
A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. The legislature finds that achieving an
2 abundant and sustainable future for Hawaii will require
3 re-envisioning the State's institutional framework to better
4 integrate sustainability principles into the organizational
5 structure of state government, especially in planning, land use,
6 environmental, and economic development programs.

7 Improved collaboration of state agencies is necessary to
8 achieve the State's sustainability goals and clean energy
9 benchmarks. The legislature further finds that improved
10 integration of land use planning and environmental policy
11 decision-making will enhance state government agencies' ability
12 to implement climate change adaptation measures to address sea
13 level rise and more frequent and intense storm events, and
14 climate change mitigation measures such as increasing clean
15 energy production and reducing greenhouse gas emissions.

16 Therefore, the legislature finds that it is in the public
17 interest to consolidate various government land use functions of



1 different agencies into a new structure under an office of
2 planning and sustainable development in an effort to place all
3 key decision-making and regulatory responsibility surrounding
4 land use planning and permitting under one structure.

5 The purpose of this Act is to integrate the land use
6 commission within a modified office of planning, to be renamed
7 the office of planning and sustainable development. The
8 legislature notes that a separate Act will integrate the office
9 of environmental quality control within the office of planning
10 and sustainable development. These two Acts will improve the
11 coordination of these related functions so state government can
12 work more efficiently to achieve the State's long-term
13 sustainability and climate change goals for a more abundant
14 future for the people of Hawaii.

15 SECTION 2. Section 26-18, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "(b) The following are placed in the department of
18 business, economic development, and tourism for administrative
19 purposes as defined by section 26-35: Hawaii community
20 development authority, Hawaii housing finance and development
21 corporation, Hawaii technology development corporation, [~~land~~



1 ~~use commission,~~] natural energy laboratory of Hawaii authority,
2 office of planning and sustainable development, and any other
3 boards and commissions as shall be provided by law."

4 SECTION 3. Section 201-2, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§201-2 General objective, functions, and duties of**
7 **department.** ~~[(a)]~~ It shall be the objective of the
8 department of business, economic development, and tourism to
9 make broad policy determinations with respect to economic
10 development in the State and to stimulate through research and
11 demonstration projects those industrial and economic development
12 efforts that offer the most immediate promise of expanding the
13 economy of the State. The department shall endeavor to gain an
14 understanding of those functions and activities of other
15 governmental agencies and of private agencies that relate to the
16 field of economic development. It shall, at all times,
17 encourage initiative and creative thinking in harmony with the
18 objectives of the department.

19 ~~[(b)] The department of business, economic development,~~
20 ~~and tourism shall have sole jurisdiction over the land use~~
21 ~~commission under chapter 205, state planning under chapter 225M,~~



1 ~~and the Hawaii State Planning Act under chapter 226. Due to the~~
2 ~~inherently interdependent functions of development, planning,~~
3 ~~and land use, these functions shall not be transferred by~~
4 ~~executive order, directive, or memorandum, to any other~~
5 ~~department, nor shall these functions be subject to review or~~
6 ~~approval by any other department.]"~~

7 SECTION 4. Section 205-1, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§205-1 Establishment of the commission.** [†](a)[†] There
10 shall be a state land use commission, hereinafter called the
11 commission. The commission shall consist of nine members who
12 shall hold no other public office and shall be appointed in the
13 manner and serve for the term set forth in section 26-34. One
14 member shall be appointed from each of the counties and the
15 remainder shall be appointed at large; provided that one member
16 shall have substantial experience or expertise in traditional
17 Hawaiian land usage and knowledge of cultural land practices.
18 The commission shall elect its chairperson from one of its
19 members. The members shall receive no compensation for their
20 services on the commission, but shall be reimbursed for actual



1 expenses incurred in the performance of their duties. Six
2 affirmative votes shall be necessary for any boundary amendment.

3 [+] (b) [+] The commission shall be a part of the
4 [~~department of business, economic development, and tourism~~]
5 office of planning and sustainable development for
6 [~~administration~~] administrative purposes [~~, as provided for in~~
7 ~~section 26-35~~].

