

ACT 189

H.B. NO. 677

A Bill for an Act Relating to a State Planning Policy.

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

SECTION 1. Findings and purposes. The State of Hawaii has been pointed to as a national leader in commitment to land use planning. The legislature finds that elements of a comprehensive planning program exist and must be maintained, but that substantial further steps are necessary to develop a comprehensive planning program which would most effectively implement the State's policy goals.

The legislature finds that comprehensive planning is the key to the enactment of a general plan or plans. To plan adequately the State must first know where it wants to go. This should be embodied in policies which all plans and decisions must conform to and implement. The process should be an ongoing one with periodic review, and should involve close county-state cooperation.

The legislature finds that all too often programs shape planning, instead of policy determining planning and programs conforming to those policies and plans. The dependence on the private automobile to move people and goods is at least partly the result of generous spending for highways and land use decisions encouraging sprawl, in spite of our stated goal of preserving agricultural lands from urban development. Thus, the decisions of one specialist agency in building highways have not been related either to a state goal or to the decisions of other agencies such as the one fostering agriculture. Such failures of several state agencies, or of state and county agencies, to work effectively together toward common goals demonstrate the need for overall state policies to govern planning and programs.

The purpose of this Act is to create a structure for policy plan formulation and program plan coordination which will order the action of all state and county agencies under the general policies and directions prescribed by the legislature through a state plan.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

“CHAPTER POLICY PLANNING

PART I. POLICY AND PLANNING COORDINATION

Sec. -1 Definitions. As used in this chapter:

- (1) ‘Director’ means the director of the department of planning and economic development.
- (2) ‘County general plan’ means the comprehensive long-range plan or development plan, if any, which has been adopted by ordinance or resolution by a county council.
- (3) ‘Policy council’ means the council established in section -3.
- (4) ‘State agency’ means any department, office, board, or commission of the State.
- (5) ‘State plan’ means a long-range, comprehensive plan and policies developed pursuant to section -21(a) which shall serve as a guide for the future long-range development of the State and contains interrelated statements of the general, social, economic, environmental, physical and design objectives to be achieved for the general welfare and prosperity of the people of the State. Such plan shall include, but not be limited to a statewide land use guidance policy.

Sec. -2. Powers and duties of the director. (a) The director shall be responsible for the development and coordination of a state plan and shall have such powers delegated by the governor as are necessary to coordinate all state and county governmental agencies in matters concerning the comprehensive state plan.

- (b) To further the objective of subsection (a), the director shall:
 - (1) Formulate the state plan in consultation with the policy council.
 - (2) Relate comprehensive policy planning to policy statements of the counties as reflected in the county general plans or other documents containing such policy statements.
 - (3) Review and make periodic reports to the policy council on the actions of state and county agencies relative to the state plan.
 - (4) Identify areas of conflict between state agencies and between the State and the several counties, and aid the policy council in reconciling such conflicts as they relate to state planning and program implementation.
 - (5) Analyze existing state policies, planning and program operations, laws, rules and practices relative to formulation, implementation, and coordination of the state plan.
 - (6) Provide advisory opinions and reports on the compatibility of proposed actions with the state plan at the discretion of the director.
 - (7) Review state capital improvement projects for conformity with the objectives of the state plan, and report his findings and recommendations to the governor prior to allocation of funds.
 - (8) Evaluate and review in consultation with the policy council the state plan and recommend revisions and amendments.

- (9) Monitor, evaluate, and report on the implementation of the state plan.
- (10) Advise the legislature and county councils as to major policy affecting all areas of state and county development;
- (11) Submit an annual report to the legislature and the county councils as to the progress in attaining the goals and objectives of the policies in the state plan;
- (12) Report to the governor and general public on the problems of state planning, and mobilize the resources of the general community and members of concerned professional and environmental groups to address such problems.
- (13) Contract among public and private agencies and persons for special research and planning assistance.
- (14) Cooperate with all public agencies to ensure an ongoing, uniform and valid base of data and projections.

Sec. -3 Policy council. There is established a policy council. The governor shall appoint one of its members as its chairman. Members of the council shall all serve ex officio and shall include:

- (1) The planning director from each county;
- (2) The directors or chairmen from the departments of agriculture, budget and finance, planning and economic development, education, land and natural resources, Hawaii housing authority, transportation, and land use commission.

Expenses incurred by a member participating in council deliberations shall be borne by his respective public agency.

Sec. -4. Policy council; functions. The policy council shall:

- (1) Advise the director in the formulation, amendment, and review of the state plan;
- (2) Monitor and review actions of all state agencies for conformity with the state plan;
- (3) Provide a forum for resolving differences between the state and county policies and plans;
- (4) Participate in the four-year review of the state plan in accordance with section -24;
- (5) Submit an annual report to the legislature and the county councils as to the progress in attaining the goals and objectives of the policies in the state plan.

PART II. STATE PLAN

Sec. -21 State plan; enactment, review and compliance. (a) The director, in consultation with the policy council and the appropriate state agencies, shall prepare and submit to the legislature not later than January 1, 1977 a state plan which shall be a composite of proposed and already developed state policies and programs relating to the development of the land and the development of natural, environmental, recreational, scenic, historic and other resources within the State. The state plan shall establish both long and short range goals and general implementation directions for the State which shall

include but not be limited to the following areas, provided that emphasis is given to their inter-relatedness:

- (1) Cultural development; human, ethnic and community identity; individual rights; and social problems;
- (2) Ecology, energy, natural resources, open space, and agriculture;
- (3) Education, recreation, and leisure time;
- (4) Physical, mental, and public health; safety; and related environmental protection;
- (5) Land use and transportation/communication systems;
- (6) Housing and urban design;
- (7) Public utility and governmental services;
- (8) Population size, density, and distribution;
- (9) Economic development and employment diversity; and
- (10) Rate and location of public facilities and community services.

(b) All revisions to the state plan shall be reviewed by the policy council prior to submission to the legislature. Upon receipt of the state plan, the legislature shall diligently review, modify, or enact into law a state plan.

(c) All state agencies, and the respective counties, shall comply with and implement the state plan, and the policy council shall monitor and recommend solutions to the governor in all cases of dispute over conformity with the plan or coordination between different agencies.

Sec. -22 County general plans. Within two years after enactment by the legislature of the state plan, and any amendments to the state plan, the general plans of the respective counties shall be amended to conform to such state plan or any amendments thereto.

Sec. -23 Public hearings. Before the submission of the state plan to the legislature, the director shall hold public hearings with notice given provided in chapter 91 in each county in the State. There shall be not less than two public hearings in each county giving widest geographical coverage; provided that in the city and county of Honolulu there shall be not less than three public hearings with the widest geographical coverage.

Sec. -24 State plan; review. The director shall conduct a comprehensive review of the state plan every fourth year following enactment by the legislature of the initial state plan. The review shall be carried out in consultation with the policy council. The director shall recommend revisions or amendments of the state plan to the legislature for action in the legislative session following said review.

Sec. -25 Annual policy review. The director, in consultation with the policy council, shall submit a report to the legislature covering legislation and programs of the preceding calendar year which have major statewide or county impact. The report shall assess the consistency of said legislation and programs with the state plan and shall be submitted no later than February 1 of each year.

Sec. -26 Status report of state plan. Prior to January 1, 1976, the director shall submit to the legislature a detailed status report on the progress as well as a preliminary draft of the proposed state plan.

SECTION 3. This Act shall take effect upon its approval.
(Approved June 2, 1975.)