assist individuals, especially those experiencing critical employment problems or barriers, or undergoing employment transitions, by providing appropriate employment training programs and other related educational opportunities.
- (7) Promote programs and activities that facilitate the acquisition of basic skills, such as reading, writing, computing, listening, speaking, and reasoning.
- (8) Emphasize quality educational programs in Hawaii's institutions to promote academic excellence.
- (9) Support research programs and activities that enhance the education programs of the State. [L 1978, c 100, pt of §2; am L 1986, c 276, §20]

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§226-22 Objective and policies for socio-cultural advancement--social services. (a) Planning for the State's socio-cultural advancement with regard to social services shall be directed towards the achievement of the objective of improved public and private social services and activities that enable individuals, families, and groups to become more self-reliant and confident to improve their well-being.

(b) To achieve the social service objective, it shall be the policy of the State to:

- (1) Assist individuals, especially those in need of attaining a minimally adequate standard of living and those confronted by social and economic hardship conditions, through social services and activities within the State's fiscal capacities.
- (2) Promote coordination and integrative approaches among public and private agencies and programs to jointly address social problems that will enable individuals, families, and groups to deal effectively with social problems and to enhance their participation in society.
- (3) Facilitate the adjustment of new residents, especially recently arrived immigrants, into Hawaii's communities.
- (4) Promote alternatives to institutional care in the provision of long-term care for elder and disabled populations.
- (5) Support public and private efforts to prevent domestic abuse and child molestation, and assist victims of abuse and neglect.
- (6) Promote programs which assist people in need of family planning services to enable them to meet their needs. [L 1978, c 100, pt of §2; am L 1986, c 276, §21; am L 1990, c 67, §8]

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§226-23 Objective and policies for socio-cultural advancement--leisure. (a) Planning for the State's socio-cultural advancement with regard to leisure shall be directed towards the achievement of the objective of the adequate provision of resources to accommodate diverse cultural, artistic, and recreational needs for present and future generations.

(b) To achieve the leisure objective, it shall be the policy of this State to:

- (1) Foster and preserve Hawaii's multi-cultural heritage through supportive cultural, artistic, recreational, and humanities-oriented programs and activities.
- (2) Provide a wide range of activities and facilities to fulfill the cultural, artistic, and recreational needs of all diverse and special groups effectively and efficiently.
- (3) Enhance the enjoyment of recreational experiences through safety and security measures, educational opportunities, and improved facility design and maintenance.
- (4) Promote the recreational and educational potential of natural resources having scenic, open space, cultural, historical, geological, or biological values while ensuring that their inherent values are preserved.
- (5) Ensure opportunities for everyone to use and enjoy Hawaii's recreational resources.
- (6) Assure the availability of sufficient resources to provide for future cultural, artistic, and recreational needs.
- (7) Provide adequate and accessible physical fitness programs to promote the physical and mental well-being of Hawaii's people.
- (8) Increase opportunities for appreciation and participation in the creative arts, including the literary, theatrical, visual, musical, folk, and traditional art forms.
- (9) Encourage the development of creative expression in the artistic disciplines to enable all segments of Hawaii's population to participate in the creative arts.
- (10) Assure adequate access to significant natural and cultural resources in public ownership. [L 1978, c 100, pt of §2; am L 1986, c 276, §22]

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§226-24 Objective and policies for socio-cultural advancement--individual rights and personal well-being. (a) Planning for the State's socio-cultural advancement with regard to individual rights and personal well-being shall be directed towards achievement of the objective of increased opportunities and protection of individual rights to enable individuals to fulfill their socio-economic needs and aspirations.

(b) To achieve the individual rights and personal well-being objective, it shall be the policy of this State to:

- (1) Provide effective services and activities that protect individuals from criminal acts and unfair practices and that alleviate the consequences of criminal acts in order to foster a safe and secure environment.
- (2) Uphold and protect the national and state constitutional rights of every individual.
- (3) Assure access to, and availability of, legal assistance, consumer protection, and other public services which strive to attain social justice.
- (4) Ensure equal opportunities for individual participation in society. [L 1978, c 100, pt of §2; am L 1986, c 276, §23]

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§226-25 Objective and policies for socio-cultural advancement--culture. (a) Planning for the State's socio-cultural advancement with regard to culture shall be directed toward the achievement of the objective of enhancement of cultural identities, traditions, values, customs, and arts of Hawaii's people.

(b) To achieve the culture objective, it shall be the policy of this State to:

- (1) Foster increased knowledge and understanding of Hawaii's ethnic and cultural heritages and the history of Hawaii.
- (2) Support activities and conditions that promote cultural values, customs, and arts that enrich the lifestyles of Hawaii's people and which are sensitive and responsive to family and community needs.
- (3) Encourage increased awareness of the effects of proposed public and private actions on the integrity and quality of cultural and community lifestyles in Hawaii.
- (4) Encourage the essence of the aloha spirit in people's daily activities to promote harmonious relationships among Hawaii's people and visitors. [L 1978, c 100, pt of §2; am L 1986, c 276, §24]

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§226-26 Objectives and policies for socio-cultural advancement--public safety. (a) Planning for the State's socio-cultural advancement with regard to public safety shall be directed towards the achievement of the following objectives:

- (1) Assurance of public safety and adequate protection of life and property for all people.
- (2) Optimum organizational readiness and capability in all phases of emergency management to maintain the strength, resources, and social and economic well-being of the community in the event of civil disruptions, wars, natural disasters, and other major disturbances.
- (3) Promotion of a sense of community responsibility for the welfare and safety of Hawaii's people.

(b) To achieve the public safety objectives, it shall be the policy of this State to:

- (1) Ensure that public safety programs are effective and responsive to community needs.
- (2) Encourage increased community awareness and participation in public safety programs.

(c) To further achieve public safety objectives related to criminal justice, it shall be the policy of this State to:

- (1) Support criminal justice programs aimed at preventing and curtailing criminal activities.
- (2) Develop a coordinated, systematic approach to criminal justice administration among all criminal justice agencies.
- (3) Provide a range of correctional resources which may include facilities and alternatives to traditional incarceration in order to address the varied security needs of the community and successfully reintegrate offenders into the community.

(d) To further achieve public safety objectives related to emergency management, it shall be the policy of this State to:

- (1) Ensure that responsible organizations are in a proper state of readiness to respond to major war-related, natural, or technological disasters and civil disturbances at all times.
- (2) Enhance the coordination between emergency management programs throughout the State. [L 1978, c 100, pt of §2; am L 1986, c 276, §25]

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§226-27 Objectives and policies for socio-cultural advancement--government. (a) Planning the State's socio-cultural advancement with regard to government shall be directed towards the achievement of the following objectives:

- (1) Efficient, effective, and responsive government services at all levels in the State.
- (2) Fiscal integrity, responsibility, and efficiency in the state government and county governments.

(b) To achieve the government objectives, it shall be the policy of this State to:

- (1) Provide for necessary public goods and services not assumed by the private sector.
- (2) Pursue an openness and responsiveness in government that permits the flow of public information, interaction, and response.
- (3) Minimize the size of government to that necessary to be effective.
- (4) Stimulate the responsibility in citizens to productively participate in government for a better Hawaii.
- (5) Assure that government attitudes, actions, and services are sensitive to community needs and concerns.
- (6) Provide for a balanced fiscal budget.
- (7) Improve the fiscal budgeting and management system of the State.
- (8) Promote the consolidation of state and county governmental functions to increase the effective and efficient delivery of government programs and services and to eliminate duplicative services wherever feasible. [L 1978, c 100, pt of §2; am L 1986, c 276, §26]

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§226-28 REPEALED. L 1986, c 276, §27.

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PART II. PLANNING COORDINATION AND IMPLEMENTATION**Note**

Part heading reenacted. L 1991, c 76, pt of §1.

§226-51 Purpose. The purpose of this part is to establish a statewide planning system to coordinate and guide all major state and county activities and to implement the overall theme, goals, objectives, policies, and priority guidelines. [L 1978, c 100, pt of §2; am L 1984, c 236, §3; ree L 1991, c 76, pt of §1]

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§226-52 Statewide planning system. (a) The statewide planning system shall consist of the following policies, plans, and programs:

- (1) The overall theme, goals, objectives, and policies established in this chapter that shall provide the broad guidelines for the State;
- (2) The priority guidelines established in this chapter that shall provide guidelines for decisionmaking by the State and the counties for the immediate future and set priorities for the allocation of resources. The formulation and revision of state functional plans shall be in conformance with the priority guidelines;
- (3) State functional plans that shall be prepared to address, but not be limited to, the areas of agriculture, conservation lands, education, energy, higher education, health, historic preservation, housing, recreation, tourism, and transportation. The preparing agency for each state functional plan shall also consider applicable federal laws, policies, or programs that impact upon the functional plan area. State functional plans shall define, implement, and be in conformance with the overall theme, goals, objectives, policies, and priority guidelines contained within this chapter. County general plans and development plans shall be taken into consideration in the formulation and revision of state functional plans;
- (4) County general plans that shall indicate desired population and physical development patterns for each county and regions within each county. In addition, county general plans or development plans shall address the unique problems and needs of each county and regions within each county. County general plans or development plans shall further define the overall theme, goals, objectives, policies, and priority guidelines contained within this chapter. State functional plans shall be taken into consideration in amending the county general plans; and
- (5) State programs that shall include but not be limited to programs involving coordination and review; research and support; design, construction, and maintenance; services; and regulatory powers. State programs that exercise coordination and review functions shall include but not be limited to the state clearinghouse process, the capital improvements program, and the coastal zone management program. State programs that exercise regulatory powers in resource allocation shall include but not be limited to the land use and management programs administered by the land use commission and the board of land and natural resources. State programs shall further define, implement, and be in conformance with the overall theme, goals, objectives, and policies, and shall utilize as guidelines the priority guidelines contained within this chapter, and the state functional plans approved pursuant to this chapter.

- (b) The statewide planning system shall also consist of several implementation mechanisms, including:
- (1) Overall plan review, coordination, and evaluation. Overall plan review, coordination, and evaluation shall be conducted by the office;
 - (2) The state budgetary, land use, and other decisionmaking processes. The state budgetary, land use, and other decisionmaking processes shall consist of:
 - (A) The program appropriations process. The appropriation of funds for major programs under the biennial and supplemental budgets shall be in conformance with the overall theme, goals, objectives, and policies, and shall utilize as guidelines the priority guidelines contained within this chapter, and the state functional plans approved pursuant to this chapter;
 - (B) The capital improvement project appropriations process. The appropriation of funds for major plans and projects under the capital improvements program shall be in conformance with the overall theme, goals, objectives, and policies, and shall utilize as guidelines the priority guidelines contained within this chapter, and the state functional plans approved pursuant to this chapter;
 - (C) The budgetary review process of the department of budget and finance. The budgetary review and allocation process of the department of budget and finance shall be in conformance with the overall theme, goals, objectives, and policies, and shall utilize as guidelines the priority guidelines contained within this chapter, and the state functional plans approved pursuant to this chapter;
 - (D) Land use decisionmaking processes of state agencies. Land use decisions made by state agencies shall be in conformance with the overall theme, goals, objectives, and policies, and shall utilize as guidelines the priority guidelines contained within this chapter, and the state functional plans approved pursuant to this chapter. The rules adopted by appropriate state agencies to govern land use decisionmaking shall be in conformance with the overall theme, goals, objectives, and policies contained within this chapter; and
 - (E) All other regulatory and administrative decisionmaking processes of state agencies, which shall be in conformance with the overall theme, goals, objectives, and policies, and shall utilize as guidelines the priority guidelines contained within this chapter, and the state functional plans approved pursuant to this chapter. Rules adopted by state agencies to govern decisionmaking shall be in conformance with the overall theme, goals, objectives, and policies contained within

this chapter;

- (3) The strategic planning processes. The office and other state agencies shall conduct strategic planning activities to identify and analyze significant issues, problems, and opportunities confronting the State, including the examination and evaluation of state programs in implementing state policies and the formulation of strategies and alternative courses of action in response to identified problems and opportunities. Strategic planning processes may include the conduct of surveys and other monitoring instruments such as environmental scanning to assess current social, economic, and physical conditions and trends. In conducting strategic planning activities, the office and other state agencies shall ensure that general public and agency concerns are solicited and taken into consideration. The formation of task forces, ad hoc committees, or other advisory bodies comprised of interested parties may serve to facilitate public involvement in specific planning projects; and
- (4) Other coordination processes which include the use of the state clearinghouse process. The state clearinghouse shall coordinate the review of all federally-assisted and direct federal development projects which are covered under the state clearinghouse process. [L 1978, c 100, pt of §2; am L 1984, c 236, §4; am L 1985, c 68, §4; am L 1987, c 336, §4 (2); am L 1988, c 70, §7; am L 1991, c 76, pt of §1]

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§226-53 [OLD] REPEALED. L 1991, c 76, pt of §1.

§226-53 Office of planning; duties. The office shall provide technical assistance in administering this chapter. To further the intent and purpose of this chapter, the office shall:

- (1) Provide recommendations to the governor and state and county agencies on conflicts between and among this chapter, state functional plans approved by the governor, county general plans and development plans, and state programs;
- (2) Review and evaluate this chapter and recommend amendments as needed to the legislature;
- (3) Review, as necessary, major plans, programs, projects, and regulatory activities proposed by state and county agencies, and provide advisory opinions and reports to the governor as needed;
- (4) Analyze existing state policies, planning and program operations, laws, rules, and practices relative to formulation, implementation, and coordination of the state plan;
- (5) Review state capital improvement projects for consistency with this chapter and as necessary report findings and recommendations to the governor prior to allocation of funds;
- (6) Conduct strategic planning by identifying and analyzing significant issues, problems, and opportunities confronting the State, and formulating strategies and alternative courses of action in response to identified problems and opportunities;
- (7) Conduct special studies and prepare reports that address major policy issues relating to statewide growth and development;
- (8) Cooperate with all public agencies to ensure an ongoing, uniform, and reliable base of data and projections;
- (9) Assist the legislature in conducting reviews of parts I, II, and III as necessary;
- (10) Provide other technical assistance to the governor and state and county agencies as needed; and
- (11) Prepare a report identifying emerging issues for use in the revision of parts I and III, including the updating of state functional plans. The report may include a scan of conditions and trends in population, the economy, and the environment, linking the findings of the state scanning project with policy and program activities.

The office may contract with public and private agencies and persons for special research and planning assistance. [L 1978, c 100, pt of §2; am L 1984, c 236, §6; am L 1987, c 336, §4(5); am L 1988, c 141, §18; am and ren L 1991, c 76, pt of §1; am L 1996, c 299, §3]

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§226-54 [OLD] REPEALED. L 1991, c 76, pt of §1.

§226-54 Amendments to this chapter. Amendments to this chapter shall be adopted in accordance with the legislative review process. Proposals from the general public to initiate amendments to any provision of this chapter, shall be subject to the following provisions:

- (1) Any person may submit proposals to amend this chapter to the office and the legislature; and
- (2) The office shall review proposed amendments and submit its findings and recommendations to the legislature thirty days prior to the convening of the next legislative session. [L 1978, c 100, pt of §2; am L 1984, c 236, §7; am L 1987, c 336, §4(6); am and ren L 1991, c 76, pt of §1]

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§226-55 Functional plans; preparation. (a) The state agency head primarily responsible for a given functional area shall prepare the functional plan for the area. In the preparation of the functional plan, the state agency head shall work in close cooperation with the advisory committee, respective officials, and people of each county. In the formulation of the functional plan, the preparing agency shall solicit public views and concerns. The formulation and revision of a state functional plan shall conform to the provisions of this chapter and shall take into consideration the county general plans. Functional plans and any revisions thereto shall be approved by the governor to serve as guidelines for funding and implementation by state and county agencies.

(b) The functional plan shall identify priority issues in the functional area and shall contain objectives, policies, and implementing actions to address those priority issues. Actions may include organizational or management initiatives, facility or physical infrastructure development initiatives, initiatives for programs and services, or legislative proposals.

(c) For each functional plan, the governor shall establish an advisory committee, where an advisory body which meets the criteria set out hereunder is not already in existence, whose membership shall be composed of at least one public official from each county to be nominated by the mayor of each county; members of the public; experts in the field for which a functional plan is being prepared; and state officials. The governor shall request the nominations from each of the respective mayors and shall appoint the public official nominated by the mayor of the respective county to serve on the advisory committee. If the nominations of county officials by a mayor are not submitted to the governor within sixty days following the date of the governor's request for such nominations, the governor shall appoint at least one public official from that county to serve on the advisory committee without nominations from that mayor. The committee shall advise the state agency in preparing, implementing, monitoring, and updating the functional plan to be in conformance with the overall theme, goals, objectives, policies, and priority guidelines contained within this chapter. The draft functional plan shall be submitted to relevant federal, state, and county agencies for review and input. The advisory committee shall serve as a permanent advisory body to the state agency responsible for preparing each respective functional plan. The terms of members from the public and experts in the field for which a functional plan is prepared shall be for four years. Each term shall commence on July 1 and expire on June 30. No member from the public or expert in the field shall be appointed consecutively to more than two terms. These appointments shall not be subject to senate confirmation, and shall be exempt from sections 26-34(a) and 78-4(a) regarding the appointment to boards and commissions. [L 1978, c 100, pt of §2; am L 1980, c 225, §2; am L 1984, c 236, §8 and c 237, §2; am L 1985, c 44, §2; am L 1987, c 336, §4(7); am and ren L 1991, c 76, pt of §1]

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§226-56 Functional plans; form and submittal. (a) Functional plans shall be prepared to further define and implement statewide goals, objectives, policies, and priority guidelines contained in this chapter.

(b) Functional plans shall be prepared and revised in accordance with guidelines developed by the office of planning.

(c) The governor shall transmit approved state functional plans to the legislature for its information. [L 1978, c 100, pt of §2; am L 1980, c 225, §3; am L 1984, c 236, §9; am L 1987, c 336, §4(8); am and ren L 1991, c 76, pt of §1; am L 2001, c 59, §2]

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§226-57 Functional plans; implementation. (a) Functional plans shall be used to guide the allocation of resources for the implementation of state policies adopted by the legislature.

(b) The legislature, upon a finding of overriding statewide concern, may determine in any given instance that the site for a specific project may be other than that designated in the county general plan; provided that any proposed facility or project contained in a county general plan shall not require the actual development or implementation of that facility or project or its inclusion in any state functional plan by any state agency. The implementation of functional plans shall conform to existing laws, rules, standards, and this chapter. [L 1978, c 100, pt of §2; am L 1984, c 236, §10; am L 1987, c 336, §4(9); am and ren L 1991, c 76, pt of §1]

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§226-58 County general plans. (a) The county general plans and development plans shall be formulated with input from the state and county agencies as well as the general public.

County general plans or development plans shall indicate desired population and physical development patterns for each county and regions within each county. In addition, county general plans or development plans shall address the unique problems and needs of each county and regions within each county. The county general plans or development plans shall further define applicable provisions of this chapter; provided that any amendment to the county general plan of each county shall not be contrary to the county charter. The formulation, amendment, and implementation of county general plans or development plans shall take into consideration statewide objectives, policies, and programs stipulated in state functional plans approved in consonance with this chapter.

(b) County general plans shall be formulated on the basis of sound rationale, data, analyses, and input from state and county agencies and the general public, and contain objectives and policies as required by the charter of each county. Further, the county general plans should:

- (1) Contain objectives to be achieved and policies to be pursued with respect to population density, land use, transportation system location, public and community facility locations, water and sewage system locations, visitor destinations, urban design, and all other matters necessary for the coordinated development of the county and regions within the county; and
- (2) Contain implementation priorities and actions to carry out policies to include but not be limited to land use maps, programs, projects, regulatory measures, standards and principles, and interagency coordination provisions. [L 1978, c 100, pt of §2; am L 1984, c 236, §11; am and ren L 1987, c 336, §4(11); am and ren L 1991, c 76, pt of §1]

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§226-59 State programs. (a) The formulation, administration, and implementation of state programs shall be in conformance with the overall theme, goals, objectives, and policies, and shall utilize as guidelines the priority guidelines contained within this chapter, and the state functional plans approved pursuant to this chapter.

(b) The director of the office of planning shall assist the governor in assuring that state programs are in conformance with this chapter. [L 1978, c 100, pt of §2; am L 1984, c 236, §12; am and ren L 1987, c 336, §4(12); ren L 1991, c 76, pt of §1; am L 1996, c 299, §3]

Case Notes

Requirements not violated by city ordinance. 70 H. 179, 767 P.2d 815.

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§226-60 [OLD] REPEALED. L 1987, c 336, §4(10).

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§226-61 Renumbered as §226-59.

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§226-62 REPEALED. L 1991, c 76, pt of §1.

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PART III. PRIORITY GUIDELINES**Note**

Part heading amended by L 1986, c 276, §28.

§226-101 Purpose. The purpose of this part is to establish overall priority guidelines to address areas of statewide concern. [L 1978, c 100, pt of §2; am L 1984, c 236, §14]

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§226-102 Overall direction. The State shall strive to improve the quality of life for Hawaii's present and future population through the pursuit of desirable courses of action in seven major areas of statewide concern which merit priority attention: economic development, population growth and land resource management, affordable housing, crime and criminal justice, quality education, principles of sustainability, and climate change adaptation. [L 1978, c 100, pt of §2; am L 1986, c 276, §29; am L 2011, c 181, §4; am L 2012, c 286, §3]

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§226-103 Economic priority guidelines. (a) Priority guidelines to stimulate economic growth and encourage business expansion and development to provide needed jobs for Hawaii's people and achieve a stable and diversified economy:

(1) Seek a variety of means to increase the availability of investment capital for new and expanding enterprises.

- (A) Encourage investments which:
 - (i) Reflect long term commitments to the State;
 - (ii) Rely on economic linkages within the local economy;
 - (iii) Diversify the economy;
 - (iv) Reinvest in the local economy;
 - (v) Are sensitive to community needs and priorities; and
 - (vi) Demonstrate a commitment to provide management opportunities to Hawaii residents.

(2) Encourage the expansion of technological research to assist industry development and support the development and commercialization of technological advancements.

(3) Improve the quality, accessibility, and range of services provided by government to business, including data and reference services and assistance in complying with governmental regulations.

(4) Seek to ensure that state business tax and labor laws and administrative policies are equitable, rational, and predictable.

(5) Streamline the building and development permit and review process, and eliminate or consolidate other burdensome or duplicative governmental requirements imposed on business, where public health, safety and welfare would not be adversely affected.

(6) Encourage the formation of cooperatives and other favorable marketing or distribution arrangements at the regional or local level to assist Hawaii's small-scale producers, manufacturers, and distributors.

(7) Continue to seek legislation to protect Hawaii from transportation interruptions between Hawaii and the continental United States.

(8) Provide public incentives and encourage private initiative to develop and attract industries which promise long-term growth potentials and which have the following characteristics:

- (A) An industry that can take advantage of Hawaii's unique location and available physical and human resources.

- (B) A clean industry that would have minimal adverse effects on Hawaii's environment.
- (C) An industry that is willing to hire and train Hawaii's people to meet the industry's labor needs at all levels of employment.
- (D) An industry that would provide reasonable income and steady employment.

(9) Support and encourage, through educational and technical assistance programs and other means, expanded opportunities for employee ownership and participation in Hawaii business.