8 [+] (c) [+] The commission may engage employees necessary to
9 perform its duties, including administrative personnel and an
10 executive officer. The executive officer shall be appointed by
11 the commission and the executive officer's position shall be
12 exempt from civil service. Departments of the state government
13 shall make available to the commission such data, facilities,
14 and personnel as are necessary for it to perform its duties.
15 The commission may receive and utilize gifts and any funds from
16 the federal or other governmental agencies. It shall adopt
17 rules guiding its conduct, maintain a record of its activities
18 and accomplishments, and make recommendations to the governor
19 and to the legislature through the governor.



1 (d) Notwithstanding any law to the contrary, the
2 commission shall be exempt from section 26-35 with the exception
3 of 26-35(a) (2), (3), (7), (8), and subsection (b) shall apply.

4 (e) The land use commission shall maintain its
5 independence on matters coming before it to which the office of
6 planning and sustainable development is a party by establishing
7 and adhering to the process required by section 225M-2(d)."

8 SECTION 5. Section 205-18, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§205-18** ~~[Periodic review]~~ **Review of districts.** The
11 office of planning ~~[shall]~~ and sustainable development may
12 undertake a review of the classification and districting of all
13 lands in the State~~[, within five years from December 31, 1985,~~
14 ~~and every fifth year thereafter]~~. The office, in its
15 ~~[five-year]~~ boundary review, shall focus its efforts on
16 reviewing the Hawaii state plan, county general plans, and
17 county development and community plans. Upon completion of the
18 ~~[five-year]~~ boundary review, the office shall submit a report of
19 the findings to the commission~~[,]~~ , governor, legislature, and
20 appropriate state and county agencies. The office may initiate
21 state land use boundary amendments which it deems appropriate to



1 conform to these plans. The office may seek the assistance of
2 appropriate state and county agencies and may employ consultants
3 and undertake studies in making this review."

4 SECTION 6. Section 225M-1, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§225M-1 Purpose.** (a) The purpose of this chapter is to
7 establish an office of planning and sustainable development to
8 assist the governor [~~and the director of business, economic~~
9 ~~development, and tourism~~], the legislature, and state and county
10 agencies in maintaining an overall framework to guide the
11 development of the State through a continuous process of
12 comprehensive, long-range, and strategic planning to meet the
13 physical, economic, and social needs of Hawaii's people, and
14 provide for the wise use of Hawaii's resources in a coordinated,
15 efficient, and economical manner, including the conservation of
16 those natural, environmental, recreational, scenic, historic,
17 and other limited and irreplaceable resources which are required
18 for future generations.

19 The establishment of an office of planning and sustainable
20 development in the department of business, economic development,
21 and tourism, for administrative purposes, is intended to:



1 (1) Fix responsibility and accountability to successfully
2 carry out statewide planning programs, policies, and
3 priorities;

4 (2) Improve the efficiency and effectiveness of the
5 operations of the executive branch; and

6 (3) Ensure comprehensive planning and coordination to
7 enhance the quality of life of the people of Hawaii.

8 (b) The office of planning and sustainable development
9 shall have sole jurisdiction over state planning under this
10 chapter, and the Hawaii state planning act under chapter 226.
11 Due to the inherently interdependent functions of development,
12 planning, and land use, these functions shall not be transferred
13 by executive order, directive, or memorandum to any other
14 department, nor shall these functions be subject to review or
15 approval by any other department."

16 SECTION 7. Section 225M-2, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§225M-2 Office of planning**[7] **and sustainable**
19 **development, establishment; responsibilities.** (a) There is
20 established the office of planning and sustainable development
21 within the department of business, economic development, and



1 tourism [~~an office of planning.~~] for administrative purposes
2 only. The head of the office shall be known as the director of
3 the office of planning[~~7~~] and sustainable development, and
4 referred to in this chapter as director. The director shall
5 serve as a member of the governor's cabinet and have:

6 [~~training~~]

7 (1) Training in the field of urban or regional planning,
8 public administration, or other related fields;

9 [~~experience~~]

10 (2) Experience in programs or services related to
11 governmental planning; and [~~experience~~]

12 (3) Experience in a supervisory, consultative, or
13 administrative capacity.

