

ACT 45

H.B. NO. 2486

A Bill for an Act Relating to the Office of Planning.

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

SECTION 1. The legislature finds that not only is climate change real, but it is the overriding challenge of the twenty-first century and one of the priority issues of the State. Climate change poses immediate and long-term threats to Hawaii's economy, sustainability, security, and way of life.

The legislature recognized in Act 8, Special Session Laws of Hawaii 2005, that "many quality-of-life issues, including water quality, air quality, land use, energy, and ocean resources, are important to the people of Hawaii and should be the focus for planning Hawaii's future" and created the Hawaii 2050 sustainability plan to "coordinate the actions needed to sustain a growing and vibrant economy, while maintaining a high quality of life for all residents and visitors."

The legislature recognized in Act 181, Session Laws of Hawaii 2011, that “[t]he creation of the Hawaii 2050 sustainability plan comes as the State faces a growing number of pressing issues, including the steady deterioration of public infrastructure, the lack of affordable housing, a continued reliance on a service-based economy, the vulnerability of Hawaii in a volatile global energy market, possible interruptions in travel and to critical food supplies, threats to fragile island ecosystems, ever-increasing numbers of residents, and an increasing number of visitors over the long-term.” These issues all raise questions about the long-term limits of growth in the State and highlight the need to begin planning and coordinating state agencies to act to assure Hawaii’s sustainable future.

The legislature further finds that the recent novel coronavirus disease (COVID-19) pandemic and state of emergency has created unprecedented demands in Hawaii’s local communities. The immediate impacts of the pandemic resulted in a sharp drop in Hawaii’s employment and economic activity. Other sudden economic factors that were caused by reducing COVID-19 transmission throughout the State of Hawaii include: significant job loss, cost of living challenges, increased affordable housing demands, shocks to the supply chain, locally produced food insecurity, scarcity of locally produced goods, increased technological demand, strains on technological infrastructure, workforce constraints, and increased demands on healthcare and social services. These socioeconomic shocks and Hawaii’s economic stresses have inspired discussions for long-term and comprehensive planning for a sustainable and resilient economic recovery for the State of Hawaii.

The purpose of this Act is to:

- (1) Establish a statewide sustainability branch within the office of planning to ensure stronger, long-term planning, coordination, and implementation of Hawaii’s sustainability goals; and
- (2) Update and reaffirm the role of the office of planning to coordinate among state agencies regarding climate change adaptation and sustainability.

SECTION 2. Chapter 225M, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**§225M- Statewide sustainability branch; established.** The statewide sustainability branch is established within the office of planning. The state sustainability coordinator shall serve as the administrator of the branch. The branch shall have the following duties:

- (1) Develop, organize, and promote policies and programs that assist in the meeting of Hawaii’s numerous sustainability and climate policies and goals, and the priority guidelines and principles to promote sustainability set forth in section 226-108;
- (2) Identify, evaluate, and make recommendations regarding proposed legislation, regulatory changes, or policy modifications to the governor, the legislature, government agencies, private entities, and other bodies for the purpose of encouraging activities that best sustain, protect, and enhance the quality of the environment, economy, and community for the present and future benefit of the people of Hawaii; and
- (3) Develop and promote proposals that jointly and mutually enhance local economies, the environment, and community well-being for the present and future benefit of the people of Hawaii.”

SECTION 3. Section 225M-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

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

- (1) State comprehensive planning and program coordination. Formulating and articulating comprehensive statewide goals, objectives, policies, and priorities, and coordinating their implementation through the statewide planning system established in part II of chapter 226;
- (2) Strategic planning. 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 by:
 - (A) Providing in-depth policy research, analysis, and recommendations on existing or potential areas of critical state concern;
 - (B) Examining and evaluating the effectiveness of state programs in implementing state policies and priorities;
 - (C) Monitoring through surveys, environmental scanning, and other techniques—current social, economic, and physical conditions and trends; and
 - (D) Developing, in collaboration with affected public or private agencies and organizations, implementation plans and schedules and, where appropriate, assisting in the mobilization of resources to meet identified needs;
- (3) Planning coordination and cooperation. Facilitating coordinated and cooperative planning and policy development and implementation activities among state agencies and between the state, county, and federal governments, by:
 - (A) Reviewing, assessing, and coordinating, as necessary, major plans, programs, projects, and regulatory activities existing or proposed by state and county agencies;
 - (B) Formulating mechanisms to simplify, streamline, or coordinate interagency development and regulatory processes; and
 - (C) Recognizing the presence of federal defense and security forces and agencies in the State as important state concerns;
- (4) Statewide planning and geographic information system. Collecting, integrating, analyzing, maintaining, and disseminating various forms of data and information, including geospatial data and information, to further effective state planning, policy analysis and development, and delivery of government services by:
 - (A) Collecting, assembling, organizing, evaluating, and classifying existing geospatial and non-geospatial data and performing necessary basic research, conversions, and integration to provide a common database for governmental planning and geospatial analyses by state agencies;
 - (B) Planning, coordinating, and maintaining a comprehensive, shared statewide planning and geographic information system and associated geospatial database. The office shall be the lead agency responsible for coordinating the maintenance of the multi-agency, statewide planning and geographic information system and coordinating, collecting, integrating, and disseminating geospatial data sets that are used to support a variety

