
A BILL FOR AN ACT

RELATING TO THE STATE PLAN.

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

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PART I

SECTION 1. Chapter 226, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§226- Objectives and policies for land development.

(a) Planning for land development in the State shall be directed toward the achievement of the following objectives:

(1) To develop land in a manner that first and foremost places the health, interests, and concerns of the people of the State as the primary objective of land development;

(2) To provide healthy and livable housing alternatives for all individuals in the State; and

(3) To balance the quality of life with economic growth and land development.

(b) To achieve the land development objectives, it shall be the policy of the State that land development shall be guided by the following smart growth principles:



- 1 (1) Creating a range of housing opportunities and choices;
- 2 (2) Creating walkable neighborhoods;
- 3 (3) Encouraging community and stakeholder collaboration;
- 4 (4) Fostering distinctive, attractive communities with a
5 strong sense of place;
- 6 (5) Making development decisions predictable, fair, and
7 cost effective;
- 8 (6) Mixing land uses;
- 9 (7) Preserving open space, farmland, natural beauty, and
10 critical environmental areas;
- 11 (8) Providing a variety of transportation choices;
- 12 (9) Strengthening and directing development toward
13 existing communities; and
- 14 (10) Taking advantage of compact building design."

15 SECTION 2. Section 226-58, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§226-58 County general plans.** (a) The county general
18 plans and development plans shall be formulated with input from
19 the state and county agencies as well as the general public.

20 County general plans or development plans shall indicate
21 [~~desired~~] expected or projected population and physical
22 development patterns for each county and regions within each



1 county. In addition, county general plans or development plans
2 shall address the unique problems and needs of each county and
3 regions within each county. The county general plans or
4 development plans shall further define applicable provisions of
5 this chapter; provided that any amendment to the county general
6 plan of each county shall not be contrary to the county charter.
7 The formulation, amendment, and implementation of county general
8 plans or development plans shall take into consideration
9 statewide objectives[7] and policies[7] set forth in this
10 chapter, and programs stipulated in state functional plans
11 approved in consonance with this chapter.

12 (b) County general plans shall be formulated on the basis
13 of sound rationale, data, analyses, and input from state and
14 county agencies and the general public, and contain objectives
15 and policies as required by the charter of each county.

16 Further, the county general plans should:

17 (1) Contain objectives to be achieved and policies to be
18 pursued with respect to population density, land use,
19 transportation system location, public and community
20 facility locations, water and sewage system locations,
21 visitor destinations, urban design, and all other



- 1 matters necessary for the coordinated development of
2 the county and regions within the county; [~~and~~]
- 3 (2) Contain implementation priorities and actions to carry
4 out policies to include but not be limited to land use
5 maps, programs, projects, regulatory measures,
6 standards and principles, and interagency coordination
7 provisions[-]; and
- 8 (3) Require land development to comply with the smart
9 growth principles contained in section 226- ."

10 **PART II**

11 SECTION 3. During the 2005 special session, the
12 legislature adopted Act 8, Special Session Laws of Hawaii 2005
13 (Act 8), to create the Hawaii 2050 task force to review the
14 Hawaii state plan and the State's planning process. The office
15 of the auditor was required to prepare and submit to the
16 legislature the Hawaii 2050 sustainability plan. In enacting
17 Act 8, the legislature expressed its belief that government is
18 responsible for resolving daily and immediate issues and public
19 needs, while providing guidance to ensure a sustainable future
20 and outlook.

21 The creation of the Hawaii 2050 sustainability plan comes
22 as the State faces a growing number of pressing issues,



1 including the steady deterioration of public infrastructure;
2 lack of affordable housing; continued reliance on a service-
3 based economy; vulnerability of Hawaii in a volatile global
4 energy market; possible interruptions in travel and critical
5 food supplies; threats to fragile island ecosystems; and ever
6 increasing numbers of residents and visitors. These issues all
7 raise questions about the long-term limits of growth in the
8 State and motivate the need to begin planning and action to
9 assure Hawaii's future.

10 Addressing and solving issues critical to Hawaii's way of
11 life and natural resources requires coordinated community
12 efforts to produce comprehensive, long-range planning policies
13 and actions. Within that context, the mission of the Hawaii
14 2050 sustainability task force and the objectives of the Hawaii
15 2050 sustainability plan are intended to revitalize the State's
16 long-term planning process to better guide the future
17 development of Hawaii.