14 The director shall be nominated by the governor and, by and with
15 the advice and consent of the senate, appointed by the governor
16 without regard to chapter 76, and shall be compensated at a
17 salary level set by the governor. The director shall be
18 included in any benefit program generally applicable to the
19 officers and employees of the State. The director [~~shall~~] may
20 retain [~~such~~] staff as may be necessary for the purposes of this
21 chapter, in conformity with chapter 76. [~~The director shall~~



1 ~~report to the director of business, economic development, and~~
2 ~~tourism and shall not be required to report directly to any~~
3 ~~other principal executive department.] The director may also~~
4 ~~employ staff without regard to chapter 76, as authorized in this~~
5 ~~chapter and as may be necessary.~~

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

15 (1) State comprehensive planning and program coordination.
16 Formulating and articulating comprehensive statewide
17 goals, objectives, policies, and priorities, and
18 coordinating their implementation through the
19 statewide planning system established in part II of
20 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~~] current
14 social, economic, and physical conditions and
15 trends[+] through surveys, environmental
16 scanning, and other techniques; and
- 17 (D) Developing, in collaboration with affected public
18 or private agencies and organizations,
19 implementation plans and schedules and, where
20 appropriate, assisting in the mobilization of
21 resources to meet identified needs;



- 1 (3) Planning coordination and cooperation. Facilitating
2 coordinated and cooperative planning and policy
3 development and implementation activities among state
4 agencies and between the state, county, and federal
5 governments, by:
- 6 (A) Reviewing, assessing, and coordinating, as
7 necessary, major plans, programs, projects, and
8 regulatory activities existing or proposed by
9 state and county agencies;
- 10 (B) Formulating mechanisms to simplify, streamline,
11 or coordinate interagency development and
12 regulatory processes; and
- 13 (C) Recognizing the presence of federal defense and
14 security forces and agencies in the State as
15 important state concerns;
- 16 (4) Statewide planning and geographic information system.
17 Collecting, integrating, analyzing, maintaining, and
18 disseminating various forms of data and information,
19 including geospatial data and information, to further
20 effective state planning, policy analysis and
21 development, and delivery of government services by:



- 1 (A) Collecting, assembling, organizing, evaluating,
2 and classifying existing geospatial and
3 non-geospatial data and performing necessary
4 basic research, conversions, and integration to
5 provide a common database for governmental
6 planning and geospatial analyses by state
7 agencies;
- 8 (B) Planning, coordinating, and maintaining a
9 comprehensive, shared statewide planning and
10 geographic information system and associated
11 geospatial database. The office shall be the
12 lead agency responsible for coordinating the
13 maintenance of the multi-agency, statewide
14 planning and geographic information system and
15 coordinating, collecting, integrating, and
16 disseminating geospatial data sets that are used
17 to support a variety of state agency applications
18 and other spatial data analyses to enhance
19 decision-making. The office shall promote and
20 encourage free and open data sharing among and
21 between all government agencies. To ensure the



1 maintenance of a comprehensive, accurate,
2 up-to-date geospatial data resource that can be
3 drawn upon for decision-making related to
4 essential public policy issues such as land use
5 planning, resource management, homeland security,
6 and the overall health, safety, and well-being of
7 Hawaii's citizens, and to avoid redundant data
8 development efforts, state agencies shall provide
9 to the shared system either their respective
10 geospatial databases or, at a minimum, especially
11 in cases of secure or confidential data sets that
12 cannot be shared or must be restricted, metadata
13 describing existing geospatial data. In cases
14 where agencies provide restricted data, the
15 office of planning and sustainable development
16 shall ensure the security of that data; and
17 (C) Maintaining a centralized depository of state and
18 national planning references;
19 (5) Land use planning. Developing and presenting the
20 position of the State in all boundary change petitions
21 and proceedings before the land use commission[7] and



