

# HAWAII STATE CONSTITUTION

## ARTICLE VIII

### LOCAL GOVERNMENT

#### CREATION; POWERS OF POLITICAL SUBDIVISIONS

Section 1. The legislature shall create counties, and may create other political subdivisions within the State, and provide for the government thereof. Each political subdivision shall have and exercise such powers as shall be conferred under general laws. [Ren and am Const Con 1978 and election Nov 7, 1978]

#### LOCAL SELF-GOVERNMENT; CHARTER

Section 2. Each political subdivision shall have the power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be provided by general law. Such procedures, however, shall not require the approval of a charter by a legislative body.

Charter provisions with respect to a political subdivision's executive, legislative and administrative structure and organization shall be superior to statutory provisions, subject to the authority of the legislature to enact general laws allocating and reallocating powers and functions.

A law may qualify as a general law even though it is inapplicable to one or more counties by reason of the provisions of this section. [Am Const Con 1968 and election Nov 5, 1968; ren and am Const Con 1978 and election Nov 7, 1978]

#### TAXATION AND FINANCE

Section 3. The taxing power shall be reserved to the State, except so much thereof as may be delegated by the legislature to the political subdivisions, and except that all functions, powers and duties relating to the taxation of real property shall be exercised exclusively by the counties, with the exception of the county of Kalawao. The legislature shall have the power to apportion state revenues among the several political subdivisions. [Ren and am Const Con 1978 and election Nov 7, 1978]

## MANDATES; ACCRUED CLAIMS

Section 4. No law shall be passed mandating any political subdivision to pay any previously accrued claim. [Ren Const Con 1978 and election Nov 7, 1978]

## TRANSFER OF MANDATED PROGRAMS

Section 5. If any new program or increase in the level of service under an existing program shall be mandated to any of the political subdivisions by the legislature, it shall provide that the State share in the cost. [Add Const Con 1978 and election Nov 7, 1978]

## STATEWIDE LAWS

Section 6. This article shall not limit the power of the legislature to enact laws of statewide concern. [Ren and am Const Con 1978 and election Nov 7, 1978]

## STATE

### Taxation

- \* Income
- \* Excise

### Public Health

- \* State hospitals
- \* Public health services

### Public Assistance & Social Services

### Public Safety

- \* Corrections
- \* Limited law enforcement

### Civil Defense

- \* National Guard
- \* Disaster preparedness & response

### Environment and Natural Resources

- \* State public lands
- \* Conservation on public and private lands
- \* Marine resources
- \* Fresh water resources
- \* Environmental regulation

### Parks (passive)

### Land Use

### Lower and Higher Education

### Hawaiian Home Lands Trust

### Transportation

- \* Airports
- \* Harbors
- \* Highways

### Economic Development

### Consumer Regulation and Protection

## LOCAL (Counties)

### Taxation

- \* Property

### Public Safety

- \* Law enforcement (police)

### Civil Defense

- \* Disaster preparedness & response

### Environment/Public Works

- \* County public lands
- \* Wastewater treatment

### Parks and Recreation

### Zoning

### Transportation

- \* Transit (example: busses)
- \* County roads and highways
- \* Traffic control

### Economic Development