18 The purpose of this part is to:

- 19 (1) Set forth and adopt the Hawaii 2050 sustainability
20 plan;
- 21 (2) Establish a sustainability council to coordinate,
22 implement, measure, and evaluate the progress of the



1 Hawaii 2050 sustainability plan and its related
2 activities; and
3 (3) Appropriate funds for the creation of the
4 sustainability council.

5 SECTION 4. The Hawaii Revised Statutes is amended by
6 adding a new chapter under title 13 to be appropriately
7 designated and to read as follows:

8 **"CHAPTER**

9 **HAWAII 2050 SUSTAINABILITY PLAN**

10 **§ -1 Findings and purpose.** The legislature finds that
11 over the years, the Hawaii state plan under chapter 226 has
12 become outdated and there is a lack of awareness of the goals
13 embodied therein. In 2005, the legislature enacted Act 8,
14 Special Session Laws of Hawaii 2005, to create the Hawaii 2050
15 sustainability task force to review the Hawaii state plan and
16 develop a sustainability plan to address the vital needs of the
17 State through the year 2050. The office of the auditor was
18 required to prepare and submit to the legislature the Hawaii
19 2050 sustainability plan.

20 The task force developed a comprehensive sustainability
21 plan that provides a definition for sustainability; identifies
22 guiding principles and five major goals for Hawaii 2050;



1 identifies and proposes strategic actions to implement these
2 five major goals, indicators to measure the success or failure
3 in various sustainability actions, and priority actions and
4 intermediate steps for a target date of 2020; and establishes
5 recommendations.

6 The purpose of this chapter is to:

- 7 (1) Set forth the Hawaii 2050 sustainability plan, which
8 shall serve as a guide for the future long-range
9 development of the State;
- 10 (2) Provide a mechanism to implement strategic actions to
11 achieve objectives and utilize indicators to measure
12 progress in the State's efforts to achieve its
13 objectives; and
- 14 (3) Establish a coordinating body for plan implementation,
15 progress review, and program coordination to provide
16 for an integration of all major state and county
17 activities to achieve a sustainable future.

18 **§ -2 Definitions.** As used in this chapter, the
19 following words and terms shall have the following meanings
20 unless the context shall indicate another or different meaning
21 or intent:



1 "Ahupuaa" means a traditional native Hawaiian resource and
2 behavioral management system that ensures respect for the air,
3 land, water, and other scarce natural resources that make life
4 sustainable from the mountains to the sea.

5 "Council" means the sustainability council.

6 "Kanaka maoli" means native Hawaiians.

7 "Plan" means the Hawaii 2050 sustainability plan.

8 "Task force" means the Hawaii 2050 sustainability task
9 force established under Act 8, Special Session Laws of Hawaii
10 2005.

11 **§ -3 Sustainability; guiding principles.** (a) As a
12 result of a statewide community effort and engagement process,
13 it was revealed that most Hawaii residents desire a balance
14 between economic, cultural, and environmental concerns. Thus,
15 sustainability is defined as a Hawaii that:

- 16 (1) Respects the culture, character, beauty, and history
17 of the State's island communities;
- 18 (2) Strikes a balance between economic, social and
19 community, and environmental priorities; and
- 20 (3) Meets the needs of the present without compromising
21 the ability of future generations to meet their own
22 needs.



1 (b) The following principles or values are established as
2 the overall theme of the sustainability plan:

3 (1) To balance economic, social, community, and
4 environmental priorities;

5 (2) To respect and live within the natural resources and
6 limits of the State;

7 (3) To achieve a diversified and dynamic economy;

8 (4) To honor the host culture;

9 (5) To make decisions based on meeting the present needs
10 without compromising the needs of future generations;

11 (6) To observe the principles of the ahupuaa system to
12 guide resource management decisions; and

13 (7) To emphasize that everyone, including individuals,
14 families, communities, businesses, and government, has
15 the responsibility for achieving a sustainable Hawaii.

16 **§ -4 Sustainability goals.** There are established five
17 major goals designed to achieve a preferred future by the year
18 2050, which shall include the following:

19 (1) A way of life where living sustainably is a part of
20 daily practice in Hawaii;



- 1 (2) A diversified and globally competitive economy that
2 will enable residents to meaningfully live, work, and
3 play in Hawaii;
- 4 (3) The State's natural resources are responsibly and
5 respectfully used, replenished, and preserved for
6 future generations;
- 7 (4) A community that is strong, healthy, vibrant, and
8 nurturing, thus providing safety nets for those in
9 need; and
- 10 (5) Kanaka maoli and island cultures and values are
11 thriving and perpetuated.