(10) Enhance the quality of Hawaii's labor force and develop and maintain career opportunities for Hawaii's people through the following actions:

- (A) Expand vocational training in diversified agriculture, aquaculture, information industry, and other areas where growth is desired and feasible.
- (B) Encourage more effective career counseling and guidance in high schools and post-secondary institutions to inform students of present and future career opportunities.
- (C) Allocate educational resources to career areas where high employment is expected and where growth of new industries is desired.
- (D) Promote career opportunities in all industries for Hawaii's people by encouraging firms doing business in the State to hire residents.
- (E) Promote greater public and private sector cooperation in determining industrial training needs and in developing relevant curricula and on- the-job training opportunities.
- (F) Provide retraining programs and other support services to assist entry of displaced workers into alternative employment.

(b) Priority guidelines to promote the economic health and quality of the visitor industry:

(1) Promote visitor satisfaction by fostering an environment which enhances the Aloha Spirit and minimizes inconveniences to Hawaii's residents and visitors.

(2) Encourage the development and maintenance of well-designed, adequately serviced hotels and resort destination areas which are sensitive to neighboring communities and activities and which provide for adequate shoreline setbacks and beach access.

(3) Support appropriate capital improvements to enhance the quality of existing resort destination areas and provide incentives to encourage investment in upgrading, repair, and maintenance of visitor facilities.

(4) Encourage visitor industry practices and activities which respect, preserve, and enhance Hawaii's significant natural, scenic, historic, and cultural resources.

(5) Develop and maintain career opportunities in the visitor industry for Hawaii's people, with emphasis on managerial positions.

(6) Support and coordinate tourism promotion abroad to enhance Hawaii's share of existing and potential visitor markets.

(7) Maintain and encourage a more favorable resort investment climate consistent with the objectives of this chapter.

(8) Support law enforcement activities that provide a safer environment for both visitors and residents alike.

(9) Coordinate visitor industry activities and promotions to business visitors through the state network of advanced data communication techniques.

(c) Priority guidelines to promote the continued viability of the sugar and pineapple industries:

(1) Provide adequate agricultural lands to support the economic viability of the sugar and pineapple industries.

(2) Continue efforts to maintain federal support to provide stable sugar prices high enough to allow profitable operations in Hawaii.

(3) Support research and development, as appropriate, to improve the quality and production of sugar and pineapple crops.

(d) Priority guidelines to promote the growth and development of diversified agriculture and aquaculture:

(1) Identify, conserve, and protect agricultural and aquacultural lands of importance and initiate affirmative and comprehensive programs to promote economically productive agricultural and aquacultural uses of such lands.

(2) Assist in providing adequate, reasonably priced water for agricultural activities.

(3) Encourage public and private investment to increase water supply and to improve transmission, storage, and irrigation facilities in support of diversified agriculture and aquaculture.

(4) Assist in the formation and operation of production and marketing associations and cooperatives to reduce production and marketing costs.

(5) Encourage and assist with the development of a waterborne and airborne freight and cargo system capable of meeting the needs of Hawaii's agricultural community.

(6) Seek favorable freight rates for Hawaii's agricultural products from interisland and overseas transportation operators.

(7) Encourage the development and expansion of agricultural and aquacultural activities which offer long-term economic growth potential and employment opportunities.

(8) Continue the development of agricultural parks and other programs to assist small independent farmers in securing agricultural lands and loans.

(9) Require agricultural uses in agricultural subdivisions and closely monitor the uses in these subdivisions.

(10) Support the continuation of land currently in use for diversified agriculture.

(11) Encourage residents and visitors to support Hawaii's farmers by purchasing locally grown food and food products.

(e) Priority guidelines for water use and development:

(1) Maintain and improve water conservation programs to reduce the overall water consumption rate.

(2) Encourage the improvement of irrigation technology and promote the use of nonpotable water for agricultural and landscaping purposes.

(3) Increase the support for research and development of economically feasible alternative water sources.

(4) Explore alternative funding sources and approaches to support future water development programs and water system improvements.

(f) Priority guidelines for energy use and development:

(1) Encourage the development, demonstration, and commercialization of renewable energy sources.

(2) Initiate, maintain, and improve energy conservation programs aimed at reducing energy waste and increasing public awareness of the need to conserve energy.

(3) Provide incentives to encourage the use of energy conserving technology in residential, industrial, and other buildings.

(4) Encourage the development and use of energy conserving and cost-efficient transportation systems.

(g) Priority guidelines to promote the development of the information industry:

(1) Establish an information network that will serve as the catalyst for establishing a viable information industry in Hawaii.

(2) Encourage the development of services such as financial data processing, a products and services exchange, foreign language translations, telemarketing, teleconferencing, a twenty-four-hour international stock exchange, international banking, and a Pacific Rim management center.

(3) Encourage the development of small businesses in the information field such as software development, the development of new information systems and peripherals, data conversion and data entry services, and home or cottage services such as computer programming, secretarial, and accounting services.

(4) Encourage the development or expansion of educational and training opportunities for residents in the information and telecommunications fields.

(5) Encourage research activities, including legal research in the information and telecommunications fields.

(6) Support promotional activities to market Hawaii's information industry services. [L 1978, c 100, pt of §2; am L 1984, c 236, §15; am L 1986, c 276, §30; am L Sp 1988, c 1, §6; am L 1989, c 250, §2; am L 2013, c 55, §3]

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§226-104 Population growth and land resources priority guidelines. (a) Priority guidelines to effect desired statewide growth and distribution:

- (1) Encourage planning and resource management to insure that population growth rates throughout the State are consistent with available and planned resource capacities and reflect the needs and desires of Hawaii's people.
- (2) Manage a growth rate for Hawaii's economy that will parallel future employment needs for Hawaii's people.
- (3) Ensure that adequate support services and facilities are provided to accommodate the desired distribution of future growth throughout the State.
- (4) Encourage major state and federal investments and services to promote economic development and private investment to the neighbor islands, as appropriate.
- (5) Explore the possibility of making available urban land, low-interest loans, and housing subsidies to encourage the provision of housing to support selective economic and population growth on the neighbor islands.
- (6) Seek federal funds and other funding sources outside the State for research, program development, and training to provide future employment opportunities on the neighbor islands.
- (7) Support the development of high technology parks on the neighbor islands.

(b) Priority guidelines for regional growth distribution and land resource utilization:

- (1) Encourage urban growth primarily to existing urban areas where adequate public facilities are already available or can be provided with reasonable public expenditures, and away from areas where other important benefits are present, such as protection of important agricultural land or preservation of lifestyles.
- (2) Make available marginal or nonessential agricultural lands for appropriate urban uses while maintaining agricultural lands of importance in the agricultural district.
- (3) Restrict development when drafting of water would result in exceeding the sustainable yield or in significantly diminishing the recharge capacity of any groundwater area.
- (4) Encourage restriction of new urban development in areas where water is insufficient from any source for both agricultural and domestic use.
- (5) In order to preserve green belts, give priority to state capital-improvement funds which encourage location of urban development within existing urban areas except where compelling public interest dictates development of a noncontiguous new urban core.
- (6) Seek participation from the private sector for the cost of building infrastructure and utilities, and maintaining open spaces.

- (7) Pursue rehabilitation of appropriate urban areas.
- (8) Support the redevelopment of Kakaako into a viable residential, industrial, and commercial community.
- (9) Direct future urban development away from critical environmental areas or impose mitigating measures so that negative impacts on the environment would be minimized.
- (10) Identify critical environmental areas in Hawaii to include but not be limited to the following: watershed and recharge areas; wildlife habitats (on land and in the ocean); areas with endangered species of plants and wildlife; natural streams and water bodies; scenic and recreational shoreline resources; open space and natural areas; historic and cultural sites; areas particularly sensitive to reduction in water and air quality; and scenic resources.
- (11) Identify all areas where priority should be given to preserving rural character and lifestyle.
- (12) Utilize Hawaii's limited land resources wisely, providing adequate land to accommodate projected population and economic growth needs while ensuring the protection of the environment and the availability of the shoreline, conservation lands, and other limited resources for future generations.
- (13) Protect and enhance Hawaii's shoreline, open spaces, and scenic resources. [L 1978, c 100, pt of §2; am L 1984, c 236, §16; am L 1986, c 276, §31]

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§226-105 Crime and criminal justice. Priority guidelines in the area of crime and criminal justice:

- (1) Support law enforcement activities and other criminal justice efforts that are directed to provide a safer environment.
- (2) Target state and local resources on efforts to reduce the incidence of violent crime and on programs relating to the apprehension and prosecution of repeat offenders.
- (3) Support community and neighborhood program initiatives that enable residents to assist law enforcement agencies in preventing criminal activities.
- (4) Reduce overcrowding or substandard conditions in correctional facilities through a comprehensive approach among all criminal justice agencies which may include sentencing law revisions and use of alternative sanctions other than incarceration for persons who pose no danger to their community.
- (5) Provide a range of appropriate sanctions for juvenile offenders, including community-based programs and other alternative sanctions.
- (6) Increase public and private efforts to assist witnesses and victims of crimes and to minimize the costs of victimization. [L 1978, c 100, pt of §2; am L 1984, c 236, §17; am L 1986, c 276, §32]

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§226-106 Affordable housing. Priority guidelines for the provision of affordable housing:

- (1) Seek to use marginal or nonessential agricultural land and public land to meet housing needs of low- and moderate-income and gap-group households.
- (2) Encourage the use of alternative construction and development methods as a means of reducing production costs.
- (3) Improve information and analysis relative to land availability and suitability for housing.
- (4) Create incentives for development which would increase home ownership and rental opportunities for Hawaii's low- and moderate-income households, gap-group households, and residents with special needs.
- (5) Encourage continued support for government or private housing programs that provide low interest mortgages to Hawaii's people for the purchase of initial owner- occupied housing.
- (6) Encourage public and private sector cooperation in the development of rental housing alternatives.
- (7) Encourage improved coordination between various agencies and levels of government to deal with housing policies and regulations.
- (8) Give higher priority to the provision of quality housing that is affordable for Hawaii's residents and less priority to development of housing intended primarily for individuals outside of Hawaii. [L 1986, c 276, §33; am L 1989, c 250, §3]

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§226-107 Quality education. Priority guidelines to promote quality education:

- (1) Pursue effective programs which reflect the varied district, school, and student needs to strengthen basic skills achievement;
- (2) Continue emphasis on general education "core" requirements to provide common background to students and essential support to other university programs;
- (3) Initiate efforts to improve the quality of education by improving the capabilities of the education work force;
- (4) Promote increased opportunities for greater autonomy and flexibility of educational institutions in their decisionmaking responsibilities;
- (5) Increase and improve the use of information technology in education by the availability of telecommunications equipment for:
 - (A) The electronic exchange of information;
 - (B) Statewide electronic mail; and
 - (C) Access to the Internet.

Encourage programs that increase the public's awareness and understanding of the impact of information technologies on our lives;
- (6) Pursue the establishment of Hawaii's public and private universities and colleges as research and training centers of the Pacific;
- (7) Develop resources and programs for early childhood education;
- (8) Explore alternatives for funding and delivery of educational services to improve the overall quality of education; and
- (9) Strengthen and expand educational programs and services for students with special needs. [L 1986, c 276, §34; am L 1999, c 178, §18]

Cross References

E-mail accounts for students, see §302A-446.

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[\$226-108] Sustainability. Priority guidelines and principles to promote sustainability shall include:

- (1) Encouraging balanced economic, social, community, and environmental priorities;
- (2) Encouraging planning that respects and promotes living within the natural resources and limits of the State;
- (3) Promoting a diversified and dynamic economy;
- (4) Encouraging respect for the host culture;
- (5) Promoting decisions based on meeting the needs of the present without compromising the needs of future generations;
- (6) Considering the principles of the ahupuaa system; and
- (7) Emphasizing that everyone, including individuals, families, communities, businesses, and government, has the responsibility for achieving a sustainable Hawaii. [L 2011, c 181, §2]

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[\$226-109] Climate change adaptation priority guidelines.

Priority guidelines to prepare the State to address the impacts of climate change, including impacts to the areas of agriculture; conservation lands; coastal and nearshore marine areas; natural and cultural resources; education; energy; higher education; health; historic preservation; water resources; the built environment, such as housing, recreation, transportation; and the economy shall:

- (1) Ensure that Hawaii's people are educated, informed, and aware of the impacts climate change may have on their communities;
- (2) Encourage community stewardship groups and local stakeholders to participate in planning and implementation of climate change policies;
- (3) Invest in continued monitoring and research of Hawaii's climate and the impacts of climate change on the State;
- (4) Consider native Hawaiian traditional knowledge and practices in planning for the impacts of climate change;
- (5) Encourage the preservation and restoration of natural landscape features, such as coral reefs, beaches and dunes, forests, streams, floodplains, and wetlands, that have the inherent capacity to avoid, minimize, or mitigate the impacts of climate change;
- (6) Explore adaptation strategies that moderate harm or exploit beneficial opportunities in response to actual or expected climate change impacts to the natural and built environments;
- (7) Promote sector resilience in areas such as water, roads, airports, and public health, by encouraging the identification of climate change threats, assessment of potential consequences, and evaluation of adaptation options;
- (8) Foster cross-jurisdictional collaboration between county, state, and federal agencies and partnerships between government and private entities and other non-governmental entities, including nonprofit entities;
- (9) Use management and implementation approaches that encourage the continual collection, evaluation, and integration of new information and strategies into new and existing practices, policies, and plans; and
- (10) Encourage planning and management of the natural and built environments that effectively integrate climate change policy. [L 2012, c 286, §2]

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EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

GOV. MSG. NO. 1236

June 24, 2014

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 24, 2014, the following bill was signed into law:

SB2981 SD2 HD1 CD1

RELATING TO THE ECONOMY
ACT 133 (14)

Sincerely,
A handwritten signature in black ink, reading "Neil Abercrombie".

NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO THE ECONOMY.

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

1 SECTION 1. The purpose of this Act is to promote and
2 encourage innovative activity and entrepreneurs by amending the
3 state plan policies, objectives, and priority guidelines
4 concerning the economy and information technology.

5 SECTION 2. Section 226-6, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) To achieve the general economic objectives, it shall
8 be the policy of this State to:

9 (1) Promote and encourage entrepreneurship within Hawaii
10 by residents and nonresidents of the State.

11 ~~[(1)]~~ (2) Expand Hawaii's national and international
12 marketing, communication, and organizational ties, to
13 increase the State's capacity to adjust to and
14 capitalize upon economic changes and opportunities
15 occurring outside the State.

16 ~~[(2)]~~ (3) Promote Hawaii as an attractive market for
17 environmentally and socially sound investment
18 activities that benefit Hawaii's people.



1 (4) Transform and maintain Hawaii as a place that welcomes
2 and facilitates innovative activity that may lead to
3 commercial opportunities.

4 (5) Promote innovative activity that may pose initial
5 risks, but ultimately contribute to the economy of
6 Hawaii.

7 [~~3~~] (6) Seek broader outlets for new or expanded Hawaii
8 business investments.

9 [~~4~~] (7) Expand existing markets and penetrate new markets
10 for Hawaii's products and services.

11 [~~5~~] (8) Assure that the basic economic needs of Hawaii's
12 people are maintained in the event of disruptions in
13 overseas transportation.

14 [~~6~~] (9) Strive to achieve a level of construction
15 activity responsive to, and consistent with, state
16 growth objectives.

17 [~~7~~] (10) Encourage the formation of cooperatives and
18 other favorable marketing arrangements at the local or
19 regional level to assist Hawaii's small scale
20 producers, manufacturers, and distributors.



1 ~~[(8)]~~ (11) Encourage labor-intensive activities that are
2 economically satisfying and which offer opportunities
3 for upward mobility.

4 (12) Encourage innovative activities that may not be labor-
5 intensive, but may otherwise contribute to the economy
6 of Hawaii.

7 ~~[(9)]~~ (13) Foster greater cooperation and coordination
8 between the government and private sectors in
9 developing Hawaii's employment and economic growth
10 opportunities.

11 ~~[(10)]~~ (14) Stimulate the development and expansion of
12 economic activities which will benefit areas with
13 substantial or expected employment problems.

14 ~~[(11)]~~ (15) Maintain acceptable working conditions and
15 standards for Hawaii's workers.

16 ~~[(12)]~~ (16) Provide equal employment opportunities for all
17 segments of Hawaii's population through affirmative
18 action and nondiscrimination measures.

19 ~~[(13)]~~ (17) Stimulate the development and expansion of
20 economic activities capitalizing on defense, dual-use,
21 and science and technology assets, particularly on the



1 neighbor islands where employment opportunities may be
2 limited.

3 ~~[(14)]~~ (18) Encourage businesses that have favorable
4 financial multiplier effects within Hawaii's economy,
5 particularly with respect to emerging industries in
6 science and technology.

7 ~~[(15)]~~ (19) Promote and protect intangible resources in
8 Hawaii, such as scenic beauty and the aloha spirit,
9 which are vital to a healthy economy.

10 ~~[(16)]~~ (20) Increase effective communication between the
11 educational community and the private sector to
12 develop relevant curricula and training programs to
13 meet future employment needs in general, and
14 requirements of new~~[7]~~ or innovative potential growth
15 industries in particular.

16 ~~[(17)]~~ (21) Foster a business climate in Hawaii--including
17 attitudes, tax and regulatory policies, and financial
18 and technical assistance programs--that is conducive
19 to the expansion of existing enterprises and the
20 creation and attraction of new business and industry."

21 SECTION 3. Section 226-10, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "§226-10 Objective and policies for the economy--potential
2 growth and innovative activities. (a) Planning for the State's
3 economy with regard to potential growth and innovative
4 activities shall be directed towards achievement of the
5 objective of development and expansion of potential growth and
6 innovative activities that serve to increase and diversify
7 Hawaii's economic base.

8 (b) To achieve the potential growth and innovative
9 activity objective, it shall be the policy of this State to:

- 10 (1) Facilitate investment and employment growth in
11 economic activities that have the potential to expand
12 and diversify Hawaii's economy, including but not
13 limited to diversified agriculture, aquaculture,
14 renewable energy development, creative media, health
15 care, and science and technology-based sectors;
16 (2) Facilitate investment in innovative activity that may
17 pose risks or be less labor-intensive than other
18 traditional business activity, but if successful, will
19 generate revenue in Hawaii through the export of
20 services or products or substitution of imported
21 services or products;



1 (3) Encourage entrepreneurship in innovative activity by
2 academic researchers and instructors who may not have
3 the background, skill, or initial inclination to
4 commercially exploit their discoveries or
5 achievements;

6 (4) Recognize that innovative activity is not exclusively
7 dependent upon individuals with advanced formal
8 education, but that many self-taught, motivated
9 individuals are able, willing, sufficiently
10 knowledgeable, and equipped with the attitude
11 necessary to undertake innovative activity;

12 (5) Increase the opportunities for investors in innovative
13 activity and talent engaged in innovative activity to
14 personally meet and interact at cultural, art,
15 entertainment, culinary, athletic, or visitor-oriented
16 events without a business focus;

17 [~~+2~~] (6) Expand Hawaii's capacity to attract and service
18 international programs and activities that generate
19 employment for Hawaii's people;

20 [~~+3~~] (7) Enhance and promote Hawaii's role as a center for
21 international relations, trade, finance, services,
22 technology, education, culture, and the arts;



1 ~~[(4)]~~ (8) Accelerate research and development of new
2 energy-related industries based on wind, solar, ocean,
3 ~~[and]~~ underground resources, and solid waste;

4 ~~[(5)]~~ (9) Promote Hawaii's geographic, environmental,
5 social, and technological advantages to attract new or
6 innovative economic activities into the State;

7 ~~[(6)]~~ (10) Provide public incentives and encourage private
8 initiative to attract new or innovative industries
9 that best support Hawaii's social, economic, physical,
10 and environmental objectives;

11 ~~[(7)]~~ (11) Increase research and the development of ocean-
12 related economic activities such as mining, food
13 production, and scientific research;

14 ~~[(8)]~~ (12) Develop, promote, and support research and
15 educational and training programs that will enhance
16 Hawaii's ability to attract and develop economic
17 activities of benefit to Hawaii;

18 ~~[(9)]~~ (13) Foster a broader public recognition and
19 understanding of the potential benefits of new~~[7]~~ or
20 innovative growth-oriented industry in Hawaii;

21 ~~[(10)]~~ (14) Encourage the development and implementation of
22 joint federal and state initiatives to attract federal



1 programs and projects that will support Hawaii's
2 social, economic, physical, and environmental
3 objectives;

4 ~~[(11)]~~ (15) Increase research and development of businesses
5 and services in the telecommunications and information
6 industries; ~~[and]~~

7 ~~[(12)]~~ (16) Foster the research and development of nonfossil
8 fuel and energy efficient modes of transportation~~[-]~~;
9 and

10 (17) Recognize and promote health care and health care
11 information technology as growth industries."

12 SECTION 4. Section 226-10.5, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§226-10.5 Objectives and policies for the economy--**
15 **information industry. (a) Planning for the State's economy**
16 **with regard to telecommunications and information technology**
17 **shall be directed toward recognizing that broadband and wireless**
18 **communication capability and infrastructure are foundations for**
19 **an innovative economy and positioning Hawaii as a leader in**
20 **broadband and wireless communications and applications in the**
21 **Pacific Region.**



1 (b) To achieve the information industry objective, it
2 shall be the policy of this State to:

3 (1) Promote efforts to attain the highest speeds of
4 electronic and wireless communication within Hawaii
5 and between Hawaii and the world, and make high speed
6 communication available to all residents and
7 businesses in Hawaii;

8 ~~[(1)]~~ (2) Encourage the continued development and expansion
9 of the telecommunications infrastructure serving
10 Hawaii to accommodate future growth and innovation in
11 ~~[the information industry,]~~ Hawaii's economy;

12 ~~[(2)]~~ (3) Facilitate the development of new or innovative
13 business and service ventures in the information
14 industry which will provide employment opportunities
15 for the people of Hawaii;

16 (4) Encourage mainland- and foreign-based companies of all
17 sizes, whether information technology-focused or not,
18 to allow their principals, employees, or contractors
19 to live in and work from Hawaii, using technology to
20 communicate with their headquarters, offices, or
21 customers located out-of-state;



1 [~~(3)~~] (5) Encourage greater cooperation between the public
2 and private sectors in developing and maintaining a
3 well-designed information industry;

4 [~~(4)~~] (6) Ensure that the development of new businesses and
5 services in the industry are in keeping with the
6 social, economic, and physical needs and aspirations
7 of Hawaii's people;

8 [~~(5)~~] (7) Provide opportunities for Hawaii's people to
9 obtain job training and education that will allow for
10 upward mobility within the information industry;

11 [~~(6)~~] (8) Foster a recognition of the contribution of the
12 information industry to Hawaii's economy; and

13 [~~(7)~~] (9) Assist in the promotion of Hawaii as a broker,
14 creator, and processor of information in the Pacific."

15 SECTION 5. Section 226-103, Hawaii Revised Statutes, is
16 amended as follows:

17 1. By amending subsection (a) to read:

18 "(a) Priority guidelines to stimulate economic growth and
19 encourage business expansion and development to provide needed
20 jobs for Hawaii's people and achieve a stable and diversified
21 economy:



1 (1) Seek a variety of means to increase the availability
2 of investment capital for new and expanding
3 enterprises.