1 assisting state agencies in the development and
2 submittal of petitions for land use district boundary
3 amendments, and conducting periodic reviews of the
4 classification and districting of all lands in the
5 State, as specified in chapter 205;

6 (6) Coastal and ocean policy management, and sea level
7 rise adaptation coordination. Carrying out the lead
8 agency responsibilities for the Hawaii coastal zone
9 management [~~program~~] division, as specified in
10 chapter 205A. Also:

11 (A) Developing and maintaining an ocean and coastal
12 resources information, planning, and management
13 system;

14 (B) Further developing and coordinating
15 implementation of the ocean resources management
16 plan; and

17 (C) Formulating ocean policies with respect to the
18 exclusive economic zone, coral reefs, and
19 national marine sanctuaries;

20 (7) Regional planning and studies. Conducting plans and
21 studies to determine:



- 1 (A) The capability of various regions within the
2 State to support projected increases in both
3 resident populations and visitors;
- 4 (B) The potential physical, social, economic, and
5 environmental impact on these regions resulting
6 from increases in both resident populations and
7 visitors;
- 8 (C) The maximum annual visitor carrying capacity for
9 the State by region, county, and island; and
- 10 (D) The appropriate guidance and management of
11 selected regions and areas of statewide critical
12 concern.

13 The studies in subparagraphs (A) to (C) shall be
14 conducted at appropriate intervals, but not less than
15 once every five years;

- 16 (8) Regional, national, and international planning.
17 Participating in and ensuring that state plans,
18 policies, and objectives are consistent, to the extent
19 practicable, with regional, national, and
20 international planning efforts;



1 (9) Climate adaptation and sustainability planning and
2 coordination. Acting as the lead agency to coordinate
3 climate adaptation and sustainability plans and
4 studies. Conducting plans and studies and preparing
5 reports as follows:

6 (A) Develop, monitor, and evaluate strategic climate
7 adaptation plans and actionable policy
8 recommendations for the State and counties
9 addressing expected statewide climate change
10 impacts identified under chapter 225P and
11 sections 226-108 and 226-109; and

12 (B) Provide planning and policy guidance and
13 assistance to state and county agencies regarding
14 climate change and sustainability; and

15 (10) Smart growth and transit-oriented development. Acting
16 as the lead agency to coordinate and advance smart
17 growth and transit-oriented development planning
18 within the State as follows:

19 (A) Identify transit-oriented development
20 opportunities shared between state and county
21 agencies, including relevant initiatives such as



- 1 the department of health's healthy Hawaii
2 initiative and the Hawaii clean energy
3 initiative;
- 4 (B) Refine the definition of "transit-oriented
5 development" in the context of Hawaii, while
6 recognizing the potential for smart growth
7 development patterns in all locations;
- 8 (C) Clarify state goals for transit-oriented
9 development and smart growth that support the
10 principles of the Hawaii State Planning Act by
11 preserving non-urbanized land, improving worker
12 access to jobs, and reducing fuel consumption;
- 13 (D) Target transit-oriented development areas for
14 significant increase in affordable housing and
15 rental units;
- 16 (E) Conduct outreach to state agencies to help
17 educate state employees about the ways they can
18 support and benefit from transit-oriented
19 development and the State's smart growth goals;



1 (F) Publicize coordinated state efforts that support
2 smart growth, walkable neighborhoods, and
3 transit-oriented development;

4 (G) Review state land use decision-making processes
5 to identify ways to make transit-oriented
6 development a higher priority and facilitate
7 better and more proactive leadership in creating
8 walkable communities and employment districts,
9 even if transit will only be provided at a later
10 date; and

11 (H) Approve all state agencies' development plans for
12 parcels along the rail transit corridor. For the
13 purposes of this subparagraph, "development
14 plans" means conceptual land use plans that
15 identify the location and planned uses within a
16 defined area.

