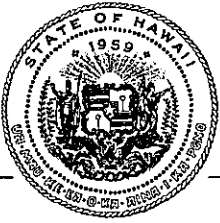


HB1529 HD2

Establishes a task force to review and update the Hawaii state planning act and the planning, programming, and budgeting system. Requires annual reports to the Legislature. Task force ceases to exist on June 30, 2015. Effective July 1, 2112.
(HB1529 HD2))



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

NEIL ABERCROMBIE
GOVERNOR
RICHARD C. LIM
DIRECTOR
JESSE K. SOUKI
INTERIM DIRECTOR
OFFICE OF PLANNING

OFFICE OF PLANNING

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Statement of
JESSE K. SOUKI
Interim Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
**SENATE COMMITTEE ON WATER, LAND, AND HOUSING
AND
SENATE COMMITTEE ON WAYS AND MEANS**
Thursday, March 31, 2011
1:15 PM
State Capitol, Conference Room 225

in consideration of
HB 1529 HD2
RELATING TO PLANNING.

Chairs Dela Cruz and Ige, Vice Chairs Solomon and Kidani, and Members of the House Committees on Water, Land, and Housing and Ways and Means.

HB 1529 HD 2 establishes a temporary task force in the Governor's Office, convened by the Governor, to begin a dialogue leading toward the updating of the Hawaii State Planning Act and to provide for a review of the current budget planning process. The task force is directed to adopt final recommendations, prepare an interim report, and draft proposed legislation for submission to the legislature for its consideration in the 2012 regular session.

We agree that the Hawaii State Planning Act (HRS Chapter 226) needs to be revitalized, and the lack of robust, disciplined, long-term planning may be having a negative impact on Hawaii's people—economically, environmentally, and socially. However, the Office of Planning does not have resources to provide “all administrative, technical, professional, and clerical

support required by the task force for matters pertaining to the review and update of the Hawaii State Planning Act,” as required in Section 2, subpart (f) of the bill.

In addition, we note that the statewide planning system established under Part II (Planning Coordination and Implementation) of the Hawaii State Planning Act already provides a framework for coordinating and guiding all major State and County activities and implementing the overall theme, goals, objectives, policies, and priority guidelines of the Act. We submit that the primary problem with the Hawaii State Planning Act is not the Act itself, but a failure to implement Part II (Planning Coordination and Implementation) of the Act. In the mid-1990s, when the Office of Planning had upwards of 60 staff, it could accomplish statewide planning activities. Today, the Office of Planning has less than one-third of those positions, and it does not have the staff it needs to work on statewide planning. Under HRS § 226-53, statewide planning activities delegated to the Office of Planning include the following:

- Provide recommendations to the governor and state and county agencies on conflicts between and among this chapter, state functional plans approved by the governor, county general plans and development plans, and state programs;
- Review and evaluate this chapter and recommend amendments as needed to the legislature;
- Review, as necessary, major plans, programs, projects, and regulatory activities proposed by state and county agencies, and provide advisory opinions and reports to the governor as needed;
- Analyze existing state policies, planning and program operations, laws, rules, and practices relative to formulation, implementation, and coordination of the state plan;
- Review state capital improvement projects for consistency with this chapter and as necessary report findings and recommendations to the governor prior to allocation of funds;
- Conduct strategic planning by identifying and analyzing significant issues, problems, and opportunities confronting the State, and formulating strategies and alternative courses of action in response to identified problems and opportunities;

- Conduct special studies and prepare reports that address major policy issues relating to statewide growth and development;
- Cooperate with all public agencies to ensure an ongoing, uniform, and reliable base of data and projections;
- Assist the legislature in conducting reviews of parts I (Overall Theme, Goals, Objectives and Policies), II (Planning Coordination and Implementation), and III (Priority Guidelines) as necessary;
- Provide other technical assistance to the governor and state and county agencies as needed; and
- Prepare a report identifying emerging issues for use in the revision of parts I and III, including the updating of state functional plans. The report may include a scan of conditions and trends in population, the economy, and the environment, linking the findings of the state scanning project with policy and program activities.

The Hawaii State Planning Act does not need an update so much as it needs resources dedicated to implementing the existing framework.

Thank you for the opportunity to testify.



NEL ABERCROMBIE
GOVERNOR

BRIAN SCHATZ
LIEUTENANT GOVERNOR

STATE OF HAWAII
OFFICE OF THE LIEUTENANT GOVERNOR
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To: Senate Committee on Water, Land, and Housing
Senate Committee on Ways and Means

From: Cathy L. Takase, Acting Director

Hearing: March 31, 2011, 1:15 p.m.
State Capitol, Room 225

Re: Testimony on H.B. 1529, H.D. 2
Relating to Planning

Thank you for the opportunity to testify on H.B. 1529, H.D. 2. The Office of Information Practices (OIP) takes no position on the substance of this bill, which would establish a task force to review and update the Hawaii State Planning Act. Rather, OIP is testifying to seek clarification of exactly when the task force becomes subject to the Sunshine Law, part I of chapter 92, HRS.