4 (A) Encourage investments which:

5 (i) Reflect long term commitments to the State;

6 (ii) Rely on economic linkages within the local
7 economy;

8 (iii) Diversify the economy;

9 (iv) Reinvest in the local economy;

10 (v) Are sensitive to community needs and
11 priorities; and

12 (vi) Demonstrate a commitment to provide
13 management opportunities to Hawaii
14 residents[-]; and

15 (B) Encourage investments in innovative activities
16 that have a nexus to the State, such as:

17 (i) Present or former residents acting as
18 entrepreneurs or principals;

19 (ii) Academic support from an institution of
20 higher education in Hawaii;

21 (iii) Investment interest from Hawaii residents;



- 1 (iv) Resources unique to Hawaii that are required
2 for innovative activity; and
3 (v) Complementary or supportive industries or
4 government programs or projects.

- 5 (2) Encourage the expansion of technological research to
6 assist industry development and support the
7 development and commercialization of technological
8 advancements.
9 (3) Improve the quality, accessibility, and range of
10 services provided by government to business, including
11 data and reference services and assistance in
12 complying with governmental regulations.
13 (4) Seek to ensure that state business tax and labor laws
14 and administrative policies are equitable, rational,
15 and predictable.
16 (5) Streamline the processes for building and development
17 permit and review [~~process,~~] and telecommunication
18 infrastructure installation approval and eliminate or
19 consolidate other burdensome or duplicative
20 governmental requirements imposed on business, where
21 scientific evidence indicates that public health,
22 safety, and welfare would not be adversely affected.



- 1 (6) Encourage the formation of cooperatives and other
2 favorable marketing or distribution arrangements at
3 the regional or local level to assist Hawaii's small-
4 scale producers, manufacturers, and distributors.
- 5 (7) Continue to seek legislation to protect Hawaii from
6 transportation interruptions between Hawaii and the
7 continental United States.
- 8 (8) Provide public incentives and encourage private
9 initiative to develop and attract industries which
10 promise long-term growth potentials and which have the
11 following characteristics:
- 12 (A) An industry that can take advantage of Hawaii's
13 unique location and available physical and human
14 resources.
- 15 (B) A clean industry that would have minimal adverse
16 effects on Hawaii's environment.
- 17 (C) An industry that is willing to hire and train
18 Hawaii's people to meet the industry's labor
19 needs at all levels of employment.
- 20 (D) An industry that would provide reasonable income
21 and steady employment.



1 (9) Support and encourage, through educational and
2 technical assistance programs and other means,
3 expanded opportunities for employee ownership and
4 participation in Hawaii business.

5 (10) Enhance the quality of Hawaii's labor force and
6 develop and maintain career opportunities for Hawaii's
7 people through the following actions:

8 (A) Expand vocational training in diversified
9 agriculture, aquaculture, information industry,
10 and other areas where growth is desired and
11 feasible.

12 (B) Encourage more effective career counseling and
13 guidance in high schools and post-secondary
14 institutions to inform students of present and
15 future career opportunities.

16 (C) Allocate educational resources to career areas
17 where high employment is expected and where
18 growth of new industries is desired.

19 (D) Promote career opportunities in all industries
20 for Hawaii's people by encouraging firms doing
21 business in the State to hire residents.



1 (E) Promote greater public and private sector
2 cooperation in determining industrial training
3 needs and in developing relevant curricula and
4 on-the-job training opportunities.

5 (F) Provide retraining programs and other support
6 services to assist entry of displaced workers
7 into alternative employment."

8 2. By amending subsection (g) to read:

9 "(g) Priority guidelines to promote the development of the
10 information industry:

11 (1) Establish an information network, with an emphasis on
12 broadband and wireless infrastructure and capability,
13 that will serve as the foundation of and catalyst for
14 [establishing a viable information industry] overall
15 economic growth and diversification in Hawaii.

16 (2) Encourage the development of services such as
17 financial data processing, a products and services
18 exchange, foreign language translations,
19 telemarketing, teleconferencing, a twenty-four-hour
20 international stock exchange, international banking,
21 and a Pacific Rim management center.



- 1 (3) Encourage the development of small businesses in the
2 information field such as software development [~~the~~];
3 the development of new information systems [~~and~~],
4 peripherals, and applications; data conversion and
5 data entry services[~~the~~]; and home or cottage services
6 such as computer programming, secretarial, and
7 accounting services.
- 8 (4) Encourage the development or expansion of educational
9 and training opportunities for residents in the
10 information and telecommunications fields.
- 11 (5) Encourage research activities, including legal
12 research in the information and telecommunications
13 fields.
- 14 (6) Support promotional activities to market Hawaii's
15 information industry services.
- 16 (7) Encourage the location or co-location of
17 telecommunication or wireless information relay
18 facilities in the community, including public areas,
19 where scientific evidence indicates that the public
20 health, safety, and welfare would not be adversely
21 affected."



- 1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 7. This Act shall take effect on July 1, 2014.

APPROVED this 24 day of JUN, 2014

A handwritten signature in cursive script, appearing to read "Neil Abernethy".

GOVERNOR OF THE STATE OF HAWAII



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

GOV. MSG. NO. 1258

June 30, 2014

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 30, 2014, the following bill was signed into law:

HB1616 HD1 SD1

RELATING TO HEALTH PLANNING
ACT 155 (14)

Sincerely,

NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on ~~JUN 30 2014~~

HOUSE OF REPRESENTATIVES
TWENTY-SEVENTH LEGISLATURE, 2014
STATE OF HAWAII

ACT 155
H.B. NO.

1616
H.D. 1
S.D. 1

A BILL FOR AN ACT

RELATING TO HEALTH PLANNING.

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

1 SECTION 1. The legislature finds that the World Health
2 Organization, the United States Department of Health and Human
3 Services's Healthy People 2020 Initiative, and the Centers for
4 Disease Control and Prevention all recognize social determinants
5 of health as the single most important factor in individual and
6 population health outcomes, more so than genetic disposition or
7 medical care. The legislature further finds that the Hawaii
8 State Planning Act does not explicitly recognize social
9 determinants of health as an important component of health
10 planning.

11 The legislature also notes that the October 2013 report,
12 "Assessment and Priorities for Health & Well-Being in Native
13 Hawaiians & Other Pacific Peoples," by the John A. Burns school
14 of medicine, identifies a number of social and other
15 determinants of health for Native Hawaiians, other Pacific
16 Islanders, and Filipinos, who collectively continue to have
17 disparate health outcomes compared to the rest of the state
18 population. The legislature finds that in recognition of the

2014-1971 HB1616 SD1 SMA.doc



1 special responsibilities and legal obligations to the indigenous
2 people of Hawaii, the federal government codified a commitment
3 to addressing the health status of Native Hawaiians and
4 providing Native Hawaiian health care programs with necessary
5 resources in title 42 United States Code section 11702. The
6 legislature further finds that the State has not made a similar
7 commitment.

8 The legislature finds that codifying a commitment to
9 reducing health disparities for Native Hawaiian and other groups
10 through a social determinants of health approach may directly
11 and indirectly improve health outcomes and the quality of life
12 for all residents of the State.

13 The purpose of this Act is to update the Hawaii State
14 Planning Act's objectives for health to include a dual
15 commitment to addressing Native Hawaiian health and eliminating
16 health disparities.

17 SECTION 2. Section 226-20, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§226-20 Objectives and policies for socio-cultural**
20 **advancement--health.** (a) Planning for the State's socio-
21 cultural advancement with regard to health shall be directed
22 towards achievement of the following objectives:



- 1 (1) Fulfillment of basic individual health needs of the
2 general public.
- 3 (2) Maintenance of sanitary and environmentally healthful
4 conditions in Hawaii's communities.
- 5 (3) Elimination of health disparities by identifying and
6 addressing social determinants of health.
- 7 (b) To achieve the health objectives, it shall be the
8 policy of this State to:
- 9 (1) Provide adequate and accessible services and
10 facilities for prevention and treatment of physical
11 and mental health problems, including substance abuse.
- 12 (2) Encourage improved cooperation among public and
13 private sectors in the provision of health care to
14 accommodate the total health needs of individuals
15 throughout the State.
- 16 (3) Encourage public and private efforts to develop and
17 promote statewide and local strategies to reduce
18 health care and related insurance costs.
- 19 (4) Foster an awareness of the need for personal health
20 maintenance and preventive health care through
21 education and other measures.



1 (5) Provide programs, services, and activities that ensure
2 environmentally healthful and sanitary conditions.

3 (6) Improve the State's capabilities in preventing
4 contamination by pesticides and other potentially
5 hazardous substances through increased coordination,
6 education, monitoring, and enforcement.

7 (7) Prioritize programs, services, interventions, and
8 activities that address identified social determinants
9 of health to improve Native Hawaiian health and well-
10 being consistent with the United States Congress's
11 declaration of policy as codified in title 42 United
12 States Code section 11702, and to reduce health
13 disparities of disproportionately affected
14 demographics, including Native Hawaiians, other
15 Pacific Islanders, and Filipinos. The prioritization
16 of affected demographic groups other than Native
17 Hawaiians may be reviewed every ten years and revised
18 based on the best available epidemiological and public
19 health data."

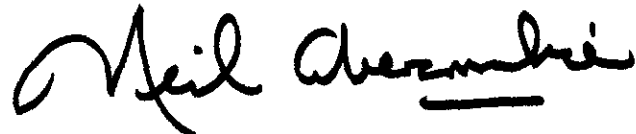
20 SECTION 3. New statutory material is underscored.

21 SECTION 4. This Act shall take effect upon its approval.



H.B. NO. 1616
H.D. 2
S.D. 1

APPROVED this 30 day of JUN , 2014

A handwritten signature in black ink, reading "Neil Abernethy". The signature is fluid and cursive, with the last name "Abernethy" underlined.

GOVERNOR OF THE STATE OF HAWAII

Attachment 4

Act 83, SLH 2014



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

GOV. MSG. NO. 1183

June 9, 2014

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

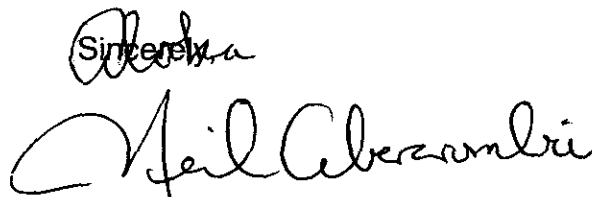
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 9, 2014, the following bill was signed into law:

HB1714 HD1 SD2 CD1

RELATING TO CLIMATE CHANGE
ACT 083 (14)

Sincerely,

NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

JUN 9 2014
HOUSE OF REPRESENTATIVES
TWENTY-SEVENTH LEGISLATURE, 2014
STATE OF HAWAII

ACT 083
H.B. NO. 1714
H.D. 1
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO CLIMATE CHANGE.

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

SECTION 1. This Act shall be known as the Hawaii Climate Adaptation Initiative Act. The legislature finds that climate change is the paramount challenge of this century, posing both an urgent and long-term threat to the State's economy, sustainability, security, and way of life.

The 2012 Pacific Islands Regional Climate Assessment found that throughout the Pacific, warmer and drier conditions will decrease fresh water supplies. Rising sea levels, exacerbated by storms, will increase coastal flooding and erosion, damaging coastal ecosystems and infrastructure and affecting agriculture, tourism, military bases, and other industries. Higher sea-surface temperatures will increase coral bleaching, leading to coral death and habitat loss. Increasing ocean acidification will have negative consequences for the entire marine ecosystem. In the long term, open-ocean fisheries will decline. Rising temperatures, and in some areas reduced rainfall, will increase the risk of extinctions. Threats to the traditional lifestyles of indigenous communities may include destruction of coastal

HB1714 CD1 HMS 2014-3345-1



1 artifacts and structures and reduced availability of traditional
2 food sources and subsistence fisheries, which will make it
3 difficult for Pacific Island communities to sustain their
4 connection with a defined place and their unique set of customs,
5 beliefs, and languages.

6 The legislature further finds that beach erosion, drought,
7 and rising temperature are already having measurable impacts on
8 Hawaii and are expected to accelerate in the years to come.
9 With beaches continuing to erode, rain continuing to diminish,
10 and sea levels projected to rise one foot by 2050 and three feet
11 by 2100, Hawaii is highly vulnerable.

12 Act 286, Session Laws of Hawaii 2012, created climate
13 change adaptation priority guidelines encouraging collaboration
14 to address climate change and recognizing that it will impact
15 the following: agriculture; conservation lands; coastal and
16 nearshore marine areas; natural and cultural resources;
17 education; energy; higher education; health; historic
18 preservation; water resources; the built environment, such as
19 housing, recreation, transportation; and the economy.

20 In 2013, Hawaii's landmark policies were included in the
21 international Majuro Declaration for Climate Leadership when
22 Hawaii signed on as the first sub-national government, after



1 which President Obama appointed Governor Abercrombie as one of
2 eight governors to the State, Local, and Tribal Leaders Task
3 Force on Climate Preparedness and Resilience.

4 Hawaii is one of the few coastal states that has not
5 adopted a statewide climate adaptation plan, yet is among the
6 most vulnerable.

7 The legislature also finds that it is time to ensure that
8 Hawaii adapts to the effects of climate change before the
9 effects grow beyond the State's ability to prevent the worst
10 impacts on Hawaii's economy, environment, and way of life.

11 The purpose of this Act is to address the effects of
12 climate change through 2050 to protect the State's economy,
13 health, environment, and way of life. Recognizing Hawaii's
14 unique geography as the only island state and its susceptibility
15 to sea level rise, the initial focus of this Act is to address
16 the impact of sea level rise on Hawaii and to support ongoing
17 climate change adaptation efforts of the State by:

18 (1) Establishing an interagency climate adaptation
19 committee, attached administratively to the department
20 of land and natural resources, to develop a sea level
21 rise vulnerability and adaptation report for Hawaii
22 through the year 2050;



(2) Authorizing the office of planning to coordinate the development of a statewide climate adaptation plan and to use the sea level rise vulnerability and adaptation report as a framework for addressing other climate threats and climate change adaptation priorities identified in Act 286, Session Laws of Hawaii 2012; and

(3) Allocating funds and creating positions to carry out these purposes.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

CLIMATE ADAPTATION

§ -1 Purpose. The purpose of this chapter is to address the effects of climate change to protect the State's economy, environment, health, and way of life.

§ -2 Definitions. As used in this chapter:

"Committee" means the interagency climate adaptation committee.

§ -3 Interagency climate adaptation committee; general functions, duties, and powers. (a) There is established an



1 interagency climate adaptation committee that shall be placed
2 within the department of land and natural resources for
3 administrative purposes only.

4 (b) Coordination of the committee shall be headed jointly
5 by the chairperson of the board of land and natural resources,
6 or the chairperson's designee, and the director of the office of
7 planning, or the director's designee. Among the various
8 potential impacts of climate change, the committee shall, as a
9 first step, focus on and develop sea level rise vulnerability
10 and adaptation reports that shall include:

- 11 (1) Identification of the major areas of sea level rise
12 impacts affecting the State and counties through 2050;
- 13 (2) Identification of expected impacts of sea level rise
14 based on the latest scientific research for each area
15 through 2050;
- 16 (3) Identification of the economic ramifications of sea
17 level rise;
- 18 (4) Identification of applicable federal laws, policies,
19 or programs that impact affected areas; and
- 20 (5) Recommendations for planning, management, and
21 adaptation for hazards associated with increasing sea
22 level rise.



1 The report shall be made publicly available no later than
2 December 31, 2017.

3 (d) The committee shall include the following members:

4 (1) The chairs of the standing committees of the
5 legislature with subject matter jurisdiction
6 encompassing environmental protection and land use;

7 (2) The chairperson of the board of land and natural
8 resources or the chairperson's designee, who shall be
9 the co-chair of the committee;

10 (3) The director of the office of planning or the
11 director's designee, who shall be the co-chair of the
12 committee;

13 (4) The director of business, economic development, and
14 tourism or the director's designee;

15 (5) The chairperson of the board of directors of the
16 Hawaii tourism authority or the chairperson's
17 designee;

18 (6) The chairperson of the board of agriculture or the
19 chairperson's designee;

20 (7) The chief executive officer of the office of Hawaiian
21 affairs or the officer's designee;



- 1 (8) The chairperson of the Hawaiian homes commission or
2 the chairperson's designee;
- 3 (9) The director of transportation or the director's
4 designee;
- 5 (10) The director of health or the director's designee;
- 6 (11) The adjutant general or the adjutant general's
7 designee;
- 8 (12) The chairperson of the board of education or the
9 chairperson's designee;
- 10 (13) The directors of each of the county planning
11 departments, or the directors' designees; and
- 12 (14) The manager of the coastal zone management program.
- 13 (e) In addition to the members listed in subsection (d),
14 the chairs of the committee may request the participation or
15 input of members of the public; experts in the field; and
16 county, state, or federal officials necessary for the
17 formulation of the report.
- 18 (f) In developing the report, the committee shall:
- 19 (1) Solicit public views and concerns; and
- 20 (2) Coordinate with the various county, state, and federal
21 agencies involved in ongoing climate change adaptation
22 planning initiatives.



1 (g) The committee shall reevaluate and update the sea
2 level rise vulnerability and adaptation report every five years.

3 (h) The members of the committee shall serve without pay
4 but shall be reimbursed for their actual and necessary expenses,
5 including travel expenses, incurred in carrying out their
6 duties."

7 SECTION 3. Section 225M-2, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) The office of planning shall gather, analyze, and
10 provide information to the governor to assist in the overall
11 analysis and formulation of state policies and strategies to
12 provide central direction and cohesion in the allocation of
13 resources and effectuation of state activities and programs and
14 effectively address current or emerging issues and
15 opportunities. More specifically, the office shall engage in
16 the following activities:

17 (1) State comprehensive planning and program coordination.

18 Formulating and articulating comprehensive statewide
19 goals, objectives, policies, and priorities, and
20 coordinating their implementation through the
21 statewide planning system established in part II of
22 chapter 226;



- 1 (2) Strategic planning. Identifying and analyzing
2 significant issues, problems, and opportunities
3 confronting the State, and formulating strategies and
4 alternative courses of action in response to
5 identified problems and opportunities by:
- 6 (A) Providing in-depth policy research, analysis, and
7 recommendations on existing or potential areas of
8 critical state concern;
- 9 (B) Examining and evaluating the effectiveness of
10 state programs in implementing state policies and
11 priorities;
- 12 (C) Monitoring through surveys, environmental
13 scanning, and other techniques--current social,
14 economic, and physical conditions and trends; and
- 15 (D) Developing, in collaboration with affected public
16 or private agencies and organizations,
17 implementation plans and schedules and, where
18 appropriate, assisting in the mobilization of
19 resources to meet identified needs;
- 20 (3) Planning coordination and cooperation. Facilitating
21 coordinated and cooperative planning and policy
22 development and implementation activities among state



agencies and between the state, county, and federal governments, by:

(A) Reviewing, assessing, and coordinating, as necessary, major plans, programs, projects, and regulatory activities existing or proposed by state and county agencies;

(B) Formulating mechanisms to simplify, streamline, or coordinate interagency development and regulatory processes; and

(C) Recognizing the presence of federal defense and security forces and agencies in the State as important state concerns;

(4) Statewide planning and geographic information system. Collecting, integrating, analyzing, maintaining, and disseminating various forms of data and information, including geospatial data and information, to further effective state planning, policy analysis and development, and delivery of government services by:

(A) Collecting, assembling, organizing, evaluating, and classifying existing geospatial and non-geospatial data and performing necessary basic research, conversions, and integration to provide



1 a common database for governmental planning and
2 geospatial analyses by state agencies;

3 (B) Planning, coordinating, and maintaining a
4 comprehensive, shared statewide planning and
5 geographic information system and associated
6 geospatial database. The office shall be the
7 lead agency responsible for coordinating the
8 maintenance of the multi-agency, statewide
9 planning and geographic information system and
10 coordinating, collecting, integrating, and
11 disseminating geospatial data sets that are used
12 to support a variety of state agency applications
13 and other spatial data analyses to enhance
14 decision-making. The office shall promote and
15 encourage free and open data sharing among and
16 between all government agencies. To ensure the
17 maintenance of a comprehensive, accurate, up-to-
18 date geospatial data resource that can be drawn
19 upon for decision-making related to essential
20 public policy issues such as land use planning,
21 resource management, homeland security, and the
22 overall health, safety, and well-being of



1 Hawaii's citizens, and to avoid redundant data
2 development efforts, state agencies shall provide
3 to the shared system either their respective
4 geospatial databases or, at a minimum, especially
5 in cases of secure or confidential data sets that
6 cannot be shared or must be restricted, metadata
7 describing existing geospatial data. In cases
8 where agencies provide restricted data, the
9 office of planning shall ensure the security of
10 that data; and

11 (C) Maintaining a centralized depository of state and
12 national planning references;

13 (5) Land use planning. Developing and presenting the
14 position of the State in all boundary change petitions
15 and proceedings before the land use commission,
16 assisting state agencies in the development and
17 submittal of petitions for land use district boundary
18 amendments, and conducting periodic reviews of the
19 classification and districting of all lands in the
20 State, as specified in chapter 205;

21 (6) Coastal and ocean policy management. Carrying out the
22 lead agency responsibilities for the Hawaii coastal



1 zone management program, as specified in chapter 205A.

2 Also, developing and maintaining an ocean and coastal
3 resources information, planning, and management system
4 further developing and coordinating implementation of
5 the ocean resources management plan, and formulating
6 ocean policies with respect to the exclusive economic
7 zone, coral reefs, and national marine sanctuaries;

8 (7) Regional planning and studies. Conducting plans and
9 studies to determine:

10 (A) The capability of various regions within the
11 State to support projected increases in both
12 resident populations and visitors;

13 (B) The potential physical, social, economic, and
14 environmental impact on these regions resulting
15 from increases in both resident populations and
16 visitors;

17 (C) The maximum annual visitor carrying capacity for
18 the State by region, county, and island; and

19 (D) The appropriate guidance and management of
20 selected regions and areas of statewide critical
21 concern.



1 The studies in subparagraphs (A) to (C) shall be
2 conducted at appropriate intervals, but not less than
3 once every five years; ~~and~~

4 (8) Regional, national, and international planning.
5 Participating in and ensuring that state plans,
6 policies, and objectives are consistent, to the extent
7 practicable, with regional, national, and
8 international planning efforts~~[-]~~; and

9 (9) Climate adaptation planning. Conducting plans and
10 studies and preparing reports as follows:

11 (A) Develop, monitor, and evaluate strategic climate
12 adaptation plans and actionable policy
13 recommendations for the State and counties
14 addressing expected statewide climate change
15 impacts identified under Act 286, Session Laws of
16 Hawaii 2012, through the year 2050;

17 (B) Provide planning and policy guidance and
18 assistance to state and county agencies regarding
19 climate change; and

20 (C) Publish its findings, recommendations, and
21 progress reports on actions taken no later than



1 December 31, 2017, and its annual report to the
2 governor and the legislature thereafter."

3 SECTION 4. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$108,874 or so much
5 thereof as may be necessary for fiscal year 2014-2015 to provide
6 the office of planning with staffing, including one full-time
7 equivalent (FTE) position, and resources to carry out the
8 purposes of this Act.

9 The sum appropriated shall be expended by the office of
10 planning for the purposes of this Act.

11 SECTION 5. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$58,874 or so much
13 thereof as may be necessary for fiscal year 2014-2015 to provide
14 the department of land and natural resources with staffing,
15 including one full-time equivalent (FTE) position, and resources
16 to carry out the purposes of this Act.

