

Honolulu, Hawaii

FEB 08 2007

RE: S.B. No. 849

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.B. No. 849 entitled:

"A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING,"

begs leave to report as follows:

The purpose of this measure is to clarify the legislative intent and application of Act 12, Special Session Laws of Hawaii 2005 (Act 12), relating to the Director of the Office of Planning.

Specifically, this measure:

- (1) Amends section 225M-2, Hawaii Revised Statutes, to provide that the Director of the Office of Planning will hold office for a term to expire at the end of the term for which the Governor was elected, unless removed sooner by the Governor; and
- (2) Amends Act 12, to provide that any person serving as the Director of the Office of Planning on the day after the 2006 General Election and any Director thereafter will be subject to the advice and consent by the Senate.

Testimony in opposition to this measure was submitted by the Governor's Office and the Office of Planning.

In 2005, the Legislature enacted Act 12, which clarified that the Department of Business, Economic Development, and Tourism has sole jurisdiction over the Land Use Commission and the State Planning Act, and directed the Office of Planning to directly



report only to the Director of Business, Economic Development, and Tourism. Furthermore, Act 12 amended section 225M-2, Hawaii Revised Statutes, to emphasize the importance of the Office of Planning and accordingly required that its director be nominated by the Governor, by and with the advice and consent of the Senate, and appointed by the Governor, without regard to chapter 76, Hawaii Revised Statutes.

Your Committee finds that it was the intent of the Legislature when enacting Act 12 that the position of the Director of the Office of Planning be given a high level status within the Executive Branch, and that its term of office coincide with the Governor's term of office. Thus, the position of Director must be treated in like manner as the single executive of a principal department of the State, including its term of office and submitting to the advice and consent by the Senate. Your Committee believes that amending section 225M-2, Hawaii Revised Statutes, and Act 12, Special Session Laws of Hawaii 2005, fulfills and clarifies the intent of Act 12.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 849 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land,
Agriculture, and Hawaiian
Affairs,



RUSSELL S. KOKUBUN, Chair



