
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 The purpose of this Act is to administratively attach the
8 land use commission to the office of planning to improve the
9 coordination of their related functions and to efficiently
10 achieve the State's long-term sustainability and climate change
11 goals to provide a better future for the people of Hawaii.

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

14 "(b) The following are placed in the department of
15 business, economic development, and tourism for administrative
16 purposes as defined by section 26-35: Hawaii community
17 development authority, Hawaii housing finance and development



1 corporation, Hawaii technology development corporation, [~~land~~
2 ~~use commission,~~] natural energy laboratory of Hawaii authority,
3 and any other boards and commissions as shall be provided by
4 law."

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

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

20 [+(b)+] The department of business, economic
21 development, and tourism shall have [~~sole~~] jurisdiction over the



1 ~~[land use commission under chapter 205,~~] state planning under
 2 chapter 225M~~[7]~~ and the Hawaii State Planning Act under chapter
 3 226. Due to the inherently interdependent functions of
 4 development, planning, and land use, these functions shall not
 5 be transferred by executive order, directive, or memorandum, to
 6 any other department, nor shall these functions be subject to
 7 review or approval by any other department."

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

10 "§205-1 Establishment of the commission. ~~[+]~~(a)~~[+]~~ There
 11 shall be a state land use commission, hereinafter called the
 12 commission. The commission shall consist of nine members who
 13 shall hold no other public office and shall be appointed in the
 14 manner and serve for the term set forth in section 26-34. One
 15 member shall be appointed from each of the counties and the
 16 remainder shall be appointed at large; provided that one member
 17 shall have substantial experience or expertise in traditional
 18 Hawaiian land usage and knowledge of cultural land practices.
 19 The commission shall elect its chairperson from one of its
 20 members. The members shall receive no compensation for their
 21 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 for [administration] administrative
6 purposes[~~, as provided for in section 26-35~~]. Notwithstanding
7 any law to the contrary, the commission shall be exempt from
8 section 26-35, except for 26-35(a)(2), (a)(3), (a)(7), (a)(8),
9 and (b).

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



1 SECTION 5. Section 225M-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§225M-2 Office of planning, establishment;**
4 **responsibilities.** (a) There is established within the
5 department of business, economic development, and tourism an
6 office of planning. The head of the office shall be known as
7 the director of the office of planning, referred to in this
8 chapter as director. The director shall have[+] training in the
9 field of urban or regional planning, public administration, or
10 other related fields; experience in programs or services related
11 to governmental planning; and experience in a supervisory,
12 consultative, or administrative capacity. The director shall be
13 nominated by the governor and, by and with the advice and
14 consent of the senate, appointed by the governor without regard
15 to chapter 76, and shall be compensated at a salary level set by
16 the governor. The director shall be included in any benefit
17 program generally applicable to the officers and employees of
18 the State. The director shall retain such staff as may be
19 necessary for the purposes of this chapter, in conformity with
20 chapter 76. The director shall report to the director of
21 business, economic development, and tourism and shall not be



1 required to report directly to any other principal executive
2 department.

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

11 (1) State comprehensive planning and program coordination.
12 Formulating and articulating comprehensive statewide
13 goals, objectives, policies, and priorities, and
14 coordinating their implementation through the
15 statewide planning system established in part II of
16 chapter 226;

17 (2) Strategic planning. Identifying and analyzing
18 significant issues, problems, and opportunities
19 confronting the State, and formulating strategies and
20 alternative courses of action in response to
21 identified problems and opportunities by:



- 1 (A) Providing in-depth policy research, analysis, and
- 2 recommendations on existing or potential areas of
- 3 critical state concern;
- 4 (B) Examining and evaluating the effectiveness of
- 5 state programs in implementing state policies and
- 6 priorities;
- 7 (C) Monitoring through surveys, environmental
- 8 scanning, and other techniques--current social,
- 9 economic, and physical conditions and trends; and
- 10 (D) Developing, in collaboration with affected public
- 11 or private agencies and organizations,
- 12 implementation plans and schedules and, where
- 13 appropriate, assisting in the mobilization of
- 14 resources to meet identified needs;
- 15 (3) Planning coordination and cooperation. Facilitating
- 16 coordinated and cooperative planning and policy
- 17 development and implementation activities among state
- 18 agencies and between the state, county, and federal
- 19 governments, by:
- 20 (A) Reviewing, assessing, and coordinating, as
- 21 necessary, major plans, programs, projects, and



1 regulatory activities existing or proposed by
2 state and county agencies;

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

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

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

15 (A) Collecting, assembling, organizing, evaluating,
16 and classifying existing geospatial and non-
17 geospatial data and performing necessary basic
18 research, conversions, and integration to provide
19 a common database for governmental planning and
20 geospatial analyses by state agencies;



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



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

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

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

20 (6) Coastal and ocean policy management, and sea level
21 rise adaptation coordination. Carrying out the lead



1 agency responsibilities for the Hawaii coastal zone
2 management program, as specified in chapter 205A.

