

JAN 18 2013

S.B. NO. 713

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# A BILL FOR AN ACT

RELATING TO THE OFFICE OF PLANNING.

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

1           SECTION 1. Section 225M-1, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§225M-1 Purpose.** The purpose of this chapter is to  
4 establish an office of planning to assist the governor and the  
5 director of business, economic development, and tourism in  
6 maintaining an overall framework to guide the development of the  
7 State through a continuous process of comprehensive, long-range,  
8 and strategic planning to meet the physical, economic, and  
9 social needs of Hawaii's people[7]; review the State's policies  
10 to determine how best to discourage sprawl and promote smart  
11 land use practices; and provide for the wise use of Hawaii's  
12 resources in a coordinated, efficient, and economical manner,  
13 including the conservation of those natural, environmental,  
14 recreational, scenic, historic, and other limited and  
15 irreplaceable resources which are required for future  
16 generations.

17           The office of planning shall implement transit-oriented  
18 development and coordinate with agencies responsible for



1 functions critical to implementation, such as the Hawaii  
2 community development authority, public land development  
3 corporation, department of transportation, department of  
4 Hawaiian home lands, University of Hawaii, department of  
5 accounting and general services, department of health, and the  
6 Hawaii housing finance and development corporation. Other  
7 agencies may participate on an as needed basis where a major  
8 land use issue under consideration falls under the purview of an  
9 agency or department not listed above.

10 The establishment of an office of planning [~~in the~~  
11 ~~department of business, economic development, and tourism,~~]  
12 within the office of the governor, for administrative purposes,  
13 is intended to:

- 14 (1) Fix responsibility and accountability to successfully  
15 carry out statewide planning programs, policies, and  
16 priorities;
- 17 (2) Improve the efficiency and effectiveness of the  
18 operations of the executive branch; and
- 19 (3) Ensure comprehensive planning and coordination to  
20 enhance the quality of life of the people of Hawaii."

21 SECTION 2. Section 225M-2, Hawaii Revised Statutes, is  
22 amended to read as follows:



1           **"§225M-2 Office of planning, establishment;**  
2 **responsibilities.** (a) There is established within the  
3 [~~department of business, economic development, and tourism~~]  
4 office of the governor, on a special and temporary basis, an  
5 office of planning. The head of the office shall be known as  
6 the director of the office of planning, referred to in this  
7 chapter as director. The director shall have: training in the  
8 field of urban or regional planning, public administration, or  
9 other related fields; experience in programs or services related  
10 to governmental planning; and experience in a supervisory,  
11 consultative, or administrative capacity. The director shall be  
12 nominated by the governor and, by and with the advice and  
13 consent of the senate, appointed by the governor without regard  
14 to chapter 76, and shall be compensated at a salary level set by  
15 the governor. The director shall be included in any benefit  
16 program generally applicable to the officers and employees of  
17 the State. The director shall retain such staff as may be  
18 necessary for the purposes of this chapter, in conformity with  
19 chapter 76. The director shall report to the [~~director of~~  
20 ~~business, economic development, and tourism~~] governor and [~~shall~~  
21 ~~not~~] may be required to report directly to any [~~other~~] principal  
22 executive department[~~-~~], as determined by the governor. The



1 director shall conduct an annual comprehensive review of the  
2 office of planning to be submitted to the governor and  
3 legislature no later than twenty days prior to the convening of  
4 each regular session.

5 (b) The office of planning shall gather, analyze, and  
6 provide information to the governor to assist in the overall  
7 analysis and formulation of state policies and strategies to  
8 provide central direction and cohesion in the allocation of  
9 resources and effectuation of state activities and programs and  
10 effectively address current or emerging issues and  
11 opportunities. More specifically, the office shall engage in  
12 the following activities:

13 (1) State comprehensive planning and program coordination.  
14 Formulating and articulating comprehensive statewide  
15 goals, objectives, policies, and priorities, and  
16 coordinating their implementation through the  
17 statewide planning system established in part II of  
18 chapter 226;

19 (2) Strategic planning. Identifying and analyzing  
20 significant issues, problems, and opportunities  
21 confronting the State, and formulating strategies and



1 alternative courses of action in response to  
2 identified problems and opportunities by:

3 (A) Providing in-depth policy research, analysis, and  
4 recommendations on existing or potential areas of  
5 critical state concern;

6 (B) Examining and evaluating the effectiveness of  
7 state programs in implementing state policies and  
8 priorities;

9 (C) Monitoring through surveys, environmental  
10 scanning, and other techniques--current social,  
11 economic, and physical conditions and trends; and

12 (D) Developing, in collaboration with affected public  
13 or private agencies and organizations,  
14 implementation plans and schedules and, where  
15 appropriate, assisting in the mobilization of  
16 resources to meet identified needs;