of state agency applications and other spatial data analyses to enhance decision-making. The office shall promote and encourage free and open data sharing among and between all government agencies. To ensure the maintenance of a comprehensive, accurate, up-to-date geospatial data resource that can be drawn upon for decision-making related to essential public policy issues such as land use planning, resource management, homeland security, and the overall health, safety, and well-being of Hawaii's citizens, and to avoid redundant data development efforts, state agencies shall provide to the shared system either their respective geospatial databases or, at a minimum, especially in cases of secure or confidential data sets that cannot be shared or must be restricted, metadata describing existing geospatial data. In cases where agencies provide restricted data, the office of planning shall ensure the security of that data; and

- (C) Maintaining a centralized depository of state and national planning references;
- (5) Land use planning. Developing and presenting the position of the State in all boundary change petitions and proceedings before the land use commission, assisting state agencies in the development and submittal of petitions for land use district boundary amendments, and conducting periodic reviews of the classification and districting of all lands in the State, as specified in chapter 205;
- (6) Coastal and ocean policy management~~[-]~~, and sea level rise adaptation coordination. Carrying out the lead agency responsibilities for the Hawaii coastal zone management program, as specified in chapter 205A. Also:
 - (A) Developing and maintaining an ocean and coastal resources information, planning, and management system;
 - (B) Further developing and coordinating implementation of the ocean resources management plan; and
 - (C) Formulating ocean policies with respect to the exclusive economic zone, coral reefs, and national marine sanctuaries;
- (7) Regional planning and studies. Conducting plans and studies to determine:
 - (A) The capability of various regions within the State to support projected increases in both resident populations and visitors;
 - (B) The potential physical, social, economic, and environmental impact on these regions resulting from increases in both resident populations and visitors;
 - (C) The maximum annual visitor carrying capacity for the State by region, county, and island; and
 - (D) The appropriate guidance and management of selected regions and areas of statewide critical concern.

The studies in subparagraphs (A) to (C) shall be conducted at appropriate intervals, but not less than once every five years;
- (8) Regional, national, and international planning. Participating in and ensuring that state plans, policies, and objectives are consistent, to the extent practicable, with regional, national, and international planning efforts;
- (9) Climate adaptation and sustainability planning~~[-]~~ and coordination. Conducting plans and studies and preparing reports as follows:

- (A) Develop, monitor, and evaluate strategic climate adaptation plans and actionable policy recommendations for the State and counties addressing expected statewide climate change impacts identified under [~~Act 286, Session Laws of Hawaii 2012, through the year 2050;~~] chapter 225P and sections 226-108 and 226-109; and
- (B) Provide planning and policy guidance and assistance to state and county agencies regarding climate change[;] and sustainability; and
- ~~[(C) Publish its findings, recommendations, and progress reports on actions taken no later than December 31, 2017, and its annual report to the governor and the legislature thereafter; and]~~
- (10) Smart growth and transit-oriented development. Acting as the lead agency to coordinate and advance smart growth and transit-oriented development planning within the State as follows:
 - (A) Identify transit-oriented development opportunities shared between state and county agencies, including relevant initiatives such as the department of health’s healthy Hawaii initiative and the Hawaii clean energy initiative;
 - (B) Refine the definition of “transit-oriented development” in the context of Hawaii, while recognizing the potential for smart growth development patterns in all locations;
 - (C) Clarify state goals for transit-oriented development and smart growth that support the principles of the Hawaii State Planning Act by preserving non-urbanized land, improving worker access to jobs, and reducing fuel consumption;
 - (D) Target transit-oriented development areas for significant increase in affordable housing and rental units;
 - (E) Conduct outreach to state agencies to help educate state employees about the ways they can support and benefit from transit-oriented development and the State’s smart growth goals;
 - (F) Publicize coordinated state efforts that support smart growth, walkable neighborhoods, and transit-oriented development;
 - (G) Review state land use decision-making processes to identify ways to make transit-oriented development a higher priority and facilitate better and more proactive leadership in creating walkable communities and employment districts, even if transit will only be provided at a later date; and
 - (H) Approve all state agencies’ development plans for parcels along the rail transit corridor. For the purposes of this subparagraph, “development plans” means conceptual land use plans that identify the location and planned uses within a defined area.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved September 15, 2020.)

Note

1. Edited pursuant to HRS §23G-16.5.