3 Also:

4 (A) Developing and maintaining an ocean and coastal
5 resources information, planning, and management
6 system;

7 (B) Further developing and coordinating
8 implementation of the ocean resources management
9 plan; and

10 (C) Formulating ocean policies with respect to the
11 exclusive economic zone, coral reefs, and
12 national marine sanctuaries;

13 (7) Regional planning and studies. Conducting plans and
14 studies to determine:

15 (A) The capability of various regions within the
16 State to support projected increases in both
17 resident populations and visitors;

18 (B) The potential physical, social, economic, and
19 environmental impact on these regions resulting
20 from increases in both resident populations and
21 visitors;



- 1 (C) The maximum annual visitor carrying capacity for
- 2 the State by region, county, and island; and
- 3 (D) The appropriate guidance and management of
- 4 selected regions and areas of statewide critical
- 5 concern.

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

- 9 (8) Regional, national, and international planning.
- 10 Participating in and ensuring that state plans,
- 11 policies, and objectives are consistent, to the extent
- 12 practicable, with regional, national, and
- 13 international planning efforts;

- 14 (9) Climate adaptation and sustainability planning and
- 15 coordination. Conducting plans and studies and
- 16 preparing reports as follows:

- 17 (A) Develop, monitor, and evaluate strategic climate
- 18 adaptation plans and actionable policy
- 19 recommendations for the State and counties
- 20 addressing expected statewide climate change



1 impacts identified under chapter 225P and
2 sections 226-108 and 226-109; and
3 (B) Provide planning and policy guidance and
4 assistance to state and county agencies regarding
5 climate change and sustainability; and
6 (10) Smart growth and transit-oriented development. Acting
7 as the lead agency to coordinate and advance smart
8 growth and transit-oriented development planning
9 within the State as follows:
10 (A) Identify transit-oriented development
11 opportunities shared between state and county
12 agencies, including relevant initiatives such as
13 the department of health's healthy Hawaii
14 initiative and the Hawaii clean energy
15 initiative;
16 (B) Refine the definition of "transit-oriented
17 development" in the context of Hawaii, while
18 recognizing the potential for smart growth
19 development patterns in all locations;
20 (C) Clarify state goals for transit-oriented
21 development and smart growth that support the



1 principles of the Hawaii State Planning Act by
2 preserving non-urbanized land, improving worker
3 access to jobs, and reducing fuel consumption;
4 (D) Target transit-oriented development areas for
5 significant increase in affordable housing and
6 rental units;
7 (E) Conduct outreach to state agencies to help
8 educate state employees about the ways they can
9 support and benefit from transit-oriented
10 development and the State's smart growth goals;
11 (F) Publicize coordinated state efforts that support
12 smart growth, walkable neighborhoods, and
13 transit-oriented development;
14 (G) Review state land use decision-making processes
15 to identify ways to make transit-oriented
16 development a higher priority and facilitate
17 better and more proactive leadership in creating
18 walkable communities and employment districts,
19 even if transit will only be provided at a later
20 date; and



1 (H) Approve all state agencies' development plans for
2 parcels along the rail transit corridor. For the
3 purposes of this subparagraph, "development
4 plans" means conceptual land use plans that
5 identify the location and planned uses within a
6 defined area.

7 (c) The land use commission, including the land use
8 commission executive officer, chief clerk, and employees as
9 provided in section 205-1(c), shall be administratively attached
10 to the office of planning.

11 (d) The land use commission shall maintain its
12 independence on matters coming before it to which the office of
13 planning is a party by establishing and adhering to procedures
14 and safeguards to avoid actual or perceived conflicts of
15 interest that may otherwise arise in the land use commission's
16 proceedings."

17 SECTION 6. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

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



1 SECTION 8. This Act shall take effect on July 1, 2021.



Report Title:

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

Description:

Administratively attaches the land use commission to the office of planning. (SD2)

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