17 (c) The office of planning and sustainable development
18 shall consist of the following planning and coordination
19 divisions and programs:

20 (1) The coastal zone management division;

21 (2) The economic development planning program;



1 (3) The statewide geographic information system program;

2 (4) The land use division; and

3 (5) The statewide sustainability division.

4 (d) The land use commission's executive officer, chief
5 clerk, and employees shall be administratively attached to the
6 office, and the provisions of section 205-1(c) shall apply.

7 (e) The office of planning and sustainable development and
8 the land use commission shall establish procedures and
9 safeguards to avoid actual or perceived conflicts of interest
10 that may otherwise arise as a result of any proceedings before
11 the land use commission to which the office of planning and
12 sustainable development is a party, including but not limited to
13 petitions for amendments to district boundaries involving land
14 areas greater than fifteen acres pursuant to section 205-4, and
15 contested case proceedings pursuant to section 205-19. These
16 procedures and safeguards shall include a reporting structure
17 for the land use commission and its executive director and
18 employees that is separate from the reporting structure for the
19 land use division of the office."

20 SECTION 8. Section 225M-8, Hawaii Revised Statutes, is
21 amended to read as follows:



1 " ~~[]~~ §225M-8 ~~[]~~ **Statewide sustainability** ~~[branch]~~
2 division; **established**. The statewide sustainability ~~[branch]~~
3 division is established within the office of planning ~~[]~~ and
4 sustainable development. The state sustainability coordinator
5 shall serve as the administrator of the ~~[branch]~~ division. The
6 ~~[branch]~~ division shall have the following duties:

- 7 (1) Develop, organize, and promote policies and programs
8 that assist in the meeting of Hawaii's numerous
9 sustainability and climate policies and goals, and the
10 priority guidelines and principles to promote
11 sustainability set forth in section 226-108;
- 12 (2) Identify, evaluate, and make recommendations regarding
13 proposed legislation, regulatory changes, or policy
14 modifications to the governor, the legislature,
15 government agencies, private entities, and other
16 bodies for the purpose of encouraging activities that
17 best sustain, protect, and enhance the quality of the
18 environment, economy, and community for the present
19 and future benefit of the people of Hawaii; and
- 20 (3) Develop and promote proposals that jointly and
21 mutually enhance local economies, the environment, and



1 community well-being for the present and future
2 benefit of the people of Hawaii."

3 SECTION 9. Sections 4E-1, 6K-6, 195-6, 200D-2, 201-102,
4 205-4, 205-6, 205-47, 205-48, 205-49, 205-50, 205A-1, 214-4,
5 223-2, 223-3, 225M-3, 225M-4, 225P-3, 225P-4, 225P-6, 226-2,
6 226-53, 226-56, 226-59, 226-64, 226-65, and 279A-4, Hawaii
7 Revised Statutes, are amended by substituting the phrase "office
8 of planning and sustainable development", or similar term,
9 wherever the phrase "office of planning", or similar term,
10 appears, as the context requires.

11 SECTION 10. Sections 205A-1, 205A-2, 205A-3, 205A-3.5,
12 205A-4, 225P-3, and 226-52, Hawaii Revised Statutes, are amended
13 by substituting the phrase "coastal zone management division",
14 or similar term, wherever the phrase "coastal zone management
15 program", or similar term, appears, as the context requires.

16 SECTION 11. This Act does not affect rights and duties
17 that matured, penalties that were incurred, and proceedings that
18 were begun before its effective date.

19 SECTION 12. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 13. This Act shall take effect on January 1, 2050.



Report Title:

Land Use; Planning; Permitting; Land Use Commission; Office of Planning and Sustainable Development; Department of Business, Economic Development, and Tourism; Reorganization

Description:

Reorganizes and integrates the land use commission within a modified office of planning, which is renamed as the office of planning and sustainable development. Reclassifies the coastal zone management program and statewide sustainability branch as divisions within the office of planning and sustainable development. Effective 1/1/2050. (HD1)

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