17 The sum appropriated shall be expended by the department of
18 land and natural resources for the purposes of this Act.

19 SECTION 6. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$400,000 or so much
21 thereof as may be necessary for fiscal year 2014-2015 for the
22 department of land and natural resources to assist the



1 interagency climate adaptation committee in researching and
2 developing a coordinated, multidisciplinary sea level rise
3 vulnerability and adaptation report pursuant to this Act.

4 The sum appropriated shall be expended by the department of
5 land and natural resources for the purposes of this Act.

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

8 SECTION 8. This Act shall take effect upon its approval;
9 provided that sections 4 through 6 shall take effect on July 1,
10 2014.

APPROVED this 9 day of JUN , 2014



GOVERNOR OF THE STATE OF HAWAII



Reference 1

**Act 111, SLH 2014
Relating to Emergency Management**



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 20, 2014

GOV. MSG. NO. 1212

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

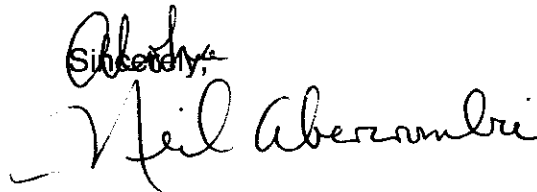
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 20, 2014, the following bill was signed into law:

HB849 HD2 SD2 CD1

RELATING TO EMERGENCY MANAGEMENT
ACT 111 (14)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor
on JUN 20 2014
HOUSE OF REPRESENTATIVES
TWENTY-SEVENTH LEGISLATURE, 2013
STATE OF HAWAII

ACT 111
H.B. NO. 849
H.D. 2
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

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

1 SECTION 1. The legislature finds that the State is
2 vulnerable to a wide range of natural and man-made hazards which
3 may result in emergencies or disasters that threaten the life,
4 health, and safety of its people; damage and destroy property;
5 disrupt everyday services, business, and recreational
6 activities; and impede economic development. Growth in the
7 State's population -- especially in the number of businesses and
8 persons residing in coastal areas, in the size of the elderly
9 population, in the number of seasonal vacationers, and in the
10 number of persons with functional and access needs -- has
11 greatly complicated the State's ability to coordinate its
12 emergency management resources and activities.

13 The legislature also finds that the statutes pertaining to
14 the civil defense system of the State were enacted at a very
15 different time in the history of Hawaii and our nation. Chapter
16 127, Hawaii Revised Statutes, relating to disaster relief, was
17 enacted in 1949, at a time when Hawaii's population was less



1 than half of what it is today. Chapter 128, Hawaii Revised
2 Statutes, Hawaii's Civil Defense and Emergency Act, is based on
3 the Federal Civil Defense Act of 1950, which was enacted for the
4 purpose of preparing the nation for attack during the cold war
5 era. At the federal level, the civil defense system has since
6 become obsolete and has been replaced by the federal emergency
7 management system.

8 The purpose of this Act is to bring Hawaii's emergency
9 management laws into conformity with nationwide practices in
10 emergency management by establishing a Hawaii emergency
11 management agency within the state department of defense and
12 updating and recodifying the authorizing statutes. In addition,
13 this Act codifies the existing role of the counties in preparing
14 for and responding to emergencies or disasters.

15 SECTION 2. The Hawaii Revised Statutes is amended by
16 adding a new chapter to be appropriately designated and to read
17 as follows:

18 **"CHAPTER**

19 **EMERGENCY MANAGEMENT**

20 § -1 Policy and purpose. (a) Because of the existing
21 and increasing possibility of the occurrence of disasters or

1 emergencies of unprecedented size and destructiveness resulting
2 from natural or man-made hazards, and in order to ensure that
3 the preparations of this State will be adequate to deal with
4 such disasters or emergencies; to ensure the administration of
5 state and federal programs providing disaster relief to
6 individuals; and generally to protect the public health, safety,
7 and welfare and to preserve the lives and property of the people
8 of the State, it is hereby found and declared to be necessary:

9 (1) To provide for emergency management by the State, and
10 to authorize the creation of local organizations for
11 emergency management in the counties of the State;

12 (2) To confer upon the governor and upon the mayors of the
13 counties of the State the emergency powers necessary
14 to prepare for and respond to emergencies or
15 disasters;

16 (3) To provide for the rendering of mutual aid among the
17 counties of the State and with other states and in
18 cooperation with the federal government with respect
19 to the carrying out of emergency management functions;
20 and

(4) To provide programs, in cooperation with other governmental agencies, the private sector, and nonprofit organizations, to educate and train the public to be prepared for emergencies and disasters.

(b) It is further declared to be the purpose of this chapter and the policy of the State that all emergency management functions of this State and its counties be coordinated to the maximum extent with the comparable functions of the federal government, including its various departments, and agencies of other states and localities, and with private-sector and nonprofit organizations, to the end that the most effective preparation and use may be made of the nation's personnel, resources, and facilities for dealing with any emergency or disaster that may occur.

(c) It is the intent of the legislature to provide for and confer comprehensive powers for the purposes stated herein. This chapter shall be liberally construed to effectuate its purposes; provided that this chapter shall not be construed as conferring any power or permitting any action which is inconsistent with the Constitution and laws of the United States, but, in so construing this chapter, due consideration

1 shall be given to the circumstances as they exist from time to
2 time. This chapter shall not be deemed to have been amended by
3 any act hereafter enacted at the same or any other session of
4 the legislature, unless this chapter is amended by express
5 reference.

6 **§ -2 Definitions.** When used in this chapter, unless
7 the context otherwise requires:

8 "Administrator" means the administrator of the Hawaii
9 emergency management agency established by section -3.

10 "Agency" means the Hawaii emergency management agency
11 established by section -3.

12 "Council" means the Hawaii advisory council on emergency
13 management as established by section -4.

14 "County" means the city and county of Honolulu, and the
15 counties of Hawaii, Kauai, and Maui; provided that the county of
16 Maui shall include the county of Kalawao for the purposes of
17 this chapter.

18 "County emergency management agency" means a county-level
19 entity responsible for emergency management within the
20 respective counties as established in section -5.

1 "Critical infrastructure" means those systems, facilities,
2 and assets, whether physical or virtual, so vital to a county,
3 the State, or the nation that the incapacity or destruction of
4 such systems, facilities, or assets would have a debilitating
5 impact on national, state, or county security; economic
6 security; public health or safety; or any combination of those
7 matters.

8 "Director" means the director of the Hawaii emergency
9 management agency established by section -3, and who is the
10 same as the adjutant general as provided in section 26-21.

11 "Disaster" means any emergency, or imminent threat thereof,
12 which results or may likely result in loss of life or property
13 and requires, or may require, assistance from other counties or
14 states or from the federal government.

15 "Disaster relief" means any physical or financial
16 assistance provided to individuals or areas in the aftermath of
17 an emergency or disaster.

18 "Emergency" means any occurrence, or imminent threat
19 thereof, which results or may likely result in substantial
20 injury or harm to the population or substantial damage to or
21 loss of property.

1 "Emergency management" means a comprehensive integrated
2 system at all levels of government, and also in the private
3 sector, which develops and maintains an effective capability to
4 prevent, prepare for, respond to, mitigate, and recover from
5 emergencies or disasters.

6 "Emergency management functions" mean those tasks required
7 to prepare for and carry out actions to prevent, prepare for,
8 respond to, mitigate, and recover from emergencies and
9 disasters, and includes management of resources, personnel, and
10 facilities and administration of economic controls as needed to
11 provide relief in anticipation of, during, or after emergencies
12 or disasters.

13 "Emergency period" means the dates covered by a
14 proclamation issued by the governor declaring a state of
15 emergency or by a mayor declaring a local state of emergency.

16 "Evacuation" means the immediate and rapid movement of
17 individuals and animals away from the threat or actual
18 occurrence of any hazard, emergency, or disaster, and includes
19 vertical evacuation, which is moving to a higher floor or higher
20 ground in order to gain safety above the height of expected

1 inundation by water as recommended by the county emergency
2 management agency.

3 "Facilities", except as otherwise provided in this chapter,
4 includes any infrastructure, buildings and other structures,
5 shelters, land, roads, highways, thoroughfares, walks, roadways,
6 bridges, public rights of way, and any appurtenant facilities,
7 structures, and materials.

8 "Hazard" means an event or condition of the physical
9 environment that results or may likely result in damage to
10 property or injuries or death to individuals and which may
11 result in an emergency or disaster.

12 "Laws" includes ordinances, rules, regulations, and orders
13 prescribed under federal, state, or county laws or ordinances
14 and having the force and effect of law.

15 "Local state of emergency" means the occurrence in any part
16 of a county that requires efforts by the county government to
17 save lives, and to protect property, public health, welfare, or
18 safety in the event of an emergency or disaster, or to reduce
19 the threat of an emergency or disaster.

1 "Materials" includes medicines, supplies, products,
2 commodities, articles, equipment, machinery, and component
3 parts.

4 "Necessary" means and refers to such means, measures, or
5 other actions or determinations as are required to be taken in
6 the opinion of the governor or governor's authorized
7 representative or a mayor or the mayor's authorized
8 representative.

9 "State of emergency" means an occurrence in any part of the
10 State that requires efforts by state government to protect
11 property, public health, welfare, or safety in the event of an
12 emergency or disaster, or to reduce the threat of an emergency
13 or disaster, or to supplement the local efforts of the county.

14 "States" include the several states, the District of
15 Columbia, and the possessions of the United States, and also
16 includes the State of Hawaii, and to the extent authorized by or
17 under federal law, foreign countries and their provinces and
18 states.

19 "Traffic control" includes plans, regulations, devices, and
20 actions for the control of traffic to provide for the rapid and
21 safe movement or evacuation of individuals, vehicles, and

1 materials for emergency management, and for the movement and
2 cessation of movement of any pedestrians and vehicular traffic
3 during, before, and after emergencies and disasters, emergency
4 management exercises and training, or other emergency management
5 actions or activities.

6 § -3 Hawaii emergency management agency. (a) There is
7 established within the department of defense the Hawaii
8 emergency management agency. The adjutant general shall serve
9 as the director of Hawaii emergency management and, subject to
10 the direction and control of the governor, shall oversee the
11 agency.

12 (b) There shall be an administrator of emergency
13 management who shall be appointed, and may be removed, by the
14 director, and who shall have at least three years of experience
15 leading emergency management efforts at the local, state, or
16 federal level. The administrator of emergency management shall
17 be the civilian head of and responsible for the day-to-day
18 operations of the agency. The administrator of emergency
19 management shall report to the director. The administrator of
20 emergency management shall, in the absence of the director, have
21 all the duties and responsibilities of the director, and shall

1 report directly to the governor. The administrator of emergency
2 management shall not be subject to chapter 76.

3 (c) The director may, from funds allotted therefor, employ
4 technical, clerical, administrative, and other personnel and
5 make such expenditures as may be necessary.

6 (d) The director shall coordinate the activities of the
7 agency with all county emergency management agencies, other
8 state agencies, other states, or federal agencies involved in
9 emergency management activities, and all organizations for
10 emergency management within the State, whether public or
11 private, and shall maintain liaison and cooperate with all
12 county emergency management agencies, other state agencies,
13 other states, or federal agencies involved in emergency
14 management activities as provided in this chapter.

15 (e) The agency shall perform emergency management
16 functions within the territorial limits of the State; support
17 county emergency management agencies as requested; coordinate
18 all resource support to the counties; ensure that emergency
19 management plans across the State are coordinated with each
20 other and other state, federal, and local organizations; oversee
21 and coordinate the state-wide outdoor siren warning system;

1 monitor and issue alerts and warnings; and coordinate emergency
2 and disaster response and recovery activities.

3 **§ -4 Hawaii advisory council on emergency management.**

4 There shall be a Hawaii advisory council on emergency
5 management, which shall be attached to the agency for
6 administrative purposes, and which shall consist of seven
7 members nominated and, by and with the advice and consent of the
8 senate, appointed by the governor. The governor shall designate
9 the chairperson of the council. The council, at the request of
10 the governor, shall confer with and advise the governor in
11 regard to matters pertaining to emergency management. Members
12 of the council shall receive no compensation but shall be
13 reimbursed for travel and other reasonable and necessary
14 expenses incurred in carrying out their duties relating to the
15 council. Persons holding public office or employment in the
16 state government, or any political subdivision thereof, are
17 eligible for appointment to the council.

18 **§ -5 County emergency management agency.** (a) The
19 mayor of each county shall have direct responsibility for
20 emergency management within the county, including the

1 organization, administration, and operation of a county
2 emergency management agency.

3 (b) Each county emergency management agency shall perform
4 emergency management functions within the territorial limits of
5 the county within which it is organized, coordinate all
6 emergency management plans within the county, and cooperate as
7 closely as possible with the agency and emergency management
8 agencies in the other counties in all aspects of emergency
9 management.

10 (c) Each county shall be responsible for the
11 establishment, naming, and operation of a county emergency
12 management agency under the mayor's direction, and shall enact
13 ordinances to establish the county emergency management agency
14 and ensure that the mayor and the county's emergency management
15 agency have the powers necessary to receive state and federal
16 funds and carry out the functions of this chapter at the county
17 level. The ordinances shall comply with powers established
18 under sections -12 and -13.

19 (d) Each county, under the mayor's direction, shall make
20 appropriations and authorize expenditures for the purposes of
21 this chapter, including for use as matching funds for federal

1 aid, out of the normal revenues or fund balances or surpluses of
2 the counties, notwithstanding any legal restrictions upon the
3 purposes for which the funds may be expended, except that
4 pension and retirement funds, funds set aside for the redemption
5 of bonds or the payment of interest thereon, trust funds, loan
6 funds, and funds received from the federal government or from
7 any person for specific purposes shall not be affected.

8 (e) Each county, under the mayor's direction, shall
9 provide a county-level administrator or director of the county
10 emergency management agency, and technical, administrative, and
11 other personnel; office space; furniture; equipment; supplies;
12 and funds necessary to carry out the purposes of this chapter.

13 (f) The administrator or director of the county emergency
14 management agency shall be subject to chapter 76.

15 (g) Each county, under the mayor's direction, shall, in
16 order to ensure continuity of government during an emergency
17 period, establish a procedure for the appointment and
18 designation of stand-by officers for the mayor and the county
19 legislative body during an emergency period, who shall serve in
20 the event of the unavailability of the officers for whom they
21 are standing-by.

1 (h) Each county, under the mayor's direction, shall
2 establish and maintain an emergency operations center, as the
3 place from where emergencies and disasters shall be managed, and
4 staff it appropriately.

5 (i) Each county, under the mayor's direction, shall
6 coordinate, develop, and implement an emergency operations plan
7 for the county.

8 § -6 **Emergency reserve corps.** (a) The director may
9 establish an emergency reserve corps comprising trained
10 specialists to support state and county emergency or disaster
11 requirements. The emergency reserve corps may include:

12 (1) Any employee of the State or county;
13 (2) Any employee hired specifically for staffing during
14 emergency periods and exercises who shall be hired and
15 compensated without regard to chapters 76, 78, and 88;
16 and

17 (3) Any volunteer,
18 who shall be detailed in accordance with this chapter.
19 Emergency reserve corps positions shall be authorized and
20 managed by the agency and do not need the approval of the
21 governor.

1 (b) The emergency reserve corps shall support state
2 emergency or disaster requirements and, if requested by a county
3 emergency management agency, supplement the county emergency
4 management agency staff. The emergency reserve corps may be
5 mobilized during, or in advance of, emergencies or disasters, or
6 for emergency management exercises and training events.

7 Emergency reserve corps members shall attend a minimum of four
8 days of paid training per year.

9 § -7 State warning point. (a) The agency shall
10 establish and operate a communications and warning center that
11 shall be known as the state warning point. The state warning
12 point shall be continually staffed by the agency to monitor
13 warning systems and devices and shall have the ability to
14 provide timely warning and notification to government officials,
15 county warning points and emergency operations centers and, when
16 directed, the general public.

17 (b) Each county shall establish and operate a
18 communications and warning center that shall be known as a
19 county warning point. The county warning points shall be
20 continually staffed by the respective counties and shall be
21 capable of communicating with the state warning point at all

1 times. The county warning points shall provide timely warning
2 and notification to government officials and the public, when
3 directed.

4 **5 -8 Status and rights of personnel.** (a) All state
5 and county officials, officers, and employees are considered
6 "emergency workers" and shall perform functions as determined by
7 their respective state or county department director during
8 emergencies or disasters.

9 (b) If any state or county official, officer, or employee
10 is engaged in carrying out this chapter in lieu of the official,
11 officer, or employee's regular office or employment, the amount
12 of the official, officer, or employee's compensation shall not
13 be adversely affected, and the official, officer, or employee's
14 rights in or under the laws relating to vacation and leave, the
15 retirement system, civil service or the like, shall not be
16 adversely affected.

17 (c) All persons, including volunteers whose services have
18 been accepted by authorized persons, while engaged in the
19 performance of duty pursuant to this chapter, including duty
20 performed during exercises and training, shall be deemed state
21 employees if the performance of duty is for the State, or county

1 employees if the performance of duty is for the county, and
2 shall have the powers, duties, rights, and privileges of such in
3 the performance of their duties, except as may be prescribed by
4 or under the authority of the governor or the mayor, pursuant to
5 this chapter.

6 (d) In case of injury or death arising out of and in the
7 performance of duty pursuant to this chapter, including duty
8 performed during periods of training, all persons having the
9 status of official, officer, or employee of the State or county,
10 pursuant to this section, and their dependents, shall be
11 entitled to all of the benefits provided in chapter 386,
12 including medical services and supplies, and in case of injury
13 or death, no public official shall be excluded from the coverage
14 of chapter 386 by reason of being an elected official. For the
15 purposes of the benefits, average weekly wages shall be computed
16 upon the basis set forth in section 386-51, or upon the basis of
17 earnings from the usual employment of the person, or upon the
18 basis of earnings at the rate of \$20 per week, whichever is most
19 favorable to the claimant or claimants. The costs thereof, in
20 cases of state employees, shall be a charge upon the state
21 insurance fund and, in cases of county employees, shall be a

1 charge upon the county insurance fund; provided that the
2 governor or mayor may effect such insurance in respect of the
3 obligations assumed pursuant to this section and as may be
4 available under any mutual aid agreement or act of Congress.
5 Nothing herein shall adversely affect the right of any person to
6 receive any benefits or compensation under any act of Congress.

7 § -9 ~~Immunities; rights.~~ (a) None of the following:

8 (1) The State;

9 (2) Any county;

10 (3) Any owner or operator of a public utility or critical
11 infrastructure facility;

12 (4) Private-sector or nonprofit organizations; or

13 (5) Except in cases of willful misconduct, gross
14 negligence, or recklessness, persons engaged in
15 emergency management functions pursuant to this
16 chapter, including volunteers whose services are
17 accepted by any authorized person,

18 shall be civilly liable for the death of or injury to persons,
19 or property damage, as a result of any act or omission in the
20 course of the employment or duties under this chapter.

1 (b) No act or omission shall be imputed to the owner of
2 any vehicle by reason of the owner's ownership thereof; provided
3 that nothing herein shall preclude recovery by any person for
4 injury or damage sustained from the operation of any vehicle
5 which may be insured under section 41D-8 to the extent of the
6 insurance, and, unless specifically provided, insurance effected
7 under section 41D-8 shall not include coverage of such risk
8 during an emergency period. The governor may insure vehicles
9 owned by the State or in the custody and use of the Hawaii
10 emergency management agency; provided that insurance effected
11 under section 41D-8 on vehicles used for purposes other than
12 emergency management shall not be required to include coverage
13 of the insured vehicle against the risk incurred or which would
14 be incurred under this chapter as a result of the use of the
15 insured vehicle for emergency management.

16 (c) Members of the United States Army, Air Force, Navy,
17 Marine Corps, or Coast Guard on any duty or service performed
18 under or in pursuance of an order or call of the President of
19 the United States or any proper authority, and the national
20 guard from any other state ordered into service by any proper
21 authority, to assist civil authorities engaged in emergency

1 functions pursuant to this chapter shall not be liable, civilly
2 or criminally, for any act done or caused by them in pursuance
3 of duty in such service.

4 **§ -10 Political activity prohibited.** No organization
5 for emergency management established under the authority of this
6 chapter shall participate in any form of political activity, nor
7 shall it be employed directly or indirectly for political
8 purposes.

9 **§ -11 Powers on whom conferred; delegation of powers.**

10 (a) Except as otherwise expressly provided, all of the powers
11 conferred by this chapter are conferred on the governor or
12 mayor, as applicable. The governor or mayor may delegate any of
13 these powers to governmental, private-sector, and nonprofit
14 agencies and organizations, officials, officers, employees, and
15 other individuals created, appointed, or employed under, or
16 engaged in carrying out this chapter; provided that the
17 following powers shall be retained by the governor or mayor, as
18 applicable:

19 (1) Proclaiming a state of emergency or local state of
20 emergency, proclaiming a state of emergency or local

1 state of emergency terminated, or making any other
2 proclamation provided for by this chapter;

3 (2) Prescribing rules having the force and effect of law;
4 and

5 (3) Making allotments of funds appropriated or available
6 for the purposes of this chapter.

7 Unless otherwise directed by the governor or mayor, all of the
8 powers pertaining to emergency management authorized to be
9 delegated by the governor or mayor shall be deemed to have been
10 delegated by the governor to the director of Hawaii emergency
11 management and by the mayor to the administrator or director of
12 the county emergency management agency, as applicable, and the
13 administrator or director of the county emergency management
14 agency, respectively, shall have the authority to further
15 delegate any of these powers to any agency or person to whom the
16 governor or mayor could have directly delegated such powers.

17 (b) The powers conferred upon the governor or mayor by
18 this chapter are in addition to any other powers or authority
19 conferred upon the governor or mayor by the laws of the United
20 States and of the State or county for the same or a like

1 purpose, and shall not be construed as abrogating, limiting, or
2 modifying any such powers or authority.

3 **§ -12 Emergency management powers, in general. (a)**

4 The governor or mayor, as applicable, may exercise the following
5 powers pertaining to emergency management:

6 (1) Prepare comprehensive plans and programs for the
7 protection of the State or county against all hazards,
8 which shall be integrated into and coordinated with
9 the emergency management plans of the State, counties,
10 the federal government, other states, and private-
11 sector and nonprofit organizations;

12 (2) Identify emergency workers required to report for duty
13 as directed by the department head regardless of the
14 availability of any type of leave;

15 (3) Institute training, preparedness, and public-
16 information programs in coordination with the State,
17 counties, the federal government, other states, and
18 private-sector and nonprofit organizations;

19 (4) Provide or authorize suitable insignia of authority
20 for all authorized emergency management personnel; and

(5) Direct or control as may be necessary for emergency management:

(A) Alerts, warnings, notifications, activations, exercises, drills, and tests;

(B) Warnings and signals for alerts or exercises, and any type of warning device, system, or method to be used in connection therewith;

(C) Partial or full mobilization of personnel for exercises or training, in advance of, or in response to, an actual emergency or disaster; and

(D) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after alerts, exercises, training, emergencies, or disasters.