12 The council shall develop and implement various strategic
13 actions to accomplish each major goal.

14 **§ -5 Sustainability council; established.** (a) There is
15 established a sustainability council, which shall be a body
16 corporate and a public instrumentality of the State, for the
17 purpose of implementing this chapter. The council shall be
18 placed administratively within the office of the auditor for
19 administrative purposes only until June 30, 2010. The council
20 shall be placed administratively within the office of planning
21 for administrative purposes only on July 1, 2010 and thereafter.



1 The purposes of the council shall include but not be limited to
2 the following:

3 (1) Assisting in the adoption of the principles of
4 sustainability as an important policy priority for the
5 State;

6 (2) Setting forth and implementing the Hawaii
7 sustainability plan to serve as a long-range
8 sustainability planning guide for the State; and

9 (3) Measuring the State's progress in meeting its
10 sustainability goals and objectives.

11 (b) The council shall consist of fifteen voting members,
12 as follows, to serve staggered terms pursuant to section 26-34:

13 (1) Six of the members shall be governmental appointments
14 from the following:

15 (A) One member shall be nominated by the governor;

16 (B) One member shall be nominated by the governor
17 from a list of no more than three nominees
18 submitted by each of the four mayors to represent
19 each county in the State; provided that each
20 member shall reside in the county that the member
21 represents; and



1 (C) One member shall be nominated by the governor
2 from a list of no more than three nominees
3 submitted by the office of Hawaiian affairs;

4 (2) Nine of the members shall be public members appointed
5 by the governor and nominated due to their statewide
6 expertise and interests in the following areas,
7 including but not limited to the kanaka maoli;
8 business, science, and technology; labor; environment;
9 multi-cultures; visitor industry; military;
10 agriculture; education; and health and human services;
11 provided that at least one public member shall be a
12 representative of the State's youth population under
13 twenty-five years of age; further provided that, of
14 the initial appointments, at least five of the nine
15 public members shall be members of the Hawaii 2050
16 sustainability task force established under Act 8,
17 Special Session Laws of Hawaii 2005, and be appointed
18 by the governor from a list of nominees submitted by
19 the task force, excluding task force members who are
20 members of the legislature or employees of the State,
21 for a term of two years to expire on June 30, 2010;
22 and



1 (3) The superintendent of education and the director of
2 the office of planning shall serve as ex-officio, non-
3 voting members.

4 The general public shall be permitted to submit nominations for
5 council members.

6 (c) The members of the council appointed under subsection
7 (b) shall serve without compensation, but shall be reimbursed
8 for expenses, including travel expenses, incurred in the
9 performance of their duties.

10 (d) The council shall appoint an executive director who
11 shall serve at the pleasure of the council and shall be exempt
12 from chapter 76. The council shall set the salary and duties of
13 the executive director.

14 (e) The council may appoint an advisory committee for each
15 of the following categories:

- 16 (1) Education and community engagement;
17 (2) Marketing and public awareness;
18 (3) Economic development and diversification;
19 (4) Environment and natural resources;
20 (5) Social and community development; and
21 (6) Kanaka maoli and island lifestyle.



1 Each advisory committee shall consist of five members who are
2 not council members and who shall serve without compensation but
3 may be reimbursed for expenses incurred in the performance of
4 their duties. The members of each advisory committee shall be
5 drawn from fields of activity related to each category, and
6 selected by the council.

7 **§ -6 Powers; generally.** Except as otherwise limited by
8 this chapter, the council may:

- 9 (1) Sue and be sued;
- 10 (2) Have a seal and alter the same at pleasure;
- 11 (3) Make and execute contracts and all other instruments
12 necessary or convenient for the exercise of powers and
13 functions under this chapter;
- 14 (4) Make and alter bylaws for its organization and
15 internal management;
- 16 (5) Adopt rules under chapter 91 necessary to effectuate
17 this chapter;
- 18 (6) Through its executive director, appoint officers,
19 agents, and employees, prescribe their duties and
20 qualifications, and fix their salaries, without regard
21 to chapter 76;