The bill currently provides (at page 5, lines 15-17) that “[i]n developing its preliminary recommendations, the task force may conduct meetings without regard to chapter 92, Hawaii Revised Statutes.” The bill also states (at bill page 7, lines 3-14) that the task force must hold a public hearing subject to chapter 92, but with a shorter notice time than provided for by chapter 92.

The current bill language leaves it unclear at what point the task force becomes subject to the Sunshine Law, or indeed (given the altered notice period) whether it is ever fully subject to the Sunshine Law. OIP would recommend that the committees amend the bill to clarify at what point the task force becomes a board subject to the open meeting requirements of the Sunshine Law board.

Alternatively, if the task force was actually intended to be exempt from the Sunshine Law but required to hold a public hearing, then OIP would recommend that the exemption from the Sunshine Law be made clear (e.g. "shall be exempt from part I of chapter 92") and the public hearing requirement be set out without the confusing references to chapter 92. Generally, the Sunshine Law applies to boards that conduct meetings over a period of time, rather than to individual public hearings, and is thus a poor fit when applied to a single public hearing to be held by a body that is not generally subject to the Sunshine Law. OIP also asks that your Committee consider whether there is a public policy basis for exempting this board from holding open meetings under the Sunshine Law if that is the intention behind this bill.

Thank you for the opportunity to testify on this bill.

WRITTEN ONLY

TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEES ON WATER, LAND, AND HOUSING
AND WAYS AND MEANS
ON
HOUSE BILL NO. 1529, H.D. 2

March 31, 2011

RELATING TO PLANNING

House Bill No. 1529, H.D. 2, establishes a temporary task force within the Office of the Governor to update the Hawaii State Planning Act and the planning, programming, and budgeting system of the State. The task force would end on June 30, 2015.

The Department supports the general intent of reviewing and updating the Hawaii State Planning Act as well as the planning, programming, and budgeting systems within State government. Each of these areas could benefit from a current review and planning effort to update processes, systems and resources to make them more contemporary, time-efficient, effective, and/or expedient. However, the Department would be concerned that the availability of administrative resources within State departments may be limited and therefore may not be able to provide the adequate and sufficient level of support that such an effort deserves. The Committee may want to consider what resources or appropriations would be necessary to perform a worthwhile review and deliver a comprehensive report.

The benefit of this measure is that it would bring both the Legislative and Executive Branch together to jointly participate on improving State systems and

processes. The Department would welcome the opportunity to participate in a review and planning effort to update or make the budgeting system within the State more contemporary with increased capacity and ease of use. If the concept can be incorporated in this effort, or if there is another task force being enacted by the Legislature where the budget system can be appropriately included, the Department would be supportive of those efforts.



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

SENATE COMMITTEE ON WATER, LAND, AND HOUSING SENATE COMMITTEE ON WAYS AND MEANS

March 31, 2011, 1:15 P.M.
(Testimony is 1 page long)

TESTIMONY IN OPPOSITION TO HB 1529, HD2

Aloha Chair Dela Cruz, Chair Ige, and Members of the Committees:

The Sierra Club, Hawaii Chapter, with 8,000 dues paying members and supporters statewide, supports the intent of HB 1529 but *opposes* the bill in its current form. This measure would create a task force to, among other things, review Hawaii's state planning act (Haw. Rev. Stat. Chapter 226).

Our state planning act may need to be updated.¹ To that end, other stakeholders then what are proposed need to be involved in the process. It would seem more prudent suggest representatives from the Urban Land Institute, the Department of Urban Planning at the University of Hawaii, or experts in agricultural, native Hawaiian customary rights, and environmental issues. A more balanced task force would ensure a higher degree of trust in the final result. Involving more folks from outside of government would ensure solutions that aren't simply the *status quo*.

Mahalo for the opportunity to testify.

¹ We note that some sections seem "more up to date" than others. For example, Haw. Rev. Stat. § 226-18 (dealing with energy) appears to have been updated reasonably frequently since its initial enactment.



Aha Kiole Advisory Committee

TESTIMONY IN SUPPORT

HB 1529, HD 2

RELATING TO PLANNING

Committee on Water, Land and Housing

Committee on Ways and Means

March 31, 2011

1:15 p.m.

Room 225

Submitted by: The Aha Kiole Advisory Committee: Vanda Hanakahi, Moloka'i (Chair), Leslie Kuloloio, Kahoolawe, (Vice-Chair); Timmy Bailey, Maui; Winifred Basques, Lana'i; Pi'ilani Ka'awaloa, (Po'o) Hawai'i; Charles Kapua, O'ahu; Sharon Pomroy, Kaua'i; Keith Robinson, (Konohiki) Ni'ihau.

Aloha Chair Dela Cruz, Vice-Chair Solomon; Chair Ige, Vice-Chair Kidani and Members of the Committee;

Thank you for the opportunity to testify in support of HB 1529 HD 2, the bill that establishes a task force to review and update the Hawaii State Planning Act. This endeavor is long overdue and the time is right to do this now.