(b) The governor may exercise the following powers pertaining to emergency management:

(1) Support requests from a mayor for assistance in preparing for, responding to, and recovering from any emergency or disaster or threat thereof;

1 (2) Lease, lend, or otherwise furnish, on such terms and
2 conditions as the governor may consider necessary to
3 promote the public welfare and protect the interest of
4 the State, any real or personal property of the state
5 government, to the President of the United States, the
6 armed forces, or to the emergency management agency of
7 the United States;

8 (3) Enter into, participate in, or carry out mutual aid
9 agreements or compacts for emergency management or
10 emergency management functions with the federal
11 government and with other states;

12 (4) Sponsor and develop mutual aid plans and agreements
13 for emergency management between the State, one or
14 more counties, and other governmental, private-sector,
15 and nonprofit organizations, for the furnishing or
16 exchange of food, clothing, medicine, and other
17 materials; engineering services; emergency housing;
18 police services; health, medical, and related
19 services; firefighting, rescue, transportation, and
20 construction services and facilities; personnel
21 necessary to provide or conduct these services; and

1 such other materials, facilities, personnel, and
2 services as may be needed. The mutual aid plans and
3 agreements may be made with or without provisions for
4 reimbursement of costs and expenses, and on such terms
5 and conditions as are deemed necessary;

6 (5) Take possession of, use, manage, control, and
7 reallocate any public property of the State, real or
8 personal, required by the governor for the purposes of
9 this chapter, including airports, parks, playgrounds,
10 and schools, and other public buildings. Whenever the
11 property is so taken, the governor may make such
12 provision for the temporary accommodation of the
13 government service affected thereby as the governor
14 may deem advisable;

15 (6) Utilize all services, materials, and facilities of
16 nongovernmental agencies, relief organizations,
17 community associations, and other private-sector and
18 nonprofit organizations that may be made available;

19 (7) Receive, expend, or use contributions or grants, which
20 shall be deemed to be trust funds, in money, property,
21 or services, or loans of property, or special

1 contributions or grants in money, property, or
2 services, or loans of property, for special purposes
3 provided for by this chapter; establish funds in the
4 state treasury for the deposit and expenditure of the
5 moneys; procure federal aid as the same may be
6 available; and apply the provisions of chapter 29 in
7 cases of federal aid, even though not in the form of
8 money. The contributions or grants are appropriated
9 for the purposes of this chapter, or for the special
10 purposes;

11 (8) Purchase, make, produce, construct, rent, lease, or
12 procure by condemnation or otherwise, transport,
13 store, install, maintain, and insure, repair,
14 renovate, restore, replace or reconstruct, and
15 distribute, furnish or otherwise dispose of, with or
16 without charges, materials and facilities for
17 emergency management; and to procure federal aid
18 therefor whenever feasible. Chapter 103D and sections
19 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4
20 shall not apply to any emergency management functions
21 of the governor to the extent that the governor finds

1 that the provisions, in whole or in part, impede or
2 tend to impede the expeditious discharge of those
3 functions, or that compliance therewith is
4 impracticable due to existing conditions;

5 (9) Provide for the appointment, employment, training,
6 equipping, and maintaining with compensation, or on a
7 volunteer basis without compensation and without
8 regard to chapters 76, 78, and 88, of such agencies,
9 officers, and other persons as the governor deems
10 necessary to carry out the purposes of this chapter;
11 to determine to what extent any law prohibiting the
12 holding of more than one office or employment applies
13 to the agencies, officers, and other persons; and
14 subject to provisions of this chapter, to provide for
15 the interchange of personnel, by detail, transfer, or
16 otherwise, between agencies or departments of the
17 State;

18 (10) Make charges in such cases and in such amounts as the
19 governor deems advisable, for any property sold, work
20 performed, services rendered, or accommodations or
21 facilities furnished by the State under this chapter;

- 1 (11) Make or authorize such contracts as may be necessary
2 to carry out this chapter;
- 3 (12) Establish special accounting forms and practices
4 whenever necessary;
- 5 (13) Require each public utility, or any person owning,
6 controlling, or operating a critical infrastructure
7 facility as identified by the governor, to protect and
8 safeguard its or the person's property, or to provide
9 for the protection and safeguarding thereof; and
10 provide for the protection and safeguarding of all
11 critical infrastructure and key resources; provided
12 that without prejudice to the generality of the
13 foregoing two clauses, the protecting and safeguarding
14 may include the regulation or prohibition of public
15 entry thereon, or the permission of the entry upon
16 such terms and conditions as the governor may
17 prescribe;
- 18 (14) Restrict the congregation of the public in stricken or
19 dangerous areas or under dangerous conditions;
- 20 (15) Direct and control the non-compulsory evacuation of
21 the civilian population;

- 1 (16) Order and direct government agencies, officials,
2 officers, and employees of the State, to take such
3 action and employ such measures for law enforcement,
4 medical, health, firefighting, traffic control,
5 warnings and signals, engineering, rescue,
6 construction, emergency housing, other welfare,
7 hospitalization, transportation, water supply, public
8 information, training, and other emergency functions
9 as may be necessary, and utilize the services,
10 materials, and facilities of the agencies and
11 officers. All such agencies and officers shall
12 cooperate with and extend their services, materials,
13 and facilities to the governor as the governor may
14 request;
- 15 (17) Provide for the repair and maintenance of public
16 property, whenever adequate provision therefor is not
17 otherwise made; insure the property against any
18 emergency or disaster; provide for the restoration,
19 renovation, replacement, or reconstruction of insured
20 property in the event of damage or loss; and make
21 temporary restoration of public utilities and other

critical infrastructure facilities in the event of an emergency or disaster;

(18) Fix or revise the hours of government business; and

(19) Take any and all steps necessary or appropriate to carry out the purposes of this chapter notwithstanding that those powers in section -13(a) may only be exercised during an emergency period.

(c) The mayor may exercise the following powers pertaining to emergency management:

(1) Lease, lend, or otherwise furnish, on such terms and conditions as the mayor may consider necessary to promote the public welfare and protect the interest of the county, any real or personal property of the county government, to the governor of the State, to the mayors of the other counties of the State, or to the agency;

(2) Sponsor and develop mutual aid plans and agreements for emergency management between one or more counties, and other governmental, private-sector, or nonprofit organizations, for the furnishing or exchange of food, clothing, medicine, and other materials; engineering

1 services; emergency housing; police services; health,
2 medical, and related services; firefighting, rescue,
3 transportation, and construction services and
4 facilities; personnel necessary to provide or conduct
5 these services; and such other materials, facilities,
6 personnel, and services as may be needed. The mutual
7 aid plans and agreements may be made with or without
8 provisions for reimbursement of costs and expenses,
9 and on such terms and conditions as are deemed
10 necessary;

11 (3) Take possession of, use, manage, control, and
12 reallocate any public property of the county, real or
13 personal, required by the mayor for the purposes of
14 this chapter, including parks, playgrounds, and other
15 public buildings. Whenever the property is so taken,
16 the mayor may make such provision for the temporary
17 accommodation of the government service affected as
18 the mayor may deem advisable;

19 (4) Utilize all services, materials, and facilities of
20 nongovernmental agencies, relief organizations,

1 community associations, and other private-sector and
2 nonprofit organizations that may be made available;

3 (5) Receive, expend, or use contributions or grants, which
4 shall be deemed to be trust funds, in money, property,
5 or services, or loans of property, or special
6 contributions or grants in money, property, or
7 services, or loans of property, for special purposes
8 provided for by this chapter; establish funds in the
9 treasury for the deposit and expenditure of the
10 moneys; and procure federal aid as the same may be
11 available. The contributions or grants are
12 appropriated for the purposes of this chapter, or for
13 the special purposes;

14 (6) Purchase, make, produce, construct, rent, lease, or
15 procure by condemnation or otherwise, transport,
16 store, install, maintain, and insure, repair,
17 renovate, restore, replace or reconstruct, and
18 distribute, furnish or otherwise dispose of, with or
19 without charges, materials and facilities for
20 emergency management; and to procure federal aid
21 therefor whenever feasible. Chapter 103D and sections

1 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4
2 shall not apply to any emergency management functions
3 of and to the extent that the mayor finds that the
4 provisions, in whole or in part, impede or tend to
5 impede the expeditious discharge of the functions, or
6 that compliance therewith is impracticable due to
7 existing conditions;

8 (7) Provide for the appointment, employment, training,
9 equipping, and maintaining, with compensation, or on a
10 volunteer basis without compensation and without
11 regard to chapters 76, 78, and 88, of such agencies,
12 officers, and other persons as the mayor deems
13 necessary to carry out this chapter; to determine to
14 what extent any law prohibiting the holding of more
15 than one office or position of employment applies to
16 the agencies, officers, and other persons; and subject
17 to provisions of this chapter, to provide for the
18 interchange of personnel, by detail, transfer, or
19 otherwise, between agencies or departments of the
20 county;

- 1 (8) Make charges in such cases and in such amounts as the
2 mayor deems advisable, for any property sold, work
3 performed, services rendered, or accommodations or
4 facilities furnished by the county under this chapter;
- 5 (9) Make or authorize such contracts as may be necessary
6 to carry out this chapter;
- 7 (10) Establish special accounting forms and practices
8 whenever necessary;
- 9 (11) Require each public utility, or any person owning,
10 controlling, or operating a critical infrastructure
11 facility as identified by the mayor, to protect and
12 safeguard its or the person's property, or to provide
13 for such protection and safeguarding; and provide for
14 the protection and safeguarding of all critical
15 infrastructure and key resources; provided that
16 without prejudice to the generality of the foregoing
17 two clauses, the protection and safeguarding may
18 include the regulation or prohibition of public entry
19 thereon, or the permission of the entry upon such
20 terms and conditions as the mayor may prescribe;

- 1 (12) Restrict the congregation of the public in stricken or
2 dangerous areas or under dangerous conditions;
- 3 (13) Direct and control the non-compulsory evacuation of
4 the civilian population of the county;
- 5 (14) Order and direct government agencies, officials,
6 officers, and employees of the county, to take such
7 action and employ such measures for law enforcement,
8 medical, health, firefighting, traffic control,
9 warnings and signals, engineering, rescue,
10 construction, emergency housing, and other welfare,
11 hospitalization, transportation, water supply, public
12 information, training, and other emergency functions
13 as may be necessary, and utilize the services,
14 materials, and facilities of the agencies and
15 officers. All such agencies and officers shall
16 cooperate with and extend their services, materials,
17 and facilities to the mayor as the mayor may request;
- 18 (15) Provide for the repair and maintenance of public
19 property, whenever adequate provision therefor is not
20 otherwise made; insure the property against any
21 emergency or disaster; provide for the restoration,

1 renovation, replacement, or reconstruction of insured
2 property in the event of damage or loss; and make
3 temporary restoration of public utilities and other
4 critical infrastructure facilities in the event of an
5 emergency or disaster;

6 (16) Fix or revise the hours of county government business;
7 and

8 (17) Take any and all steps necessary or appropriate to
9 carry out the purposes of this chapter notwithstanding
10 that those powers in section -13(b) may only be
11 exercised during an emergency period.

12 **§ -13 Additional powers in an emergency period. (a)**

13 In the event of a state of emergency declared by the governor
14 pursuant to -14, the governor may exercise the following
15 additional powers pertaining to emergency management during the
16 emergency period:

17 (1) Provide for and require the quarantine or segregation
18 of persons who are affected with or believed to have
19 been exposed to any infectious, communicable, or other
20 disease that is, in the governor's opinion, dangerous
21 to the public health and safety, or persons who are

1 the source of other contamination, in any case where,
2 in the governor's opinion, the existing laws are not
3 adequate to assure the public health and safety;
4 provide for the care and treatment of the persons;
5 supplement the provisions of sections 325-32 to 325-38
6 concerning compulsory immunization programs; provide
7 for the isolation or closing of property which is a
8 source of contamination or is in a dangerous condition
9 in any case where, in the governor's opinion, the
10 existing laws are not adequate to assure the public
11 health and safety, and designate as public nuisances
12 acts, practices, conduct, or conditions that are
13 dangerous to the public health or safety or to
14 property; authorize that public nuisances be summarily
15 abated and, if need be, that the property be
16 destroyed, by any police officer or authorized person,
17 or provide for the cleansing or repair of property,
18 and if the cleansing or repair is to be at the expense
19 of the owner, the procedure therefor shall follow as
20 nearly as may be the provisions of section 322-2,
21 which shall be applicable; and further, authorize

1 without the permission of the owners or occupants,
2 entry on private premises for any such purposes;

3 (2) Relieve hardships and inequities, or obstructions to
4 the public health, safety, or welfare, found by the
5 governor to exist in the laws and to result from the
6 operation of federal programs or measures taken under
7 this chapter, by suspending the laws, in whole or in
8 part, or by alleviating the provisions of laws on such
9 terms and conditions as the governor may impose,
10 including licensing laws, quarantine laws, and laws
11 relating to labels, grades, and standards;

12 (3) Suspend any law that impedes or tends to impede or be
13 detrimental to the expeditious and efficient execution
14 of, or to conflict with, emergency functions,
15 including laws which by this chapter specifically are
16 made applicable to emergency personnel;

17 (4) In the event of disaster or emergency beyond local
18 control, or an event which, in the opinion of the
19 governor, is such as to make state operational control
20 necessary, or upon request of the local entity, assume
21 direct operational control over all or any part of the

1 emergency management functions within the affected
2 area;

3 (5) Shut off water mains, gas mains, electric power
4 connections, or suspend other services, and, to the
5 extent permitted by or under federal law, suspend
6 electronic media transmission;

7 (6) Direct and control the mandatory evacuation of the
8 civilian population;

9 (7) Exercise additional emergency functions to the extent
10 necessary to prevent hoarding, waste, or destruction
11 of materials, supplies, commodities, accommodations,
12 facilities, and services, to effectuate equitable
13 distribution thereof, or to establish priorities
14 therein as the public welfare may require; to
15 investigate; and notwithstanding any other law to the
16 contrary, to regulate or prohibit, by means of
17 licensing, rationing, or otherwise, the storage,
18 transportation, use, possession, maintenance,
19 furnishing, sale, or distribution thereof, and any
20 business or any transaction related thereto;

- 1 (8) Suspend section 8-1, relating to state holidays,
2 except the last paragraph relating to holidays
3 declared by the president, which shall remain
4 unaffected, and in the event of the suspension, the
5 governor may establish state holidays by proclamation;
- 6 (9) Adjust the hours for voting to take into consideration
7 the working hours of the voters during the emergency
8 period, and suspend those provisions of section 11-131
9 that fix the hours for voting, and fix other hours by
10 stating the same in the election proclamation or
11 notice, as the case may be;
- 12 (10) Assure the continuity of service by critical
13 infrastructure facilities, both publicly and privately
14 owned, by regulating or, if necessary to the
15 continuation of the service thereof, by taking over
16 and operating the same; and
- 17 (11) Except as provided in section 134-7.2, whenever in the
18 governor's opinion, the laws of the State do not
19 adequately provide for the common defense, public
20 health, safety, and welfare, investigate, regulate, or
21 prohibit the storage, transportation, use, possession,

1 maintenance, furnishing, sale, or distribution of, as
2 well as any transaction related to, explosives,
3 firearms, and ammunition, inflammable materials and
4 other objects, implements, substances, businesses, or
5 services of a hazardous or dangerous character, or
6 particularly capable of misuse, or obstructive of or
7 tending to obstruct law enforcement, emergency
8 management, or military operations, including
9 intoxicating liquor and the liquor business; and
10 authorize the seizure and forfeiture of any such
11 objects, implements, or substances unlawfully
12 possessed, as provided in this chapter.

13 (b) In the event of a local state of emergency declared by
14 the mayor pursuant to -14, the mayor may exercise the
15 following additional powers pertaining to emergency management
16 during the emergency period:

17 (1) Relieve hardships and inequities, or obstructions to
18 the public health, safety, or welfare, found by the
19 mayor to exist in the laws of the county and to result
20 from the operation of federal programs or measures
21 taken under this chapter, by suspending the county

1 laws, in whole or in part, or by alleviating the
2 provisions of county laws on such terms and conditions
3 as the mayor may impose, including county licensing
4 laws, and county laws relating to labels, grades, and
5 standards;

6 (2) Suspend any county law that impedes or tends to impede
7 or be detrimental to the expeditious and efficient
8 execution of, or to conflict with, emergency
9 functions, including laws which by this chapter
10 specifically are made applicable to emergency
11 personnel;

12 (3) Shut off water mains, gas mains, electric power
13 connections, or suspend other services; and, to the
14 extent permitted by or under federal law, suspend
15 electronic media transmission;

16 (4) Direct and control the mandatory evacuation of the
17 civilian population; and

18 (5) Exercise additional emergency functions, to the extent
19 necessary to prevent hoarding, waste, or destruction
20 of materials, supplies, commodities, accommodations,
21 facilities, and services, to effectuate equitable

1 distribution thereof, or to establish priorities
2 therein as the public welfare may require; to
3 investigate; and any other county law to the contrary
4 notwithstanding, to regulate or prohibit, by means of
5 licensing, rationing, or otherwise, the storage,
6 transportation, use, possession, maintenance,
7 furnishing, sale, or distribution thereof, and any
8 business or any transaction related thereto.

9 **§ -14 State of emergency.** (a) The governor may

10 declare the existence of a state of emergency in the State by
11 proclamation if the governor finds that an emergency or disaster
12 has occurred or that there is imminent danger or threat of an
13 emergency or disaster in any portion of the State.

14 (b) A mayor may declare the existence of a local state of
15 emergency in the county by proclamation if the mayor finds that
16 an emergency or disaster has occurred or that there is imminent
17 danger or threat of an emergency or disaster in any portion of
18 the county.

19 (c) The governor or mayor shall be the sole judge of the
20 existence of the danger, threat, or circumstances giving rise to
21 a declaration of a state of emergency in the State or a local

1 state of emergency in the county, as applicable. This section
2 shall not limit the power and authority of the governor under
3 section -13(a)(4).

4 (d) A state of emergency and a local state of emergency
5 shall terminate automatically sixty days after the issuance of a
6 proclamation of a state of emergency or local state of
7 emergency, respectively, or by a separate proclamation of the
8 governor or mayor, whichever occurs first.

9 **§ -15 Proclamations, how made; service of papers. (a)**

10 Every proclamation of the governor or mayor for which provision
11 is made by this chapter, shall be promulgated by posting on the
12 applicable state or county emergency management agency website
13 and by means calculated to bring its contents to the attention
14 of the general public, including by official announcement by
15 means of television or radio broadcast, or both, or by internet,
16 or such other means as may be available. The proclamation shall
17 remain posted on the agency website until the state of emergency
18 terminates automatically or by subsequent proclamation.

19 (b) Any process, notice, or order, service of which is
20 provided for by this chapter, may be served by any law
21 enforcement officer or person authorized by the governor or

1 mayor, any other provision of law to the contrary
2 notwithstanding.

3 § -16 Major disaster fund. (a) The director shall
4 submit requests to the legislature to appropriate from the
5 general revenues of the State sufficient moneys as may be
6 necessary for expenditure by or under the direction of the
7 governor for immediate relief in response to an emergency or
8 disaster in any part of the State; provided that:

9 (1) The governor has issued a proclamation of a state of
10 emergency;

11 (2) The governor may not expend in excess of \$2,000,000
12 for immediate relief as a result of any single
13 emergency or disaster; and

14 (3) In addition to the funds in paragraph (2), an
15 additional \$2,000,000 may be made available solely for
16 the purpose of matching federal disaster relief funds
17 when these funds become available to the State
18 following a presidential disaster declaration.

19 In expending the moneys, the governor may allot any portion
20 thereof to any agency, office, or employee of the State or a
21 county for the most efficient relief for the population.

1 Notwithstanding this subsection, the only exception to sections
2 -16(1), (2), and (3) is that the director may use up to \$100,000
3 per year to support emergency reserve corps training.

4 (b) Federal reimbursement moneys for disaster relief shall
5 be deemed to be trust moneys and may be deposited into a trust
6 account with and under the control of the department of
7 defense. These moneys and any interest earned thereon shall be
8 used for the purpose identified in subsection (a) and shall not
9 lapse to the general fund.

10 **§ -17 Allotments.** (a) There shall be available for
11 allotment by the governor under this chapter:

12 (1) Any moneys appropriated for the purposes of this
13 chapter, or reappropriated pursuant to subsection (b)
14 and any unexpended moneys appropriated for emergency
15 management or disaster relief or administration
16 thereof by any act, but only within the scope and
17 purposes of the appropriations so made by the
18 legislature;

19 (2) Contributions, as provided by section -12; and

20 (3) The governor's contingent fund.

1 (b) Any sums realized under this chapter from the sale of
2 property by the State, or from work performed, services
3 rendered, or accommodations or facilities furnished by the
4 State, or from insurance against damage or loss of property the
5 premiums for which have been paid by the State under this
6 chapter, shall be deemed to be trust funds for the purposes of
7 this chapter and may be expended or allotted in the same manner
8 as other appropriations made by or available for the purposes of
9 this chapter.

10 (c) The governor may allot any moneys appropriated or
11 available for the purposes of this chapter, to any agency,
12 officer, or employee, created, appointed, or employed under this
13 chapter, or to any government agency, officer, or employee of
14 the State or a county, to whom powers or duties have been
15 delegated pursuant to this chapter, to be expended in carrying
16 out the provisions of this chapter, and in the case of county
17 agencies, officers, or employees, to order the allotment paid
18 over to be held, disbursed, and accounted for as other county
19 funds or as the governor shall provide.

20 (d) In the event of a deficit in the general fund of the
21 State, any appropriation made or available for the purposes of

1 this chapter and needed for allotment under this chapter shall
2 take priority over other appropriations from the general fund.

3 (e) Any appropriation made or available for the purposes
4 of this chapter may be expended notwithstanding the existence of
5 a specific or other appropriation for the same or a like
6 purpose, and without prejudice to the expenditure of the other
7 appropriation. The powers granted by this section are in
8 addition to, and not restrictive of, the powers granted by any
9 other section.

10 (f) Any order by the governor made pursuant to this
11 section may be amended or revoked by the governor.

12 § -18 Mitigation of hazardous situations. (a) Even in
13 the absence of an emergency or disaster, the governor may
14 authorize designated state employees, agents, contractors, or
15 representatives to enter private property at reasonable times to
16 mitigate situations deemed by the governor to be hazardous to
17 the health and safety of the public; provided that this section
18 shall be applicable only to the following actions:

19 (1) Cutting, trimming, or removing dangerous trees or
20 branches that pose a hazard to other properties;

1 (2) Stabilizing or removing unstable rock and soil
2 hazards; or

3 (3) Cleaning streams and waterways to mitigate or prevent
4 flooding or other hazards;

5 provided further that at least ten days' written notice shall be
6 provided to the landowner and to the occupier of the private
7 property of the governor's intention to authorize designated
8 state employees, agents, contractors, or representatives to
9 enter the property to mitigate the hazardous situation; provided
10 further that the landowner or occupier shall be given a
11 reasonable opportunity to mitigate the hazardous situation
12 without assistance of the State before designated state
13 employees, agents, contractors, or representatives may enter the
14 property.

15 (b) Written notice sent to the landowner's last known
16 address by certified mail, postage prepaid, return receipt
17 requested, shall be deemed sufficient notice. If land ownership
18 cannot be determined, notice shall be given once in a daily or
19 weekly publication of general circulation in the county in which
20 any action or proposed action will be taken.

1 (c) If entry is refused, the governor may apply to the
2 district court in the circuit in which the property is located
3 for a warrant to enter the premises. The district court may
4 issue a warrant directing the chief of the appropriate county
5 police to assist the governor in gaining entry onto the premises
6 during regular working hours or at other reasonable times.