- 1 (7) Coordinate and implement the Hawaii 2050
2 sustainability plan;
- 3 (8) Develop, adopt, and review strategic actions to
4 achieve the five major sustainability goals in the
5 Hawaii 2050 sustainability plan;
- 6 (9) Collect and analyze data on formulated and approved
7 sustainability indicators;
- 8 (10) Conduct assessments for and publish and promote an
9 annual report card on the formulated and approved
10 sustainability indicators;
- 11 (11) Convene statewide summits and forums on sustainability
12 issues;
- 13 (12) Sponsor cross-sector dialogue to address key
14 sustainability issues;
- 15 (13) Direct an ongoing public awareness and education
16 campaign about sustainability;
- 17 (14) Recommend legislation and advocate for sustainability
18 in Hawaii's public policy arena;
- 19 (15) Revise and amend the Hawaii 2050 sustainability plan
20 every five years, as appropriate;
- 21 (16) Conduct a periodic review and audit of sustainability
22 activities;



- 1 (17) Provide advisory, consultative, training, and
2 educational services, technical assistance, and advice
3 to any person, partnership, or corporation, either
4 public or private, in order to carry out the purposes
5 of this chapter, and engage the services of
6 consultants on a contractual basis for rendering
7 professional and technical assistance and advice;
- 8 (18) Contract for and accept gifts or grants in any form
9 from any public agency or from any other source; and
- 10 (19) Do any and all things necessary to carry out its
11 purposes and exercise the powers given and granted in
12 this chapter.

13 **§ -7 Contracts for services necessary for the management**
14 **and operation of the council.** The council may contract with
15 others, public or private, for the provision of all or a portion
16 of the services necessary for the management and operation of
17 the council. The council shall have the power to use all
18 appropriations, grants, contractual reimbursements, and all
19 other funds not appropriated for a designated purpose to pay for
20 general administrative expenses and to carry out the purposes of
21 the council.



1 **§ -8 Sustainability indicators.** The council shall
2 develop, utilize, and analyze sustainability indicators, which
3 shall serve as comprehensive measuring tools to determine the
4 State's progress in the economic, cultural, and environmental
5 impact sectors, and measure the State's efforts toward
6 sustainability.

7 **§ -9 Sustainability annual report cards.** The council
8 shall research, develop, and publish report cards that chronicle
9 the State's current status on implementing and achieving the
10 objectives of the Hawaii 2050 sustainability plan. The report
11 card shall serve as an assessment for the approved
12 sustainability indicators for the State to analyze how the State
13 is measuring up to the plan, and enable the State to make any
14 appropriate adjustments in its sustainability efforts.

15 **§ -10 Annual report.** The council shall submit a
16 complete and detailed annual report of the council's activities
17 to the legislature. Beginning January 1, 2009, the annual
18 report shall be submitted no later than twenty days prior to the
19 convening of the regular session of each year.

20 **§ -11 Biennial audit.** The books and records of the
21 council shall be subject to a biennial audit by an independent
22 auditor.



1 **§ -12 Assistance by state and county agencies.** Any
2 state or county agency may render services upon request of the
3 council.

4 **§ -13 Court proceedings; preferences.** Any action or
5 proceeding to which the council, the State, or a county may be
6 party, in which any question arises as to the validity of this
7 chapter, shall be preferred over all other civil causes, except
8 election cases, without respect to position on the calendar.
9 The same preference shall be given upon application of counsel
10 for the council in any action or proceeding questioning the
11 validity of this chapter in which the council has duly
12 intervened.

13 **§ -14 Construction of chapter.** This chapter shall be
14 liberally construed to effect its purposes."

15 SECTION 5. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so
17 much thereof as may be necessary for fiscal year 2008-2009 for
18 the creation of a sustainability council to coordinate,
19 implement, measure, and evaluate the progress of the Hawaii 2050
20 sustainability plan and its related activities.

21 The sum appropriated shall be expended by the office of the
22 auditor for the purposes of this part.



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval;
4 provided that section 5 shall take effect on July 1, 2008.



Report Title:

State Plan; Smart Growth Principles; Hawaii 2050 Sustainability Plan; Sustainability Council; Establishment

Description:

Adds as an objective in the state plan that land development shall be in compliance with smart growth principles. Enacts the Hawaii 2050 sustainability plan. Establishes a sustainability council to coordinate, implement, measure, and evaluate the progress of the Hawaii 2050 sustainability plan and activities. Appropriates funds to the sustainability council. (SD2)

