

ACT 12

S.B. NO. 1877

A Bill for an Act Relating to the Office of Planning.

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

SECTION 1. The legislature finds that the Hawaii constitution gives the legislature express authority to allocate executive and administrative offices within no more than twenty principal executive departments. The legislature has enacted laws over the years to group executive and administrative offices according to common purposes and related functions.

The Hawaii Revised Statutes specifically establishes the office of planning within the department of business, economic development, and tourism and provides that the office of planning shall assist the department of business, economic development, and tourism in maintaining an overall framework to guide the development of the State. Among its other duties, the office of planning prepares the guidelines for the State functional plans and provides recommendations to the governor and state and county agencies on conflicts between the functional plans, the Hawaii State Planning Act, state programs, and county plans.

The legislature finds that the power to direct the office of planning to report to a principal department other than the department of business, economic development, and tourism rests solely with the legislature.

The purpose of this Act is to clarify that:

- (1) The department of business, economic development, and tourism maintains sole jurisdiction over land and state planning functions; and

- (2) The office of planning shall not report to any other principal executive department other than the department of business, economic development, and tourism.

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

“§201-2 General objective, functions, and duties of department. It shall be the objective of the department of business, economic development, and tourism to make broad policy determinations with respect to economic development in the State and to stimulate through research and demonstration projects those industrial and economic development efforts ~~[which]~~ that offer the most immediate promise of expanding the economy of the State. The department shall endeavor to gain an understanding of those functions and activities of other governmental agencies and of private agencies ~~[which]~~ that relate to the field of economic development. It shall, at all times, encourage initiative and creative thinking in harmony with the objectives of the department.

The department of business, economic development, and tourism shall have sole jurisdiction over the land use commission under chapter 205, state planning under chapter 225M, and the Hawaii State Planning Act under chapter 226. Due to the inherently interdependent functions of development, planning, and land use, these functions shall not be transferred by executive order, directive, or memorandum, to any other department, nor shall these functions be subject to review or approval by any other department.”

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

“(a) There is established within the department of business, economic development, and tourism an office of planning. The head of the office shall be known as the director of the office of planning, [hereinafter] referred to in this chapter as director. The director shall have: training in the field of urban or regional planning, public administration, or other related fields; experience in programs or services related to governmental planning; and experience in a supervisory, consultative, or administrative capacity. The director shall be nominated by the governor and, by and with the advice and consent of the senate, appointed by the governor without regard to chapter 76, and shall be compensated at a salary level set by the governor. The director shall be included in any benefit program generally applicable to the officers and employees of the State. The director shall retain such staff as may be necessary for the purposes of this chapter, in conformity with chapter 76. The director shall report to the director of business, economic development, and tourism and shall not be required to report directly to any other principal executive department.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Vetoed by Governor and veto overridden by Legislature on July 12, 2005.)