7 (d) The governor may seek recovery and reimbursement, by
8 appropriate proceedings, of all costs and expenses incurred in
9 the mitigation of a hazardous situation under this section, and
10 any costs and expenses imposed against any landowner shall be a
11 lien upon the landowner's property.

12 (e) This section shall take effect only upon authorization
13 and funding for personnel to administer the program.

14 § -19 Shelters. (a) The governor may establish
15 guidelines for providing suitable arrangements and
16 accommodations for the sheltering of the public and the
17 sheltering of pet animals in public shelters under this chapter.

18 (b) County emergency management agencies shall identify,
19 in coordination with private and nonprofit organizations engaged
20 in emergency management functions relating to providing shelter
21 or the management or operation of a public shelter under this

1 chapter, locations and facilities suitable for the sheltering of
2 the public and locations and facilities suitable for the
3 sheltering of pet animals.

4 (c) The administrator or director of the county emergency
5 management agency may identify, in coordination with private
6 owners, operators, or controllers of real property, private
7 locations and facilities that are suitable for use as shelters
8 of the public or of pet animals.

9 (d) A public shelter identified for the sheltering of pet
10 animals pursuant to subsection (b) need not be subject to
11 guidelines developed for public shelters, unless the particular
12 shelter has been specifically identified as a shelter for both
13 pet animals and the public.

14 (e) For purposes of this section, "pet animal" shall have
15 the same meaning as defined in section 711-1100.

16 (f) For purposes of this section, "shelter" includes any
17 structure, excavation, or other facility or item used or useful
18 for the protection of persons.

19 § -20 Immunity from liability of private shelter. (a)
20 Any individual, partnership, firm, society, unincorporated
21 association, joint venture group, hui, joint stock company,

1 corporation, trustee, personal representative, trust estate,
2 decedent's estate, trust, or other legal entity whether doing
3 business for itself or in a fiduciary capacity, owning or
4 controlling real property, that voluntarily and without
5 compensation grants a license or privilege for, or otherwise
6 permits, the designation by the emergency management agency of
7 the county in which the building is located for the use of the
8 property, in whole or in part, for the purpose of sheltering
9 persons during emergencies and disasters, shall, together with
10 its successors in interest, if any, not be civilly liable for
11 negligently causing the death of or injury to any person or
12 damage to any personal property on the property of the licensor
13 in connection with the use of the licensed premises for the
14 purposes designated.

15 (b) For the purposes of this section, the following shall
16 not be considered compensation:

17 (1) Any compensation or consideration paid by or on behalf
18 of any guest or person for transient accommodation
19 lodging;

20 (2) Any compensation or consideration paid for any
21 patient, resident, or ward present or residing in any

1 hospital, community-based care home, home-based care
2 home, or healthcare agency of any type licensed by the
3 department of health or the department of human
4 services and used as a private shelter under this
5 section; provided that the protections afforded by
6 this section shall not extend beyond the use of the
7 private shelter under this section for any other duty
8 or standard of care owed to any patient, resident, or
9 ward; and

- 10 (3) Any compensation or consideration paid by or on behalf
11 of any minor or student of any age in any day care,
12 preschool, elementary school, middle school, or any
13 other educational facility used as a private shelter
14 under this section.

15 § -21 Notice of requisition. (a) The governor or
16 mayor may requisition and take over any materials, facilities,
17 or real property or improvements, required for the purposes of
18 this chapter, or requisition and take over the temporary use
19 thereof. The requisition shall be made by serving notice upon
20 any person found in occupation of the premises or having the
21 property in the person's custody, possession, or control;

1 provided that a like notice shall also be served upon any person
2 who has filed with the governor or mayor, or with such person as
3 the governor or mayor may designate for the purpose, a request
4 for notice with respect to the property; provided further that
5 whenever all persons entitled to compensation for the property
6 have not been served in the manner aforesaid, the governor or
7 mayor shall publish a notice of the requisition at the earliest
8 practicable date.

9 (b) A requisition shall terminate automatically sixty days
10 after the issuance of a proclamation of a state of emergency in
11 the State or local state of emergency, respectively, or by a
12 separate proclamation of the governor or mayor, whichever occurs
13 first.

14 § -22 Determination of compensation. (a) Whenever the
15 governor or mayor requisitions and takes over any property or
16 the temporary use thereof, the owner, or other person entitled
17 thereto, shall be paid as compensation for the property or use,
18 such sum as the governor or mayor determines to be fair and
19 just, within twenty days after it has been requisitioned and
20 taken; provided that the compensation for temporary use may be
21 paid in monthly or lesser installments.

1 (b) If any person is unwilling to accept, as full and
2 complete compensation for the property or use thereof, the sum
3 determined by the governor or mayor, the person shall be paid
4 seventy-five per cent of the sum determined by the governor or
5 mayor. The person shall also be entitled to sue the State or
6 county for such additional sum as, when added to the sum already
7 received by the person, the person may consider fair and just
8 compensation for such property or use, in the manner provided by
9 chapter 661 for actions against the State and any other
10 applicable chapter for actions against the county. Any suit
11 under this section shall be instituted within two years after
12 the requisition in the case of the taking of real property in
13 fee simple, or within one year after the requisition in all
14 other cases, subject to sections 657-13 to 657-15, which are
15 hereby made applicable to such a suit; except that no more than
16 six months shall be allowed for the bringing of a suit after the
17 appointment of a conservator of a person under disability, or
18 the removal of the disability, or after the appointment of
19 personal representatives. Recovery shall be confined to the
20 fair market value of the property or its fair rental value, as
21 the case may be, without any allowance for prospective profits,

1 or punitive or other damages. Whenever the owner of property,
2 or other person entitled to compensation on account of the
3 requisitioning of property or the use thereof, is under a
4 disability, or has died, and no conservator or personal
5 representative has been appointed, the State, acting through the
6 attorney general, may apply for the appointment of a conservator
7 or for the appointment of a personal representative.

8 **§ -23 Determination of damages.** The governor or mayor,
9 as applicable, shall appoint a board of three disinterested
10 certified appraisers with whom may be filed any claim for
11 damages arising out of any failure to return private property,
12 the temporary use of which was requisitioned, or which was
13 leased, or any claim for damages arising out of the condition in
14 which the private property is returned; provided that no such
15 claim shall be filed for deterioration of property resulting
16 from ordinary wear and tear, and not for any deterioration or
17 damage, except such as is shown to have resulted from the taking
18 or use of the property. Any claim shall be filed within thirty
19 days after the return of the property or after the governor or
20 mayor proclaims that all private property has been returned to
21 the owners, whichever is earlier. The decision of the

1 appraisers shall be final and binding upon the governor or
2 mayor, as applicable, and the claimant; provided that either
3 party may file a petition in the circuit court within sixty days
4 after the rendering of a decision of the board, praying for the
5 decision of the court upon the claim. The petition, if filed by
6 the State, shall be entitled in the name of the State, by the
7 attorney general, and if filed by the county, shall be entitled
8 in the name of the county, by its corporation counsel, and shall
9 be heard and decided by the circuit court without the
10 intervention of a jury. If filed by any other party, the
11 petition shall be filed, heard, and decided in the manner
12 provided for suits against the State. Appellate review may be
13 had, subject to chapter 602, in the manner provided for civil
14 appeals from the circuit courts. The court may order the
15 joinder of other parties or may allow other parties to
16 intervene. Any award that has become final shall be paid out of
17 any funds available under this chapter and, if not sufficient,
18 out of the general revenues of the State as appropriated or out
19 of the general revenues of the county as appropriated.

20 § -24 Investigations and surveys. (a) The governor or
21 mayor, as applicable, may make investigations and surveys for

1 the purpose of ascertaining facts to be used in administering
2 this chapter, and in making the investigations and surveys, may
3 require the making or filing of schedules or statements, under
4 oath or otherwise; administer oaths; take evidence under oath;
5 subpoena witnesses; make inspections; and require the production
6 of books, papers, and records. The circuit court of any circuit
7 or judge thereof, may enforce by proper proceedings the making
8 or filing of the schedules or statements; the attendance and
9 testimony of any witness subpoenaed to appear within the
10 circuit; or the production of books, papers, and records. The
11 proceedings shall be in addition to, and not exclusive of, any
12 other means or methods of enforcement.

13 (b) No person shall be excused from attending and
14 testifying, or from producing books, papers, or records, before
15 the governor or mayor or in obedience to the subpoena of the
16 governor or mayor, or in any cause or proceeding, criminal or
17 otherwise, based upon or growing out of any alleged violation of
18 this chapter or any rule or order thereunder, on the ground, or
19 for the reason, that the testimony or evidence, documentary or
20 otherwise, required of the person may tend to incriminate the
21 person or subject the person to a penalty or forfeiture; but no

1 individual shall be prosecuted or subjected to any penalty or
2 forfeiture for or on account of any transaction, matter, or
3 thing concerning which the person is compelled after having
4 claimed the person's privilege against self-incrimination, to
5 testify or produce evidence, documentary or otherwise, except
6 that any individual so testifying shall not be exempt from
7 prosecution and punishment for perjury committed in so
8 testifying.

9 (c) Witnesses shall be allowed their per diem fees and
10 mileage as in cases in the circuit courts.

11 § -25 Rules and orders. (a) For the purpose of
12 carrying out any provision of this chapter, the governor may
13 adopt rules for the State and the mayor may adopt rules for the
14 county which may, if so stated in the rules, have the force and
15 effect of law. Even though the rules are prescribed pursuant to
16 a power conferred, or having mandatory or prohibitive effect,
17 only in the event of a state of emergency or local state of
18 emergency, the rules nevertheless may be prescribed prior
19 thereto if stated therein to have the force and effect of law
20 only in the event of a state of emergency or local state of
21 emergency. All the rules, and likewise all other action taken

1 under this chapter, shall be made and taken with due
2 consideration of the orders, rules, regulations, actions,
3 recommendations, and requests of federal authorities relevant
4 thereto. In these rules, reasonable classifications,
5 exceptions, and exemptions may be made and granted. Such rules
6 shall not be subject to chapter 91.

7 (b) The power to adopt rules having the force and effect
8 of law shall not be deemed in derogation of the power of the
9 governor, or the governor's duly authorized representatives, or
10 the mayor, or the mayor's duly authorized representatives, to
11 make orders for the enforcement of this chapter or the rules
12 issued thereunder. The rules may provide for the making of
13 administrative findings by duly authorized representatives, or
14 for the application of the rules by such representatives as the
15 circumstances may require, and the issuance of orders therefor.

16 (c) Rules adopted pursuant to this chapter during a state
17 of emergency shall be promulgated as herein provided, and may be
18 made effective upon the promulgation. The rules shall be
19 promulgated by posting them on the applicable state or county
20 government website and by publishing them in a newspaper of
21 general circulation in the State, by means calculated to bring

1 its contents to the attention of the general public, including
2 by official announcement by means of television or radio
3 broadcast, or both, or by internet, or, where only known persons
4 are concerned, by service upon these persons by registered or
5 certified mail or by personal service. The rules shall remain
6 posted on the government website while in effect. When
7 immediate promulgation of the rules is necessary in the opinion
8 of the governor or mayor, as applicable, who shall be the sole
9 judge thereof, in lieu of publication, the rules may be
10 promulgated by television or radio broadcast, or both, or by
11 internet, or such other means as may be available; provided that
12 the rules shall be posted and published thereafter at the
13 earliest practicable date.

14 **§ -26 Forfeitures.** The forfeiture of any property
15 unlawfully possessed, pursuant to section -12(b), may be
16 adjudged upon conviction of the offender found to be unlawfully
17 in possession of the same, where no person other than the
18 offender is entitled to notice and hearing with respect to the
19 forfeiture, or the forfeiture may be enforced by an appropriate
20 civil proceeding brought in the name of the State. The district
21 courts and circuit courts shall have concurrent jurisdiction of

1 the civil proceedings. Any property forfeited as provided in
2 this section may be ordered destroyed, or may be ordered
3 delivered for public use to such agency as shall be designated
4 by the governor or the governor's representative, or may be
5 ordered sold, in whole or in part, for the account of the State.

6 **§ -27 Preliminary or interlocutory injunctions and**
7 **temporary restraining orders.** (a) Notwithstanding any other
8 law to the contrary, no preliminary or interlocutory injunction,
9 or temporary restraining order, suspending, enjoining, or
10 restraining the enforcement, operation, or execution of, or
11 setting aside, in whole or in part, on the ground of
12 unconstitutionality or for any other reason or reasons, any
13 provision of this chapter or any proclamation, order, or rule
14 prescribed, made, or issued under the authority of this chapter,
15 shall be issued or granted by any court of the State, or by any
16 judge thereof, unless the application for the same is presented
17 to a circuit judge, is heard and determined by the circuit judge
18 sitting with two other circuit judges, and a majority of the
19 judges concur in granting the application. When the application
20 is presented to a judge, the judge shall immediately notify the
21 chief justice of the supreme court of the State, or the senior

1 associate justice in the event of the chief justice's absence or
2 incapacity or a vacancy in the office, who shall forthwith
3 assign two other circuit judges to sit with the circuit judge in
4 hearing and determining the application.

5 The application shall not be heard or determined before at
6 least five days' notice of the hearing has been given to the
7 governor and the attorney general, or to the mayor and the
8 county corporation counsel, as applicable, and to such other
9 persons as may be defendants or respondents in the suits. In
10 cases in which immediate irreparable damage would otherwise
11 ensue to the petitioner, the circuit judge to whom the
12 application is made may, after giving notice to the governor and
13 the attorney general, or the mayor and the county corporation
14 counsel, as applicable, and allowing them an opportunity to
15 appear, grant a temporary stay or suspension, in whole or in
16 part, of the operation of the statutory provision, proclamation,
17 order, or rule. The temporary stay or suspension shall remain
18 in force only until the hearing and determination of the
19 application for a preliminary or interlocutory injunction, and
20 in any event for not more than ten days from the date of the
21 order of the judge. If the two additional circuit judges have

1 been assigned to the case, no temporary stay or suspension shall
2 be ordered unless a majority of the three circuit judges shall
3 concur.

4 In a case of the stay or suspension, the order of the judge
5 or judges shall contain a finding or findings, based upon
6 evidence submitted to the judge or judges and incorporated in
7 the order by reference thereto, that irreparable damage would
8 result to the petitioner, and specifying the nature of the
9 damage and why it is immediate and irreparable. The three
10 circuit judges assigned to sit in the case may, upon a like
11 finding and for good cause shown, appearing from reasons entered
12 of record, continue the temporary stay or suspension for an
13 additional ten-day period, but for only one such period unless
14 the party against whom the order is directed consents that it
15 may be extended for a longer period. The hearing upon an
16 application for a preliminary or interlocutory injunction shall
17 be given precedence and shall be in every way expedited and be
18 assigned for hearing at the earliest practicable day.

19 If a temporary stay or suspension has been allowed, the
20 application for a preliminary or interlocutory injunction shall
21 be set for hearing within five days after the granting of the

1 stay or suspension. When the matter comes on for hearing, the
2 party who obtained the temporary stay or suspension shall
3 proceed with the application for a preliminary or interlocutory
4 injunction. Otherwise the temporary order shall be dissolved
5 forthwith. No extension of time shall be granted without the
6 approval of at least two of the three judges. Upon the final
7 hearing of any such suit, the same requirement as to judges and
8 the same procedure as to expedition shall apply.

9 **§ -28 Enforcement of injunction proceedings;**
10 **interventions.** (a) Whenever in the opinion of the governor or
11 mayor, as applicable, any person has engaged or is about to
12 engage in any act or practice that constitutes or will
13 constitute a violation of any provision of this chapter, or any
14 rule of the governor or mayor issued under this chapter, having
15 the force and effect of law, the governor or mayor may make
16 application to the appropriate court in the name of the State or
17 county for an order enjoining the acts or practices, or for such
18 other order as will enforce compliance with the provisions, and
19 upon a showing by the governor or mayor in such manner and form
20 as is usual in injunction cases, that the person has engaged or
21 is about to engage in any such act or practice, a permanent or

1 temporary injunction, restraining order, or other appropriate
2 order shall be granted without bond.

3 (b) The governor may intervene in the name of the State or
4 the mayor may intervene in the name of the county, as
5 applicable, in any action or proceeding wherein a party asserts
6 a right or relies for ground of relief or defense upon this
7 chapter or upon any rule or order of the governor or mayor
8 issued under this chapter, or, in the judgment of the governor
9 or mayor, there is an issue to be presented that involves
10 enforcement of this chapter or the rules.

11 § -29 **Misdemeanors.** Any person violating any rule of
12 the governor or mayor prescribed and promulgated pursuant to
13 this chapter and having the force and effect of law, shall, if
14 it shall be so stated in the rule, be guilty of a misdemeanor.
15 Upon conviction, the person shall be fined not more than \$5,000,
16 or imprisoned not more than one year, or both.

17 Any person who intentionally, knowingly, or recklessly
18 destroys, damages, or loses any shelter, protective device, or
19 warning or signal device, shall if the same was installed or
20 constructed by the United States, the State, or a county, or is
21 the property of the United States, the State, or a county, be

1 fined the cost of replacement, or imprisoned not more than one
2 year, or both. The governor or mayor, may, by rule, make
3 further provisions for the protection from misuse of shelters,
4 protective devices, or warning and signal devices.

5 **§ -30 Rental or sale of essential commodities during a**
6 **state of emergency; prohibition against price increases. (a)**

7 Whenever the governor declares a state of emergency for the
8 entire State or any portion thereof, or a mayor declares a local
9 state of emergency for the county or any portion thereof, or
10 when the State, or any portion thereof, is the subject of a
11 severe weather warning:

12 (1) There shall be prohibited any increase in the selling
13 price of any commodity, whether at the retail or
14 wholesale level, in the area that is the subject of
15 the proclamation or the severe weather warning; and

16 (2) No landlord shall terminate any tenancy for a
17 residential dwelling unit in the area that is the
18 subject of the proclamation or the severe weather
19 warning, except for a breach of a material term of a
20 rental agreement or lease, or if the unit is unfit for
21 occupancy as defined in this chapter; provided that:

1 (A) Nothing in this chapter shall be construed to
2 extend a fixed-term lease beyond its termination
3 date, except that a periodic tenancy for a
4 residential dwelling unit may be terminated by
5 the landlord upon forty-five days' written
6 notice:

- 7 (i) When the residential dwelling unit is sold
8 to a bona fide purchaser for value; or
9 (ii) When the landlord or an immediate family
10 member of the landlord will occupy the
11 residential dwelling unit; or

12 (B) Under a fixed-term lease or a periodic tenancy,
13 upon forty-five days' written notice, a landlord
14 may require a tenant or tenants to relocate
15 during the actual and continuous period of any
16 repair to render a residential dwelling unit fit
17 for occupancy; provided that:

- 18 (i) Reoccupancy shall first be offered to the
19 same tenant or tenants upon completion of
20 the repair;

1 (ii) The term of the fixed-term lease or periodic
2 tenancy shall be extended by a period of
3 time equal to the duration of the repair;
4 and

5 (iii) It shall be the responsibility of the tenant
6 or tenants to find other accommodations
7 during the period of repair.

8 (b) Notwithstanding this section, any additional operating
9 expenses incurred by the seller or landlord because of the
10 emergency or disaster or the severe weather, and which can be
11 documented, may be passed on to the consumer. In the case of a
12 residential dwelling unit, if rent increases are contained in a
13 written instrument that was signed by the tenant prior to the
14 declaration or severe weather warning, the increases may take
15 place pursuant to the written instrument.

16 (c) The prohibitions under subsection (a) shall remain in
17 effect until twenty-four hours after the severe weather warning
18 is canceled by the National Weather Service; or in the event of
19 a declaration, the later of a date specified by the governor or
20 mayor in the declaration or ninety-six hours after the effective
21 date and time of the declaration, unless such prohibition is

1 continued by a supplementary declaration issued by the governor
2 or mayor. Any proclamation issued under this chapter that fails
3 to state the time at which it will take effect, shall take
4 effect at twelve noon of the day on which it takes effect.

5 (d) In any action against a merchant, landlord, or other
6 business for violation of the price limitations in this section,
7 the defendant shall be deemed not to have violated this section
8 if the defendant proves all of the following:

9 (1) The violation of the price limitation was
10 unintentional;

11 (2) The defendant voluntarily rolled back prices to the
12 appropriate level upon discovering that this section
13 was or may have been violated; and

14 (3) The defendant has instituted a restitution program for
15 all consumers who may have paid excessive prices.

16 (e) Any violation of this section shall constitute unfair
17 methods of competition and unfair and deceptive acts or
18 practices in the conduct of any trade or commerce under section
19 480-2 and shall be subject to a civil penalty as provided in
20 section 480-3.1. Each item sold at a price that is prohibited
21 by this section shall constitute a separate violation.

1 (f) As used in this section:

2 "Breach of a material term" means the failure of a party to
3 perform an obligation under the rental agreement or lease, which
4 constitutes the consideration for entering into the contract and
5 includes the failure to make a timely payment of rent.

6 "Commodity" means any good or service necessary for the
7 health, safety, and welfare of the people of Hawaii; provided
8 that this term shall include, but not be limited to: materials;
9 merchandise; supplies; equipment; resources; and other articles
10 of commerce that shall include food; water; ice; chemicals;
11 petroleum products; construction materials; or residential
12 dwellings.

13 "Fixed-term lease" means a lease for real property that
14 specifies its beginning date and its termination date as
15 calendar dates, or contains a formula for determining the
16 beginning and termination dates; and the application of the
17 formula as of the date of the agreement will produce a calendar
18 date for the beginning and termination of the lease.

19 "Periodic tenancy" means a tenancy wherein real property is
20 leased for an indefinite time with monthly or other periodic
21 rent reserved. A periodic tenancy may be created by express

1 agreement of the parties, or by implication upon the expiration
2 of a fixed-term lease when neither landlord nor tenant provides
3 the other with written notice of termination and the tenant
4 retains possession of the premises for any period of time after
5 the expiration of the original term.

6 "Unfit for occupancy" means that a residential dwelling
7 unit has been damaged to the extent that the appropriate county
8 agency determines that the unit creates a dangerous or
9 unsanitary situation and is dangerous to the occupants or to the
10 neighborhood.

11 § -31 Penalties prescribed by this chapter additional
12 to other penalties. If conduct prohibited by or under the
13 authority of this chapter is also made unlawful by another or
14 other laws, the offender may be convicted as provided in this
15 chapter and for the violation of the other law or laws.

16 § -32 Effect of this chapter on other laws. All laws
17 inconsistent with the provisions of this chapter, or of any rule
18 issued under the authority of this chapter, shall be suspended
19 during the period of time and to the extent that the emergency
20 or disaster exists, and may be, by the governor for all laws, or
21 mayor for county laws, designated as so suspended."

1 SECTION 3. Section 1-28.5, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) This section shall not apply to notices required by
4 chapters 103D, 103F, _____, and 523A."

5 SECTION 4. Section 26-21, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§26-21 Department of defense. (a) The department of
8 defense shall be headed by a single executive to be known as the
9 adjutant general. The adjutant general shall also be the
10 director of [~~civil defense~~] the Hawaii emergency management
11 agency as established in section _____-3 and the director of
12 homeland security.