17 (3) Planning coordination and cooperation. Facilitating  
18 coordinated and cooperative planning and policy  
19 development and implementation activities among state  
20 agencies and between the state, county, and federal  
21 governments, by:



- 1 (A) Reviewing, assessing, and coordinating, as
- 2 necessary, major plans, programs, projects, and
- 3 regulatory activities existing or proposed by
- 4 state and county agencies;
- 5 (B) Formulating mechanisms to simplify, streamline,
- 6 or coordinate interagency development and
- 7 regulatory processes; and
- 8 (C) Recognizing the presence of federal defense and
- 9 security forces and agencies in the State as
- 10 important state concerns;
- 11 (4) Statewide planning and geographic information system.
- 12 Collecting, integrating, analyzing, maintaining, and
- 13 disseminating various forms of data and information,
- 14 including geospatial data and information, to further
- 15 effective state planning, policy analysis and
- 16 development, and delivery of government services by:
- 17 (A) Collecting, assembling, organizing, evaluating,
- 18 and classifying existing geospatial and non-
- 19 geospatial data and performing necessary basic
- 20 research, conversions, and integration to provide
- 21 a common database for governmental planning and
- 22 geospatial analyses by state agencies;



1 (B) Planning, coordinating, and maintaining a  
2 comprehensive, shared statewide planning and  
3 geographic information system and associated  
4 geospatial database. The office shall be the  
5 lead agency responsible for coordinating the  
6 maintenance of the multi-agency, statewide  
7 planning and geographic information system and  
8 coordinating, collecting, integrating, and  
9 disseminating geospatial data sets that are used  
10 to support a variety of state agency applications  
11 and other spatial data analyses to enhance  
12 decision making. The office shall promote and  
13 encourage free and open data sharing among and  
14 between all government agencies. To ensure the  
15 maintenance of a comprehensive, accurate, up-to-  
16 date geospatial data resource that can be drawn  
17 upon for decision making related to essential  
18 public policy issues such as land use planning,  
19 resource management, homeland security, and the  
20 overall health, safety, and well-being of  
21 Hawaii's citizens, and to avoid redundant data  
22 development efforts, state agencies shall provide



1 to the shared system either their respective  
2 geospatial databases or, at a minimum, especially  
3 in cases of secure or confidential data sets that  
4 cannot be shared or must be restricted, metadata  
5 describing existing geospatial data. In cases  
6 where agencies provide restricted data, the  
7 office of planning shall ensure the security of  
8 that data; and

9 (C) Maintaining a centralized depository of state and  
10 national planning references;

11 (5) Land use planning. Developing and presenting the  
12 position of the State in all boundary change petitions  
13 and proceedings before the land use commission,  
14 assisting state agencies in the development and  
15 submittal of petitions for land use district boundary  
16 amendments, and conducting periodic reviews of the  
17 classification and districting of all lands in the  
18 State, as specified in chapter 205;

19 (6) Coastal and ocean policy management. Carrying out the  
20 lead agency responsibilities for the Hawaii coastal  
21 zone management program, as specified in chapter 205A.  
22 Also, developing and maintaining an ocean and coastal





1 resources information, planning, and management system  
2 further developing and coordinating implementation of  
3 the ocean resources management plan, and formulating  
4 ocean policies with respect to the exclusive economic  
5 zone, coral reefs, and national marine sanctuaries;

6 (7) Regional planning and studies. Conducting plans and  
7 studies to determine:

8 (A) The capability of various regions within the  
9 State to support projected increases in both  
10 resident populations and visitors;

11 (B) The potential physical, social, economic, and  
12 environmental impact on these regions resulting  
13 from increases in both resident populations and  
14 visitors;

15 (C) The maximum annual visitor carrying capacity for  
16 the State by region, county, and island; and

17 (D) The appropriate guidance and management of  
18 selected regions and areas of statewide critical  
19 concern.

20 The studies in subparagraphs (A) to (C) shall be  
21 conducted at appropriate intervals, but not less than  
22 once every five years; [and]



- 1           (8) Regional, national, and international planning.  
2           Participating in and ensuring that state plans,  
3           policies, and objectives are consistent, to the extent  
4           practicable, with regional, national, and  
5           international planning efforts[+]; and
- 6           (9) Transit-oriented development planning. Participating  
7           in and coordinating transit-oriented development  
8           planning between state, county, and city governments  
9           by:
  - 10           (A) Serving as coordinator between state agencies and  
11           across city, county, and state governments to  
12           identify shared transit-oriented development  
13           opportunities;
  - 14           (B) Clarifying state goals for transit-oriented  
15           development and smart growth that support the  
16           principles of the Hawaii state planning act by,  
17           among other things, preserving non-urbanized  
18           land, improving worker access to jobs, and  
19           reducing fuel consumption;
  - 20           (C) Conducting outreach to state agencies to assist  
21           in informing and educating state employees about



- 1                   the ways they can support and benefit from
- 2                   transit-oriented development;
- 3           (D)   Publicizing coordinated state efforts that
- 4                   support smart growth, walkable neighborhoods, and
- 5                   transit-oriented development; and
- 6           (E)   Reviewing state land use decision making
- 7                   processes to identify ways to make walkable,
- 8                   transit-oriented development communities a higher
- 9                   priority, and to facilitate better and more
- 10                  proactive leadership in creating walkable
- 11                  communities and employment districts, even if
- 12                  transit will be provided at a later date."