As the legislature is aware, through Act 212, the Aha Kiole Advisory System began the restoration of the Aha Moku system for the main Hawaiian Islands in 2007. The Aha Moku System is a process through which traditional and generational natural and cultural resource knowledge and methodology is integrated into existing resource management policies through community consultation. Its main focus is to protect and preserve the irreplaceable assets and resources of Hawai'i. In its scope of researching the best way to blend empirical knowledge into current government policy, the Aha Kiole and Moku Councils studied the current resource management principles, beginning with the Hawaii State Plan, Chapter 226, HRS. Our findings are stated in our Final Report to the Legislature, submitted this session, 2011.

As listed in HD 2, the proposed temporary task force is mandated to conduct a comprehensive review of Chapter 226, HRS, and develop recommendations on all aspects of public policy already identified in the chapter. For the past five years, the Aha Kiole and the Aha Moku Councils under the Aha Moku System have studied the Hawaii State Plan and how these policies relate to their communities lives and welfare. This was done so that similarities and differences between the Aha Moku process and the different agency structures could be identified; and how indigenous resource management methodology could be reasonably incorporated into existing policies.

We believe that the current State Plan is outdated and must be revised to reflect society as it is realistically situated today. We particularly reviewed in depth the two parts of the Plan:

Part I which lists the overall theme, goals, objectives and policies of the state; and Part II which goes into detail the planning coordination and implementation of the Plan. We analyzed the State Functional Plans, its Strategic Planning Process, Office of State Planning and its components including the Marine and Coastal Zone Advocacy Council (MACZAC) and the Ocean Resources Management Plan (ORMP – in which we contributed the ahupua'a concepts). This was in addition to intimately reviewing the State Land Use Law, §205, HRS.

It is important that our state grow and prospers with deliberate planning and careful investment into state resources. It is also important that Hawai'i continue to be Hawai'i. The majority of the State Plan focuses on the natural and cultural resources of the main Hawaiian Islands. But that is meaningless without the host culture, the Native Hawaiians. There are 15 recommended task force members from members of the legislature to agency directors including the University of Hawaii and the Hawaii Tourism Authority. Again, there are no representatives of the host culture on a task force that will review a state plan that will impact the lives, culture, practices and traditions of the Native Hawaiian. The Aha Kiole Advisory Committee was created by this Legislature through Act 212 to advise the legislature on a system of best practices that is based upon the indigenous resource management practices of moku (regional) boundaries which acknowledges the natural contours of the land, the specific resources located within those areas, and the methodology necessary to sustain resources and the community. This is a natural component of the Hawaii State Plan. **We ask that a member of the Aha Kiole or its designee, a representative of the Aha Moku System be an official member of this task force to represent Native Hawaiians, the host culture.**

Further, it is listed in the proposed draft that at a minimum, a public hearing on the Island of Oahu to solicit public comments on the updates to the Hawaii State Plan be implemented. While Hawaii, as a whole is our State, it is important to acknowledge that the natural and cultural resources of each island are unique and the Plan must be updated to reflect that. What works in Ka'u does not work in Kaua'i. We are hopeful that should this measure pass, public hearings on each island will be held.

In closing, we urge this body to support the passage of HB 1529, HD 2 with the inclusion of our recommended amendments.

Mahalo nui loa,

Vanda Hanakahi, Chair, Moloka'i

Aha Kiole Advisory Committee

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March 30, 2011

Senate Committee on Water, Land, and Housing
Senator Donovan M. Dela Cruz, Chair
Senator Malama Solomon, Vice Chair

Senate Committee on Ways and Means
Senator David Y. Ige, Chair
Senatore Michelle Kidami, Vice Chair

Public Hearing: March 31, 2011,

Re: HB 1529 HD 2, Relating to Planning

Dear Chairs, Vice Chairs, and members of the Committee,

I oppose House Bill 1529.

Although the State Planning Act may be in need of review, the makeup the task force that would conduct this review, as specified in the bill, does not provide for an adequate representation of diverse stakeholders. In particular, there is a conspicuous absence of planners, environmental groups, and agencies members involved with planning issues. In its present form, this bill would create an unbalanced and biased task force. If changes to the State Planning Act impact "the direction and focus of the State for the next fifty years," as stated in this bill, then it is essential that this be an open dialogue representing all stakeholders from the start of the process.

Thank you for the opportunity to testify.

Nicole Lowen
MA Candidate
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nlowen@gmail.com
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From: mailinglist@capitol.hawaii.gov
To: [WLH Testimony](#)
Cc: palmtree7@earthlink.net
Subject: Testimony for HB1529 on 3/31/2011 1:15:00 PM
Date: Wednesday, March 30, 2011 2:11:34 PM

Testimony for WLH/WAM 3/31/2011 1:15:00 PM HB1529

Conference room: 225
Testifier position: oppose
Testifier will be present: No
Submitted by: jAnice palma-glennie
Organization: Individual
Address:
Phone:
E-mail: palmtree7@earthlink.net
Submitted on: 3/30/2011

Comments:

ALL stakeholders means ALL, and that includes voices from the general public as well as experts in related fields, including environmentalists, cultural experts, trails advocates, etc..

This bill has good ideas but falls short . please vote "NO".
mahalo.