13 [~~There shall be a full time vice director of civil defense~~
14 ~~who shall be appointed and may be removed by the director.~~]

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

18 The devolution of command of the military forces in the
19 absence of the adjutant general shall be within the military
20 establishment. The devolution of command of the [~~civil defense~~
21 ~~agency~~] Hawaii emergency management agency in the absence of the

1 ~~[director of civil defense]~~ adjutant general, as director of the
2 agency, shall be within the ~~[civil defense]~~ agency.

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

10 ~~[(c) The functions and authority heretofore exercised by~~
11 ~~the military department and the civil defense agency as~~
12 ~~heretofore constituted are transferred to the department of~~
13 ~~defense established by this chapter.]~~

14 (b) The office of veterans' services and the advisory
15 board on veterans' services as constituted by chapter 363 are
16 placed within the department of defense for administrative
17 purposes."

18 SECTION 5. Section 103-53, Hawaii Revised Statutes, is
19 amended by amending subsection (e) to read as follows:

20 "(e) This section shall not apply to:

- 1 (1) Any procurement of less than \$25,000 or that is
2 considered a small purchase under section 103D-305 and
3 any state or county department contract of less than
4 \$25,000;
- 5 (2) Emergency purchases for the procurement of goods,
6 services, or construction under section 103D-307[
7 ~~disaster relief under chapter 127,~~] or [~~a civil~~
8 ~~defense~~] an emergency or disaster under chapter [~~128,~~]
9 i
- 10 (3) Grants and subsidies disbursed by a state agency
11 pursuant to chapter 42F or in accordance with
12 standards provided by law as required by article VII,
13 section 4, of the state constitution, or made by the
14 counties pursuant to their respective charters or
15 ordinances;
- 16 (4) Contracts or agreements between government agencies;
- 17 (5) Contracts or agreements to disburse funds:
- 18 (A) To make payments to or on behalf of public
19 officials, officers, and employees for salaries,
20 fringe benefits, professional fees, and
21 reimbursements;

- 1 (B) To satisfy obligations required to be paid by
2 law, including fees, judgments, settlements, and
3 other payments for resolving claims;
- 4 (C) To make refunds or return funds held by the State
5 or county as trustee, custodian, or bailee;
- 6 (D) For entitlement programs, including public
7 assistance, unemployment, and workers'
8 compensation programs, established by state or
9 federal law;
- 10 (E) For deposit, investment, or safekeeping,
11 including sums to pay expenses related to their
12 deposit investment, or safekeeping;
- 13 (F) For loans under government-administered loan
14 programs; or
- 15 (G) To make periodic, recurring payments for utility
16 services;
- 17 (6) Rent for the use or occupation of the premises and
18 facilities at Aloha Stadium, the convention center, or
19 any other state or county large spectator events
20 facility; and

(7) Contracts or agreements of the Hawaii health systems corporation and its regional system boards."

SECTION 6. Section 121-30, Hawaii Revised Statutes, is amended to read as follows:

"§121-30 Order to active service. In case of war, insurrection, invasion, riot, or imminent danger thereof~~[,-ex]~~; an emergency or disaster; or danger from flood, fire, storm, earthquake, civil disturbances, or terrorist events; any forcible obstruction to the execution of the laws, or reasonable apprehension thereof~~[,-]~~; or for assistance to civil authorities in disaster relief or ~~[civil-defense,]~~ emergency management, the governor may order the national guard or other component of the militia or any part thereof into active service. The governor or the governor's designated representative ~~[also]~~ may also order the national guard into active service ~~[in]~~;

(1) In nonemergency situations for duty and training in addition to the drill and instruction required by section 121-28~~[,-]~~;

(2) To provide support to other states in response to a request for assistance under the Emergency Management Assistance Compact under chapter 128F; and

1 (3) To detect, prevent, prepare for, investigate, respond
2 to, or recover from any of the events for which an
3 order to active service may be made."

4 SECTION 7. Section 134-7.2, Hawaii Revised Statutes, is
5 amended by amending subsections (a) and (b) to read as follows:

6 "(a) Notwithstanding any provision of chapter ~~[128]~~ ____ or
7 any other law to the contrary, no person or government entity
8 shall seize or confiscate, under any ~~[civil-defense]~~
9 emergency~~[7]~~ or disaster relief powers or functions conferred,
10 or during any ~~[civil-defense]~~ emergency period, as defined in
11 section ~~[128-27]~~ ____-2, or during any time of national
12 emergency or crisis, as defined in section 134-34, any firearm
13 or ammunition from any individual who is lawfully permitted to
14 carry or possess the firearm or ammunition under part I of this
15 chapter and who carries, possesses, or uses the firearm or
16 ammunition in a lawful manner and in accordance with the
17 criminal laws of this State.

18 (b) Notwithstanding any provision of chapter ~~[128]~~ ____ or
19 any other law to the contrary, no person or government entity
20 shall suspend, revoke, or limit, under any ~~[civil-defense]~~
21 emergency~~[7]~~ or disaster relief powers or functions conferred,

1 any lawfully acquired and maintained permit or license obtained
2 under and in accordance with part I of this chapter."

3 SECTION 8. Section 209-6, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§209-6 Relation to other agencies. This chapter is not
6 intended, nor shall it be construed in any manner, to conflict
7 with or assume the responsibility of the American National Red
8 Cross, any agency of the federal government, the Salvation Army,
9 or the [~~civil defense~~] emergency management activities of the
10 state department of defense."

11 SECTION 9. Section 269-16.3, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) Any utility that sustains damage to its facilities as
14 a result of a [~~state declared~~] state of emergency [~~+~~] or local
15 state of emergency, including [~~but not limited to disaster~~
16 ~~relief and civil defense~~] emergencies as defined in [~~chapters~~
17 ~~127 and 128~~] chapter _____, and incurs costs related to the
18 restoration and repair of its facilities which, if assessed only
19 on the utility ratepayers of the affected utility service
20 territory, may result in a rate increase of more than fifteen
21 per cent for the average ratepayer in that utility service

1 territory, may apply to the public utilities commission in
2 accordance with this section to recover the costs provided
3 herein through a monthly surcharge which shall be assessed on a
4 statewide basis and shall be based on the utility's net
5 restoration and repair costs; provided that the surcharge shall
6 not result in an assessment of more than fifteen per cent for
7 the average ratepayer in each of the other utility service
8 territories and provided further that the public utilities
9 commission shall exclude ratepayers in utility service
10 territories with rates that may be substantially higher than
11 other utility service territories in the State.

12 The public utilities commission shall have the authority to
13 initially set, or subsequently revise, the surcharge to reflect
14 the actual net restoration and repair costs incurred after
15 deduction of amounts received from outside sources of recovery.
16 Such outside sources of recovery shall include, but not be
17 limited to, insurance proceeds, government grants, and
18 shareholder contributions."

19 SECTION 10. Section 271G-10, Hawaii Revised Statutes, is
20 amended by amending subsection (g) to read as follows:

1 "(g) The commission shall not issue any certificate that
2 is designated as interim or temporary or that otherwise does not
3 conform to the requirements of this chapter except in response
4 to an emergency situation; provided that an emergency situation
5 shall mean a ~~[state-declared]~~ state of emergency ~~[including~~
6 ~~disaster relief pursuant to chapter 127 or a civil defense~~
7 ~~emergency]~~ or local state of emergency pursuant to chapter
8 ~~[128-]~~ _____. Any certificate issued pursuant to this subsection
9 shall expire upon the expiration of the ~~[state-declared]~~ state
10 of emergency or local state of emergency or an earlier date
11 determined by the commission in response to prevailing
12 conditions. An extension of a certificate granted under this
13 subsection beyond the expiration of the ~~[state-declared]~~ state
14 of emergency or local state of emergency or date determined by
15 the commission shall be granted only subject to the notice,
16 hearing, and findings requirements of this chapter."

17 SECTION 11. Section 286-226, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "~~[§]286-226[§]~~ **Routes.** The intrastate shipment of
20 explosives of any quantity that would require placarding of the
21 transporting motor vehicle by the rules adopted pursuant to this

1 part, shall not take place without first giving the police
2 department and the fire department of the county in which the
3 explosives are to be transported a forty-eight hour minimum
4 advance notice. This advance notice shall be in writing and
5 indicate the quantity and type of explosive material being
6 shipped, the date and time of the shipment, and the route over
7 which the explosive shipment will travel. This provision does
8 not apply to the military during the period of [~~a civil defense~~
9 ~~emergency~~] an emergency or disaster proclaimed by the President
10 [~~or~~], the governor[~~-~~], or a county mayor."

11 SECTION 12. Section 309H-2, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[~~f~~]**\$309H-2[~~f~~]** **Hawaii health corps program established.**

14 The Hawaii health corps program is established to encourage
15 physicians, physicians assistants, and nurse practitioners to
16 serve in counties having a shortage of physicians, physician
17 assistants, and nurse practitioners, with priority given to a
18 rural area county. The Hawaii health corps program shall be
19 administered by the University of Hawaii John A. Burns school of
20 medicine and the University of Hawaii at Manoa school of nursing
21 and dental hygiene. In administering the program, the

1 University of Hawaii John A. Burns school of medicine and the
2 University of Hawaii at Manoa school of nursing and dental
3 hygiene shall:

4 (1) Adopt rules and develop guidelines to administer the
5 program;

6 (2) Identify and designate areas of the counties where
7 there is a shortage of physicians, physician
8 assistants, and nurse practitioners;

9 (3) Establish criteria for the selection by the University
10 of Hawaii John A. Burns school of medicine of
11 physicians, physician assistants, and nurse
12 practitioners to participate in the Hawaii rural
13 health care provider loan repayment program;

14 (4) Define and determine compliance with the service
15 commitments of the Hawaii rural health care provider
16 loan repayment program;

17 (5) Collect and manage reimbursements from participants
18 who do not meet their service commitments under the
19 Hawaii rural health care provider loan repayment
20 program;

- 1 (6) Publicize the program, particularly to maximize
2 participation by individuals who live in areas of a
3 county where there is a shortage of physicians,
4 physician assistants, and nurse practitioners;
- 5 (7) Solicit and accept grants and donations from public
6 and private sources for the Hawaii rural health care
7 provider loan repayment program, including maximizing
8 the use of federal matching funds; and
- 9 (8) Establish criteria and procedures for calling Hawaii
10 health corps program participants into service during
11 ~~[a civil defense or other]~~ an emergency~~[-]~~ or
12 disaster."

13 SECTION 13. Section 309H-4, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "~~{}~~\$309H-4~~{}~~ Hawaii health corps first responder service
16 obligation. If ~~[a civil defense or other]~~ an emergency~~[-]~~ or
17 disaster proclaimed under chapter ~~[127 or 128]~~ _____ occurs,
18 physicians, physician assistants, and nurse practitioners
19 participating in the Hawaii health corps program may be ordered
20 into service by the governor as first responders to serve in

1 areas of the State and in a capacity determined by the director
2 of health."

3 SECTION 14. Section 601-1.5, Hawaii Revised Statutes, is
4 amended by amending its title and subsections (a) and (b) to
5 read as follows:

6 " ~~[§]601-1.5[§] Civil defense emergency~~ Emergency period;
7 suspension of deadlines. (a) During ~~[a period of civil~~
8 ~~defense]~~ an emergency period proclaimed by the governor under
9 ~~[section 128-7,]~~ chapter _____, the chief justice shall be
10 authorized to order the suspension, tolling, extension, or
11 granting of relief from deadlines, time schedules, or filing
12 requirements imposed by otherwise applicable statutes, rules, or
13 court orders, in civil or criminal cases or administrative
14 matters, in any judicial circuit affected by the governor's
15 proclamation. The chief justice shall determine the judicial
16 circuits so affected.

17 (b) The order shall be limited to an initial duration of
18 not more than thirty days; provided that the order may be
19 modified or extended for such period of time as the chief
20 justice deems necessary due to an ongoing ~~[civil defense]~~ state
21 of emergency."

1 SECTION 15. Section 707-700, Hawaii Revised Statutes, is
2 amended by amending the definition of "emergency worker" to read
3 as follows:

4 "Emergency worker" means any:

- 5 (1) Law enforcement officer, including [~~but not limited~~
6 ~~to~~] any police officer, public safety officer, parole
7 or probation officer, or any other officer of any
8 county, state, federal, or military agency authorized
9 to exercise law enforcement or police powers;
- 10 (2) Firefighter, emergency medical services personnel,
11 emergency medical technician, ambulance crewmember, or
12 any other emergency response personnel;
- 13 (3) Member of the Hawaii national guard on any duty or
14 service done under or in pursuance of an order or call
15 of the governor or the President of the United States
16 or any proper authority;
- 17 (4) Member of the United States Army, Air Force, Navy,
18 [~~Marines,~~] Marine Corps, or Coast Guard on any duty or
19 service [~~done~~] performed under or in pursuance of an
20 order or call of the President of the United States or
21 any proper authority;

(5) Member of the national guard from any other state
ordered into service by any proper authority; or

(6) Person engaged in [~~civil defense~~] emergency management
functions as authorized by the director of [~~civil~~
~~defense~~] Hawaii emergency management or the
administrator or director of the county emergency
management agency or as otherwise authorized under
chapter [~~128, or~~

~~(7) Person engaged in disaster relief by authorization of~~
~~the director of disaster relief or as otherwise~~
~~authorized under chapter 127.] ____."~~

SECTION 16. Section 707-712.7, Hawaii Revised Statutes, is
amended to read as follows:

"[+]§707-712.7[+] Assault against an emergency worker.

(1) A person commits the offense of assault against an
emergency worker if the person, during [~~the time of a civil~~
~~defense emergency~~] an emergency period proclaimed by the
governor or mayor pursuant to chapter [~~128,~~] ____, within the
area covered by the [~~civil defense~~] emergency or [~~during the~~
~~period of disaster relief under chapter 127,~~] disaster:

1 (a) Intentionally, knowingly, or recklessly causes serious
2 or substantial bodily injury to an emergency worker;
3 or

4 (b) Intentionally, knowingly, or recklessly causes bodily
5 injury to an emergency worker with a dangerous
6 instrument.

7 (2) Assault against an emergency worker is a class B
8 felony."

9 SECTION 17. Section 708-817, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "[~~§~~708-817~~§~~] Burglary of a dwelling during [~~a civil~~
12 ~~defense~~] an emergency [~~or disaster relief~~] period. (1) A
13 person commits the offense of burglary of a dwelling if, during
14 [~~a civil defense~~] an emergency [~~or disaster relief period if~~]
15 period proclaimed by the governor or mayor pursuant to
16 chapter and within the area covered by the emergency
17 period, the person:

18 (a) Intentionally enters or remains unlawfully in a
19 dwelling with intent to commit therein a crime against
20 a person or against property rights; and

(b) Recklessly disregards a risk that the building is the dwelling of another, and the building is such a dwelling[,

~~during the time of a civil defense emergency proclaimed by the governor pursuant to chapter 128, within the area covered by the civil defense emergency or during the period of disaster relief under chapter 127.] at the time.~~

(2) Burglary of a dwelling during ~~[a civil defense]~~ an emergency ~~[or disaster relief]~~ period is a class A felony."

SECTION 18. Section 708-818, Hawaii Revised Statutes, is amended to read as follows:

"~~[§]708-818[§]~~ Burglary of a building during ~~[a civil defense emergency or disaster relief]~~ an emergency period. (1)

A person commits the offense of burglary of a building if, during ~~[a civil defense]~~ an emergency ~~[or disaster relief period if]~~ period proclaimed by the governor or mayor pursuant to chapter _____ and within the area covered by the emergency period, the person intentionally enters or remains unlawfully in a building other than a dwelling with intent to commit therein a crime against a person or against property rights ~~[during the time of a civil defense emergency proclaimed by the governor~~

1 ~~pursuant to chapter 128, within the area covered by the civil~~
2 ~~defense emergency or during the period of disaster relief under~~
3 ~~chapter 127].~~

4 (2) Burglary of a building during [~~a civil defense~~] an
5 emergency [~~or disaster relief~~] period is a class B felony."

6 SECTION 19. Section 708-820, Hawaii Revised Statutes, is
7 amended by amending subsection (1) to read as follows:

8 "(1) A person commits the offense of criminal property
9 damage in the first degree if by means other than fire:

10 (a) The person intentionally or knowingly damages property
11 and thereby recklessly places another person in danger
12 of death or bodily injury;

13 (b) The person intentionally or knowingly damages the
14 property of another, without the other's consent, in
15 an amount exceeding \$20,000;

16 (c) The person intentionally or knowingly damages the
17 property of another during [~~the time of a civil~~
18 ~~defense~~] an emergency period proclaimed by the
19 governor or mayor pursuant to chapter [~~128,~~] _____,
20 within the area covered by the [~~civil defense~~]

1 emergency [~~or during the period of disaster relief~~
2 ~~under chapter 127,~~] or disaster; or

3 (d) The person intentionally or knowingly damages the
4 agricultural equipment, supplies, or products or
5 aquacultural equipment, supplies, or products of
6 another, including trees, bushes, or any other plant
7 and livestock of another, without the other's consent,
8 in an amount exceeding \$1,500. In calculating the
9 amount of damages to agricultural products, the amount
10 of damages includes future losses and the loss of
11 future production."

12 SECTION 20. Section 708-830.5, Hawaii Revised Statutes, is
13 amended by amending subsection (1) to read as follows:

14 "(1) A person commits the offense of theft in the first
15 degree if the person commits theft:

16 (a) Of property or services, the value of which exceeds
17 \$20,000;

18 (b) Of a firearm;

19 (c) Of dynamite or other explosive; or

20 (d) Of property or services during [~~the time of a civil~~
21 ~~defense~~] an emergency period proclaimed by the

1 governor or mayor pursuant to chapter [128,] _____,
2 within the area covered by the [~~civil defense~~]
3 emergency [~~or during the period of disaster relief~~] or
4 disaster under chapter [127,] _____, the value of which
5 exceeds \$300."

6 SECTION 21. Section 708-840, Hawaii Revised Statutes, is
7 amended by amending subsection (1) to read as follows:

8 "(1) A person commits the offense of robbery in the first
9 degree if, in the course of committing theft or non-consensual
10 taking of a motor vehicle:

11 (a) The person attempts to kill another or intentionally
12 or knowingly inflicts or attempts to inflict serious
13 bodily injury upon another;

14 (b) The person is armed with a dangerous instrument or a
15 simulated firearm and:

16 (i) The person uses force against the person of
17 anyone present with intent to overcome that
18 person's physical resistance or physical power of
19 resistance; or

20 (ii) The person threatens the imminent use of force
21 against the person of anyone present with intent

1 to compel acquiescence to the taking of or
2 escaping with the property;

3 (c) The person uses force against the person of anyone
4 present with the intent to overcome that person's
5 physical resistance or physical power of resistance
6 during ~~[the time of a civil defense]~~ an emergency
7 period proclaimed by the governor or mayor pursuant to
8 chapter ~~[1287]~~ _____, within the area covered by the
9 ~~[civil defense emergency or during the period of~~
10 ~~disaster relief under chapter 1277]~~ emergency or
11 disaster; or

12 (d) The person threatens the imminent use of force against
13 the person of anyone present with intent to compel
14 acquiescence to the taking of or escaping with the
15 property during ~~[the time of a civil defense]~~ an
16 emergency period proclaimed by the governor or mayor
17 pursuant to chapter ~~[1287]~~ _____, within the area
18 covered by the ~~[civil defense emergency or during the~~
19 ~~period of disaster relief under chapter 1277.]~~
20 emergency or disaster."

1 SECTION 22. Section 710-1014.5, Hawaii Revised Statutes,
2 is amended by amending subsection (3) to read as follows:

3 "(3) For purposes of this section, "public safety agency"
4 means any federal, state, or county police, fire, emergency
5 medical service, or [~~civil defense relief~~] emergency management
6 agency."

7 SECTION 23. Chapter 127, Hawaii Revised Statutes, is
8 repealed.

9 SECTION 24. Chapter 128, Hawaii Revised Statutes, is
10 repealed.

11 SECTION 25. Section 209-9, Hawaii Revised Statutes, is
12 repealed.

13 [~~"§209-9 Rental or sale of essential commodities during a~~
14 ~~state disaster; prohibition against price increases. (a)~~
15 ~~Whenever the governor declares a state disaster for the entire~~
16 ~~State or any portion thereof, or when the State, or any portion~~
17 ~~thereof, is the subject of a severe weather warning.~~

18 ~~(1) There shall be prohibited any increase in the selling~~
19 ~~price of any commodity, whether at the retail or~~
20 ~~wholesale level, in the area that is the subject of~~

~~the disaster declaration or the severe weather
warning, and~~

~~(2) No landlord shall terminate any tenancy for a
residential dwelling unit in the area that is the
subject of a disaster declaration or a severe weather
warning, except for a breach of a material term of a
rental agreement or lease, or if the unit is unfit for
occupancy as defined in this chapter, provided that:~~

~~(A) Nothing in this chapter shall be construed to
extend a fixed term lease beyond its termination
date, except that a periodic tenancy for a
residential dwelling unit may be terminated by
the landlord upon forty five days written notice.~~

~~(i) When the residential dwelling unit is sold
to a bona fide purchaser for value, or~~

~~(ii) When the landlord or an immediate family
member of the landlord will occupy the
residential dwelling unit, or~~

~~(B) Under a fixed term lease or a periodic tenancy,
upon forty five days written notice, a landlord
may require a tenant or tenants to relocate~~

1 ~~during the actual and continuous period of any~~
2 ~~repair to render a residential dwelling unit fit~~
3 ~~for occupancy provided that:~~

4 ~~(i) Reoccupancy shall first be offered to the~~
5 ~~same tenant or tenants upon completion of~~
6 ~~the repair; and~~

7 ~~(ii) The term of the fixed term lease or periodic~~
8 ~~tenancy shall be extended by a period of~~
9 ~~time equal to the duration of the repair;~~
10 ~~and~~

11 ~~(iii) It shall be the responsibility of the tenant~~
12 ~~or tenants to find other accommodations~~
13 ~~during the period of repair.~~

14 ~~As used in this section, "breach of a material term" means~~
15 ~~the failure of a party to perform an obligation under the rental~~
16 ~~agreement which constitutes the consideration for entering into~~
17 ~~the contract and includes the failure to make a timely payment~~
18 ~~of rent. For the purpose of this subsection:~~

19 ~~"Fixed term lease" means a lease for real property that~~
20 ~~specifies its beginning date and its termination date as~~
21 ~~calendar dates, or contains a formula for determining the~~



1 ~~beginning and termination dates, and the application of the~~
2 ~~formula as of the date of the agreement will produce a calendar~~
3 ~~date for the beginning and termination of the lease.~~

4 ~~"Periodic tenancy" means a tenancy wherein real property is~~
5 ~~leased for an indefinite time with monthly or other periodic~~
6 ~~rent reserved. A periodic tenancy may be created by express~~
7 ~~agreement of the parties, or by implication upon the expiration~~
8 ~~of a fixed term lease when neither landlord nor tenant provides~~
9 ~~the other with written notice of termination and the tenant~~
10 ~~retains possession of the premises for any period of time after~~
11 ~~the expiration of the original term.~~

12 ~~"Unfit for occupancy" means that a residential dwelling~~
13 ~~unit has been damaged to the extent that the appropriate county~~
14 ~~agency determines that the unit creates a dangerous or~~
15 ~~unsanitary situation and is dangerous to the occupants or to the~~
16 ~~neighborhood.~~

17 ~~(b) Notwithstanding this section, any additional operating~~
18 ~~expenses incurred by the seller or landlord because of the state~~
19 ~~disaster, and which can be documented, may be passed on to the~~
20 ~~consumer. In the case of a residential dwelling unit, if rent~~
21 ~~increases are contained in a written instrument which was signed~~

1 ~~by the tenant prior to the disaster declaration or severe~~
2 ~~weather warning, the increases may take place pursuant to the~~
3 ~~written instrument.~~

4 ~~(c) The prohibitions under subsection (a) shall remain in~~
5 ~~effect until twenty four hours after the severe weather warning~~
6 ~~is canceled by the National Weather Service, or in the event of~~
7 ~~a disaster declaration, until the declaration is altered,~~
8 ~~amended, revised, or revoked by the governor.~~

9 ~~(d) In any action against a merchant, landlord, or other~~
10 ~~business for violation of the price limitations in this section,~~
11 ~~the defendant shall be deemed not to have violated this section~~
12 ~~if the defendant proves all of the following.~~

13 ~~(1) The violation of the price limitation was~~
14 ~~unintentional,~~

15 ~~(2) The defendant voluntarily rolled back prices to the~~
16 ~~appropriate level upon discovering that this section~~
17 ~~was or may have been violated, and~~

18 ~~(3) The defendant has instituted a restitution program for~~
19 ~~all consumers who may have paid excessive prices.~~

20 ~~(e) Any violation of this section shall constitute unfair~~
21 ~~methods of competition and unfair and deceptive acts or~~

1 ~~practices in the conduct of any trade [or] commerce under~~
2 ~~section 480 2 and shall be subject to a civil penalty as~~
3 ~~provided in section 480 3.1. Each item sold at a price that is~~
4 ~~prohibited by this section shall constitute a separate~~
5 ~~violation-"]~~

6 SECTION 26. This Act does not affect rights and duties
7 that matured, penalties that were incurred, and proceedings that
8 were begun before its effective date. Rules, policies,
9 procedures, guidelines, and other material adopted or developed
10 under the authority of chapter 128, Hawaii Revised Statutes, or
11 proclamations issued under the authority of chapter 128, Hawaii
12 Revised Statutes, shall remain in effect until they are repealed
13 or replaced under the authority of the chapter being enacted in
14 this Act. References in the new chapter to rules shall include
15 rules adopted pursuant to chapter 128, Hawaii Revised Statutes,
16 until the rules adopted pursuant to chapter 128, Hawaii Revised
17 Statutes, are repealed or replaced under the authority of the
18 new chapter. Every reference to the civil defense agency of the
19 department of defense in any rules, policies, procedures,
20 guidelines, and other materials shall be amended to refer to the
21 Hawaii emergency management agency.

1 No officer or employee of the State having tenure shall
2 suffer any loss of salary, seniority, prior service credit,
3 vacation, sick leave, or other employee benefit or privilege as
4 a consequence of this Act, and such officer or employee may be
5 transferred or appointed to a civil service position without the
6 necessity of examination; provided that the officer or employee
7 possesses the minimum qualifications for the position to which
8 transferred or appointed; and provided further that subsequent
9 changes in status may be made pursuant to applicable civil
10 service and compensation laws.

11 An officer or employee of the State who does not have
12 tenure and who may be transferred or appointed to a civil
13 service position as a consequence of this Act shall become a
14 civil service employee without the loss of salary, seniority,
15 prior service credit, vacation, sick leave, or other employee
16 benefits or privileges and without the necessity of examination;
17 provided that such officer or employee possesses the minimum
18 qualifications for the position to which transferred or
19 appointed.

20 If an office or position held by an officer or employee
21 having tenure is abolished, the officer or employee shall not

1 thereby be separated from public employment, but shall remain in
2 the employment of the State with the same pay and classification
3 and shall be transferred to some other office or position for
4 which the officer or employee is eligible under the personnel
5 laws of the State as determined by the head of the department or
6 the governor.

7 All deeds, leases, contracts, loans, agreements, permits,
8 or other documents executed or entered into by or on behalf of
9 the civil defense agency of the department of defense, or the
10 department of defense on behalf of the civil defense agency,
11 pursuant to the provisions of the Hawaii Revised Statutes, which
12 are reenacted or made applicable to the Hawaii emergency
13 management agency, by this Act, shall remain in full force and
14 effect. Effective upon approval of this Act, every reference to
15 the civil defense agency of the department of defense or the
16 department of defense for its civil defense agency, shall be
17 construed as a reference to the Hawaii emergency management
18 agency.

19 All appropriations, records, equipment, machines, files,
20 supplies, contracts, books, papers, documents, maps, and other
21 personal property heretofore made, used, acquired, or held by

1 the civil defense agency of the department of defense relating
2 to emergency management pursuant to chapter 128, Hawaii Revised
3 Statutes, shall be transferred to the Hawaii emergency
4 management agency.

5 SECTION 27. If any part of this Act is found to be in
6 conflict with federal requirements that are a prescribed
7 condition for the allocation of federal funds to the State, the
8 conflicting part of this Act is inoperative solely to the extent
9 of the conflict and with respect to the agencies directly
10 affected, and this funding shall not affect the operation of the
11 remainder of this Act in its application to the agencies
12 concerned. The rules under this Act shall meet federal
13 requirements that are a necessary condition to the receipt of
14 federal funds by the State.

15 SECTION 28. Sections 26-14.6, 26-24, 121-9, 121-34.5,
16 128E-5, 134-16(b), 179D-30(2), 196-1(4), 205A-22, 271G-10, 286-
17 64, 286-65, 286-66, 286-67, 291-17(e), 321-23, 508D-15(a)(4),
18 and 803-42(b)(7), Hawaii Revised Statutes, shall be amended by
19 substituting the phrase "emergency management" whenever the
20 phrase "civil defense" appears, as the context requires.



1 SECTION 29. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 30. This Act shall take effect on July 1, 2014;
4 provided that section -5(f), Hawaii Revised Statutes, in
5 section 2 of this Act shall take effect on July 1, 2016.

APPROVED this ²⁰ day of JUN , 2014



GOVERNOR OF THE STATE OF HAWAII



Reference 2

**State of Hawaii Coastal Zone Management Program and
Final Environmental Impact Statement**

Table 5 Authorities Matrix HRS

State of Hawaii Coastal Zone Management Program and Final Environmental Impact Statement



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of Coastal Zone Management

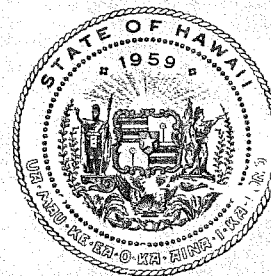


TABLE 5 AUTHORITIES MATRIX

HAWAII CZM OBJECTIVES AND POLICIES	STATE AUTHORITIES	STATE-MANDATED COUNTY AUTHORITIES
RECREATIONAL RESOURCES		
<p>OBJECTIVE: Provide coastal recreation opportunities accessible to the public.</p>	<p>DLNR: HRS 171, 115, 173A DPED: HRS 201 LUC: HRS 205 All Agencies: HRS 344, 101, 343 DLNR: HRS 173A DOH: HRS 266 DPED: HRS 201, Act 69, SLH 1974</p>	<p>HRS 46-6 & Relevant County Regs HRS 46-6.5 & Relevant County Regs HRS 205 & Relevant County Regs HRS 205A & Relevant County Regs</p>
<p>POLICY 1: Improve coordination and funding of coastal recreation planning and management.</p>		
<p>POLICY 2: Provide adequate, accessible, and diverse recreational opportunities in the coastal zone by:</p> <p>(i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas; and</p>	<p>DLNR: HRS 173A, 191 DOH: HRS 180C LUC: HRS 205 DOT: HRS 266</p>	<p>HRS 205 & Relevant County Regs HRS 205A & Relevant County Regs</p>
<p>(ii) Requiring replacement of coastal resources having significant recreational value, including but not limited to surfing sites and sandy beaches, when such resources will be unavoidably damaged by development, or requiring reasonable monetary compensation to the State for recreation when replacement is not feasible or desirable; and</p>	<p>DLNR: HRS 173A LUC: HRS 205</p>	
<p>(iii) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value; and</p>	<p>DLNR: HRS 115, 171, 173A DOT: HRS 266 DPED: Act 69, SLH 1974</p>	<p>HRS 46-6 & Relevant County Regs HRS 205A & Relevant County Regs</p>
<p>(iv) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation; and</p>	<p>DLNR: HRS 184, Parks Reg 1 DOT: HRS 266 DOH: HRS 321, Reg 15</p>	<p>HRS 205A & Relevant County Regs</p>
<p>(v) Encouraging expanded public recreational use of County, State, and Federally-owned or controlled shoreline lands and waters having recreational value; and</p>	<p>DLNR: HRS 183, Reg 4 DPED: HRS 201</p>	
<p>(vi) Adopting water quality standards and regulating point and non-point sources of pollution in order to protect and where feasible, restore the recreational value of coastal waters; and</p>	<p>DOH: HRS 180C, 342, Regs 37, 37A, 38</p>	<p>HRS 180C & Relevant County Regs</p>
<p>(vii) Developing new shoreline recreational opportunities where appropriate, such as artificial reefs for surfing and fishing; and</p>	<p>DLNR: HRS 173A LUC: HRS 205</p>	

TABLE 5 AUTHORITIES MATRIX

HAWAII CZM OBJECTIVES AND POLICIES		STATE AUTHORITIES	STATE-MANDATED COUNTY AUTHORITIES
RECREATIONAL RESOURCES			
(viii) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the State Land Use Commission, Board of Land and Natural Resources, County councils, and County planning commissions and crediting such dedication against the requirements of Section 46-6, HRS.		LUC: HRS 205	HRS 205A & Relevant County Regs
HISTORIC RESOURCES			
OBJECTIVE: Protect, preserve, and, where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaii and American history and culture.		Constitution - Article VIII-5 DLNR: HRS 6, 173A, Reg 2 LUC: HRS 205 All Agencies: HRS 343, 344, 203-3, 101	HRS 57
POLICY 1: Identify and analyze significant archaeological resources.		DLNR: HRS 6, 173A DPED: HRS 201 All Agencies: HRS 343, 344	
POLICY 2: Maximize information retention through preservation of remains and artifacts or salvage operations.		DLNR: HRS 6, 184 LUC: HRS 205 All Agencies: HRS 343, 344	
POLICY 3: Support State goals for protection, restoration, interpretation, and display of historic resources.		Constitution - Article VIII-5 DLNR: HRS 6, 173A, 184, Reg 4 LUC: HRS 205 All Agencies: HRS 343, 344, 203-3	HRS 57
SCENIC AND OPEN SPACE RESOURCES			
OBJECTIVE: Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.		Constitution - Article VIII DLNR: HRS 183, 184 DPED: HRS 201 LUC: HRS 205 All Agencies: HRS 343, 344, 101	HRS 57
POLICY 1: Identify valued scenic resources in the coastal zone.		DPED: HRS 201	HRS 57

TABLE 5 AUTHORITIES MATRIX

HAWAII CZM OBJECTIVES AND POLICIES	STATE AUTHORITIES	STATE-MANDATED COUNTY AUTHORITIES
SCENIC AND OPEN SPACE RESOURCES		
POLICY 2: Insure that new developments are compatible with their visual environment by designing and locating such developments so as to minimize the alteration of natural landforms and existing public views to and along the shoreline.	LUC: HRS 205	HRS 57
POLICY 3: Preserve, maintain, and where desirable, improve and restore shoreline open space and scenic resources.	Constitution - Article VIII DLNR: HRS 173A, 184, 183 LUC: HRS 205 All Agencies: HRS 344	HRS 205 & Relevant County Regs HRS 205A & Relevant County Regs
POLICY 4: Encourage those developments which are not coastal dependent to locate in inland areas.	Constitution - Article VIII LUC: HRS 205 All Agencies: HRS 343, 344	HRS 57
COASTAL ECOSYSTEMS ¹		
OBJECTIVE: Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.	Constitution - Article X-1 DOH/DOA: HRS 149A DLNR: HRS 173A, 183, 187, 191, Reg 4, 190, 195, 195D LUC: HRS 205 DPED: HRS 225 DOT: HRS 266 All Agencies: OEQC: HRS 341 HRS 101, 343	HRS 205, Part II & Relevant County Regs HRS 205A & Relevant County Regs
POLICY 1: Improve the technical basis for natural resources management.	DOH: HRS 180C, 342 DLNR: HRS 195 OEQC: HRS 341	HRS 180C & Relevant County Regs
POLICY 2: Preserve valuable coastal ecosystems of significant biological or economic importance.	DLNR: HRS 173A, 183, 187, 188, 189, 190, 195, 195D Reg 6, 7, 32, 33, 40, 42 LUC: HRS 205 DOH: HRS 343, Reg 37A DOH/DOA: HRS 149A	HRS 205A & Relevant County Regs

TABLE 5 AUTHORITIES MATRIX

HAWAII CZM OBJECTIVES AND POLICIES	STATE AUTHORITIES	STATE-MANDATED COUNTY AUTHORITIES
COASTAL ECOSYSTEMS		
POLICY 3: Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs.	DLNR: DOH: DOT: HRS 183 HRS 180C, 342 HRS 266	HRS 180C & Relevant County Regs HRS 205, Part II & Relevant County Regs HRS 205A & Relevant County Regs
POLICY 4: Promote water quantity or quality planning and management practices which reflect the tolerance of fresh water and marine ecosystems and prohibit land and water uses which violate State water quality standards.	DLNR: DOH: LUC: DPED: DOT: OEQC: HRS 183, Reg 4 HRS 180C, 342, Reg 37A HRS 205 HRS 225 HRS 266 HRS 341	HRS 180C & Relevant County Regs HRS 205 Part II & Relevant County Regs HRS 205A & Relevant County Regs
ECONOMIC USES		
OBJECTIVE: Provide public or private facilities and improvements important to the State's economy in suitable locations.	DLNR: DPED: DOT: All Agencies: HRS 171, 174, 176, 183 HRS 225, 206E, 196 HRS 279A HRS 344, 101	HRS 205 & Relevant County Regs
POLICY 1: Concentrate in appropriate areas the location of coastal dependent development necessary to the State's economy.	DLNR: LUC: DPED: DOT: HRS 171, 174, 176 HRS 205 HRS 225, 196 HRS 279A	
POLICY 2: Insure that coastal dependent development such as harbors and ports, visitor industry facilities, and energy generating facilities are located, designed and constructed so as to minimize adverse social, visual, and environmental impacts in the coastal zone.	LUC: DOT: DPED: All Agencies: HRS 205 HRS 266 HRS 206E, 196 HRS 343, 344	HRS 57 HRS 205 & Relevant County Regs HRS 205A & Relevant County Regs
POLICY 3: Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of existing areas when: (i) Utilizing currently designated locations for such uses is not feasible; (ii) Adverse environmental effects are minimized; and (iii) It is important to the State's economy.	DLNR: LUC: DPED: DOT: All Agencies: HRS 171, 174, 176, 183 HRS 205 HRS 225 HRS 266, 279A HRS 343, 344	HRS 205 & Relevant County Regs HRS 205A & Relevant County Regs

TABLE 5 AUTHORITIES MATRIX

HAWAII CZM OBJECTIVES AND POLICIES	STATE AUTHORITIES	STATE-MANDATED COUNTY AUTHORITIES
COASTAL HAZARDS		
<p><u>OBJECTIVE:</u> Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, and subsidence.</p>	<p>All Agencies: HRS 101 DLNR: HRS 179 Soil Conservation: HRS 180 DOH: HRS 180C DOT: HRS 266</p>	<p>HRS 180C & Relevant County Regs HRS 205 & Relevant County Regs HRS 205A & Relevant County Regs</p>
<p><u>POLICY 1:</u> Develop and communicate adequate information on storm wave, tsunami, flood, erosion, and subsidence hazard.</p>	<p>DLNR: HRS 179 Soil Conservation: HRS 180</p>	<p>HRS 46 & Relevant County Regs HRS 62</p>
<p><u>POLICY 2:</u> Control development in areas subject to storm wave, tsunami, flood, erosion, and subsidence hazard.</p>	<p>All Agencies: HRS 343 DLNR: HRS 179 DOH: HRS 180C DOT: HRS 266</p>	<p>HRS 180C & Relevant County Regs HRS 205 & Relevant County Regs HRS 205A & Relevant County Regs</p>
<p><u>POLICY 3:</u> Ensure that developments comply with requirements of the Federal Flood Insurance Program.</p>	<p>DLNR: HRS 179</p>	<p>HRS 46 & Relevant County Regs HRS 62 HRS 180C & Relevant County Regs</p>
<p><u>POLICY 4:</u> Prevent coastal flooding from inland projects.</p>	<p>Soil Conservation: HRS 180 DOH: HRS 180C</p>	<p>HRS 180C & Relevant County Regs HRS 205A & Relevant County Regs</p>
MANAGING DEVELOPMENT		
<p><u>OBJECTIVE:</u> Improve the development review process, communication, and public participation in the management of coastal resources and hazards.</p>	<p>DPED: HRS 225 All Agencies: HRS 91, 92, 344</p>	
<p><u>POLICY 1:</u> Effectively utilize and implement existing statutory authority to the maximum extent possible in managing present and future coastal zone development.</p>	<p>DPED: HRS 225 B&F: HRS 37</p>	<p>HRS 46 & Relevant County Regs</p>
<p><u>POLICY 2:</u> Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements.</p>	<p>Council on Housing: Act 166, SLH 1976 B&F: HRS 37</p>	<p>HRS 46 & Relevant County Regs</p>
<p><u>POLICY 3:</u> Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life-cycle and in terms understandable to the general public to facilitate public participation in the planning and review process.</p>	<p>LUC: HRS 205 All Agencies: HRS 91, 92, 344, 343</p>	

FOOTNOTE

- ¹ Existing statutes, ordinances, and regulations also provide for the protection, utilization, and development of mineral resources and living marine resources. These include, but are not limited to, the following:

Mineral Resources - HRS 181, 173A, 180C, 205, 205A, DLNR Reg. 4

Living Marine Resources - HRS 173A, 191, 195, 195D, 205, 205A

AUTHORITIES CITATION

HRS** 6	Historic Objectives and Sites, Memorials	HRS 187	General Provisions Relating to Fish & Game
HRS 37	Budget	HRS 188	Fishing Rights and Regulations
HRS 46-6	Parks Dedication	HRS 189	Commercial Fishing
HRS 46-6.5	Public Access	HRS 190	Marine Life Conservation Program
HRS 46-11	Federal Flood Insurance	HRS 191	Birds and Mammals
HRS 46-18	Intergovernmental Procedures Relating to Land Use	HRS 195	Natural Areas Reserve System
HRS 57	Urban Design	HRS 195D	Conservation of Wildlife and Plants
HRS 62	General Powers of County Officers	HRS 196	Energy Resources
HRS 91	Administrative Powers	HRS 201	Department of Planning and Economic Development
HRS 92	Public Agency Meetings and Records	HRS 203	Tourism Development
HRS 101	Eminent Domain	HRS 205	Land Use Commission
HRS 115	Public Access to Coastal and Inland Recreational Areas	HRS 205,	Shoreline Setback
HRS 149A	Banning of Pesticides	Part II	
HRS 171	Rights-of-Way to the Sea & Games Preserves	HRS 205A	Coastal Zone Management
HRS 173A	Acquisition of Resource Value Lands	HRS 206E	Hawaii Community Development Authority
HRS 174	Water and Land Development	HRS 225	Policy Planning - State Plan
HRS 176	Water Resources	HRS 266	Regulations of Shore and Water
HRS 177	Ground Water Use	HRS 277	Energy Corridors
HRS 179	Flood Control & Flood Water Conservation	HRS 279A	Statewide Transportation Planning
HRS 180	Soil and Water Conservation Districts	HRS 341	Environmental Quality Control
HRS 180C	Soil Erosion and Sediment Control	HRS 342	Environmental Quality
HRS 183	Forest Reservations, Water Development, Zoning	HRS 343	Environmental Quality Commission and Environmental Impact Statement
		HRS 344	State Environmental Policy

* Copies of a supplement, Legal Text of Authorities Cited in the Hawaii CZM Program Document, are available at the DPED or the Office of Coastal Zone Management.

** Hawaii Revised Statutes.

Act 69, SLH 1974 Statewide Trail and Access System

Act 166, SLH 1976. Council of Housing and Construction Industry

DLNR Reg. 4 Administration - Land Use Within Conservation Districts

DLNR Reg. 6 Administration Relating to the protection, control, and use of the Waiakea
1942 Lava Flow Natural Area Reserve.

DLNR Reg. 7 Administration Relating to the protection, control, and use of Ahihi-Kinohi Natural Area Reserve, Island of Maui.

DLNR Reg. 1 State Parks Division - Relating to the regulation and control of the State Parks System.

DLNR Reg. 2 State Parks Division - Relating to historic and archaeological sites and permits to examine and excavate ruins thereon.

DLNR Reg. 1-40
and 42

Fish and Game Division Those regulations dealing with the establishment, protection, and/or regulation of hunting on public lands; wildlife refuges, game bird hunting and commercial shooting preserves; new game birds and mammals; wild deer; indigenous, endangered, and introduced birds and/or mammals; bird and wildlife sanctuaries; freshwater fishing reserves, refuges, and public fishing areas; the taking of freshwater fishes, lobsters, mullets and the use of non-portable fish traps; the licensing and sale of fish, shellfish, crustaceans, or other marine animals; the taking of bait fish (nehu, iao, marquesan sardine, tabai, phia, and threadfin shad); the taking and/or protection of native pearl oyster, samoa crab, and clams; certain introduced shellfishes, octopus, ulua, papio, omilu, moi-llii, moi, oama, and marine turtles; game mammal hunting; and refuges, experimental sites and rearing stations for aquatic fauna and flora; and marine life conservation districts.

Kauai County

DOH Reg. 15 Recreational Trailer Camps

K Ord 164 Kauai County Comprehensive Zoning Ordinance

DOH Reg. 37 Water Pollution Control

DOH Reg. 37A State Water Quality Standards

K Ord 175 Kauai County Subdivision Ordinance

DOH Reg. 38 Sewage Treatment & Disposal
Systems Standards

K Ord 262 Kauai County Grubbing, Grading,
 Stockpiling, and Soil Erosion
 and Sedimentation

City & County of Honolulu

C&C RO 22 Subdivision

K R&R Environmental Shoreline Protection
Rules and Regulations

C&C RO23 Grubbing, Grading, Stockpiling

K R&R Kauai County Shoreline Setback
Rules and Regulations

C&C Ord 4311 Public Access Requirements

Hawaii County

C&C Ord 4529 Shoreline Management Permit

H Ord 168 Grading Ordinance

C&C Ord 4621 Park Dedication

H Ord 301 Parks and Playgrounds

C&C Ord 77-73 Central Coordinating Agency

H Ord 305 Central Coordinating Agency

Maui County

M Ord 789 Maui County Subdivision Ordinance
(1974)

H Ord 439 Hawaii County General Plan

H Ch. 9 Subdivision Code

M Ord 816 Soil Erosion and Sediment Control
(1975)

H R&R 8 Rules and Regulations Relating to
Shoreline Setback

M Ord 885 Central Coordinating Agency

H R&R 9 Rules and Regulations Relating to
Environmental Shoreline
Protection

M R&R Maui County Interim CZM Rules & Regulations