13           SECTION 3. The office of planning may establish two

14 temporary positions, subject to chapters 76 and 89, Hawaii

15 Revised Statutes; provided that funding for the positions shall

16 be provided by the Honolulu authority for rapid transportation

17 to carry out the purposes of this Act.

18           SECTION 4. There is appropriated out of funds to be

19 provided by the Honolulu authority for rapid transportation the

20 sum of \$                   or so much thereof as may be necessary for

21 fiscal year 2013-2014 and the same sum or so much thereof as may



1 be necessary for fiscal year 2014-2015 for two temporary  
2 positions in the office of planning.

3 The sums appropriated shall be expended by the office of  
4 planning for the purposes of this Act.

5 SECTION 5. All rights, powers, functions, and duties of  
6 the office of planning are transferred to the office of the  
7 governor.

8 All officers and employees whose functions are transferred  
9 by this Act shall be transferred with their functions and shall  
10 continue to perform their regular duties upon their transfer,  
11 subject to the state personnel laws and this Act.

12 No officer or employee of the State having tenure shall  
13 suffer any loss of salary, seniority, prior service credit,  
14 vacation, sick leave, or other employee benefit or privilege as  
15 a consequence of this Act, and such officer or employee may be  
16 transferred or appointed to a civil service position without the  
17 necessity of examination; provided that the officer or employee  
18 possesses the minimum qualifications for the position to which  
19 transferred or appointed; and provided that subsequent changes  
20 in status may be made pursuant to applicable civil service and  
21 compensation laws.



1           An officer or employee of the State who does not have  
2 tenure and who may be transferred or appointed to a civil  
3 service position as a consequence of this Act shall become a  
4 civil service employee without the loss of salary, seniority,  
5 prior service credit, vacation, sick leave, or other employee  
6 benefits or privileges and without the necessity of examination;  
7 provided that such officer or employee possesses the minimum  
8 qualifications for the position to which transferred or  
9 appointed.

10           If an office or position held by an officer or employee  
11 having tenure is abolished, the officer or employee shall not  
12 thereby be separated from public employment, but shall remain in  
13 the employment of the State with the same pay and classification  
14 and shall be transferred to some other office or position for  
15 which the officer or employee is eligible under the personnel  
16 laws of the State as determined by the head of the department or  
17 the governor.

18           SECTION 6. All appropriations, records, equipment,  
19 machines, files, supplies, contracts, books, papers, documents,  
20 maps, and other personal property heretofore made, used,  
21 acquired, or held by the department of business, economic  
22 development, and tourism relating to the functions transferred

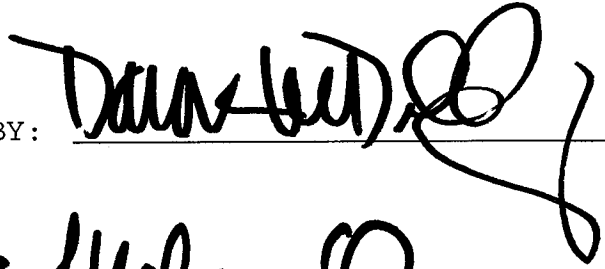
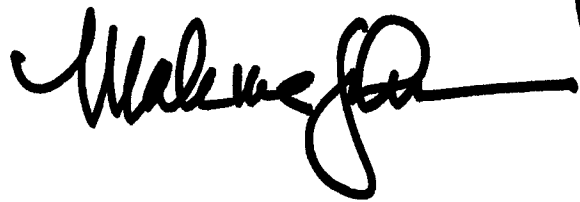


1 to the office of the governor shall be transferred with the  
2 functions to which they relate.

3 SECTION 7. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 8. This Act shall take effect upon its approval;  
6 provided that section 4 shall take effect on July 1, 2013.

7

INTRODUCED BY:   




**Report Title:**

Office of Planning; Office of the Governor; Appropriation

**Description:**

Temporarily transfers the office of planning from the department of business, economic development, and tourism to the office of the governor. Requires the director of the office of planning to conduct an annual review of the office of planning.

Authorizes the office of planning to hire two temporary positions to be funded by the Honolulu authority for rapid transportation, if funds are available.

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

