

JAN 27 2021

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**A BILL FOR AN ACT**

RELATING TO LIVING PARK PLANNING COUNCILS.

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

1           SECTION 1. The coronavirus (COVID-19) has had a  
2 catastrophic impact on the world economy. The complexities of  
3 dealing with a worldwide health crisis have added additional  
4 layers of uncertainty that may increase the time needed for  
5 recovery. Because of this, the State has implemented the fiscal  
6 biennium 2021-2023 program review to identify ways to:

7           (1) Reduce expenditures;

8           (2) Identify programs, functions, and/or activities for  
9 possible elimination that, although well-intentioned,  
10 are of marginal benefit, low performing, or of lesser  
11 priority; and

12           (3) Identify cost-saving opportunities in core and primary  
13 programs and services through tightening program  
14 eligibility, reducing program benefits, improving  
15 efficiency, or cost shifting.

16           The department of land and natural resources, after  
17 thorough review and much scrutiny, has determined that the

1 living park planning council for Kahana valley is no longer  
2 effective and functional.

3 Act 15, special session laws of Hawaii 2009, authorized the  
4 establishment of living park planning councils to develop a  
5 state living park master plan to ensure a living park achieves  
6 its purpose and goals. After ten years and over eighty  
7 meetings, however, due to the complexity and lack of consensus,  
8 the community-based planning council could not reach consensus  
9 or develop the framework for a master plan for Kahana valley  
10 state park. Hence, the department of land and natural resources  
11 engaged the services of a contractor to initiate the master  
12 planning process. However, it was determined that there were  
13 many issues to be addressed prior to the development of a  
14 community master plan. In 2019, the contractor finalized their  
15 report that identified three main issues that needed to be  
16 resolved prior to moving forward on a master plan:

- 17 (1) Determination if a cultural living park is still a  
18 realistic and valid concept;
- 19 (2) Assessment of the provisions and options relating to  
20 residential leases; and
- 21 (3) Identifying appropriate alternative management  
22 entities for oversight and management of the

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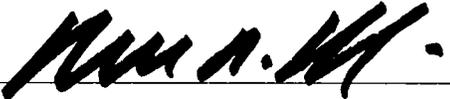
1 residential portions of the park or the park in  
2 general.

3 The outcome and outlook have diminished with the lack of  
4 participation, consensus, and motivation to move forward towards  
5 a master plan for the Kahana community. To date, there has been  
6 no further discussion on a master plan, or future date to  
7 reconvene the planning council.

8 The purpose of this Act is to repeal Act 15, special  
9 Session Laws of Hawaii 2009, that authorized the establishment  
10 of living park planning councils.

11 SECTION 2. Act 15, Special Session Laws of Hawaii 2009, is  
12 repealed.

13 SECTION 3. This Act shall take effect upon its approval.

14  
15 INTRODUCED BY: 

16 BY REQUEST

17

18

S.B. NO. 1183

**Report Title:**

Living Park Planning Councils; Repeal

**Description:**

Repeals Act 15, Special Session Laws of Hawaii 2009, that authorized the establishment of living park planning councils.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

# SB. NO. 1183

## JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO LIVING PARK PLANNING COUNCILS.

PURPOSE: To repeal Act 15, Special Session Laws of Hawaii 2009, that authorized the establishment of living park planning councils.

MEANS: Repeal Act 15, Special Session Laws of Hawaii 2009.

JUSTIFICATION: The coronavirus (COVID-19) has had a catastrophic impact on the world economy. The complexities of dealing with a worldwide health crisis have added additional layers of uncertainty that may increase the time needed for recovery. Because of this, the State has implemented the Fiscal Biennium 2021-2023 Program Review to identify ways to:

- (1) Reduce expenditures;
- (2) Identify programs, functions, and/or activities for possible elimination that, although well-intentioned, are of marginal benefit, low performing, or of lesser priority; and
- (3) Identify cost-saving opportunities in core and primary programs and services through tightening program eligibility, reducing program benefits, improving efficiency, or cost shifting.

The Department, after thorough review and much scrutiny, has determined that living park planning councils are no longer effective and functional.

Act 15, Special Session Laws of Hawaii 2009, authorized the establishment of living park

planning councils for to develop a state living park master plan to ensure the living park achieves its purpose and goals. After ten years and over eighty meetings, however, due to the complexity and lack of consensus, the community-based planning council could not reach consensus or develop the framework for a master plan for Kahana Valley State Park. Hence, the Department engaged the services of a contractor to initiate the master planning process. However, it was determined that there were many issues to be addressed prior to the development of a community master plan. In 2019, the contractor finalized their report that identified three main issues that needed to be resolved prior to moving forward on a master plan:

- (1) Determination if a cultural living park is still a realistic and valid concept;
- (2) Assessment of the provisions and options relating to residential leases; and
- (3) Identifying appropriate alternative management entities for oversight and management of the residential portions of the park or the park in general.

The outcome and outlook have diminished with the lack of participation, consensus, and motivation to move forward towards a master plan for the Kahana Valley community. To date, there has been no further discussion on a master plan, or future date to reconvene the planning council.

Impact on the public: As the planning council proved ineffective, the Kahana Valley community and the Department will need to develop an alternative method to develop a master plan for Kahana Valley State Park.

Impact on the department and other agencies:

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As there has been no further discussion on a master plan and due to a lack of participation, consensus, and motivation by the affected parties, eliminating an ineffective planning council and redirecting resources is prudent under this austere budget circumstance.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: LNR 806.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval.