
A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. The purpose of this Act is to transfer the
2 office of planning and sustainable development from the
3 department of business, economic development, and tourism to the
4 department of land and natural resources.

5 SECTION 2. Section 171-3, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§171-3 Department of land and natural resources. (a)
8 The department of land and natural resources shall be headed by
9 an executive board to be known as the board of land and natural
10 resources. The department shall manage, administer, and
11 exercise control over public lands, the water resources, ocean
12 waters, navigable streams, coastal areas (excluding commercial
13 harbor areas), and minerals and all other interests therein and
14 exercise such powers of disposition thereof as may be authorized
15 by law. The department shall also manage and administer the
16 state parks, historical sites, forests, forest reserves, aquatic
17 life, aquatic life sanctuaries, public fishing areas, boating,



1 ocean recreation, coastal programs, wildlife, wildlife
2 sanctuaries, game management areas, public hunting areas,
3 natural area reserves, and other functions assigned by law.

4 (b) Notwithstanding subsection (a), beginning January 1,
5 2010, the authority to manage, administer, and exercise control
6 over any public lands that are designated important agricultural
7 lands pursuant to section 205-44.5, shall be transferred to the
8 department of agriculture.

9 (c) The department shall have jurisdiction over state
10 planning under chapter 225M and the Hawaii State Planning Act
11 under chapter 226. Due to the inherently interdependent
12 functions of development, planning, and land use, these
13 functions shall not be transferred by executive order,
14 directive, or memorandum, to any other department, nor shall
15 these functions be subject to review or approval by any other
16 department."

17 SECTION 3. Section 201-2, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§201-2 General objective, functions, and duties of
20 department. [~~a~~] It shall be the objective of the department
21 of business, economic development, and tourism to make broad



1 policy determinations with respect to economic development in
2 the State and to stimulate through research and demonstration
3 projects those industrial and economic development efforts that
4 offer the most immediate promise of expanding the economy of the
5 State. The department shall endeavor to gain an understanding
6 of those functions and activities of other governmental agencies
7 and of private agencies that relate to the field of economic
8 development. It shall, at all times, encourage initiative and
9 creative thinking in harmony with the objectives of the
10 department.

11 ~~[(b) The department of business, economic development, and~~
12 ~~tourism shall have jurisdiction over state planning under~~
13 ~~chapter 225M and the Hawaii State Planning Act under chapter~~
14 ~~226. Due to the inherently interdependent functions of~~
15 ~~development, planning, and land use, these functions shall not~~
16 ~~be transferred by executive order, directive, or memorandum, to~~
17 ~~any other department, nor shall these functions be subject to~~
18 ~~review or approval by any other department.] "~~

19 SECTION 4. Section 225M-1, Hawaii Revised Statutes, is
20 amended to read as follows:



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

15 The establishment of an office of planning and sustainable
16 development in the [~~department of business, economic~~
17 ~~development, and tourism,~~] department of land and natural
18 resources, for administrative purposes, is intended to:

19 (1) Fix responsibility and accountability to successfully
20 carry out statewide planning programs, policies, and
21 priorities;



- 1 (2) Improve the efficiency and effectiveness of the
- 2 operations of the executive branch; and
- 3 (3) Ensure comprehensive planning and coordination to
- 4 enhance the quality of life of the people of Hawaii."

5 SECTION 5. Section 225M-2, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) There is established the office of planning and
8 sustainable development within the department of [~~business,~~
9 ~~economic development, and tourism~~] land and natural resources
10 for administrative purposes only. The head of the office shall
11 be known as the director of the office of planning and
12 sustainable development and referred to in this chapter as
13 director. The director shall have:

- 14 (1) Training in the field of urban or regional planning,
15 public administration, or other related fields;
- 16 (2) Experience in programs or services related to
17 governmental planning; and
- 18 (3) Experience in a supervisory, consultative, or
19 administrative capacity.

20 The director shall be nominated by the governor and, by and with
21 the advice and consent of the senate, appointed by the governor



1 without regard to chapter 76, and shall be compensated at a
2 salary level set by the governor. The director shall be
3 included in any benefit program generally applicable to the
4 officers and employees of the State. The director may retain
5 staff as may be necessary for the purposes of this chapter, in
6 conformity with chapter 76. The director shall report to the
7 ~~[director of business, economic development, and tourism]~~
8 chairperson of the board of land and natural resources and shall
9 not be required to report directly to any other principal
10 executive department. The director may also employ staff
11 without regard to chapter 76, as authorized in this chapter and
12 as may be necessary."

13 SECTION 6. Section 225M-3, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) Every state department, county agency, or other
16 public or private agency or individual providing planning
17 programs and services shall be encouraged to participate
18 actively in the activities of the office of planning and
19 sustainable development. The executive heads of all state
20 departments and agencies shall cooperate with the office of
21 planning and sustainable development by providing information as



1 the governor and the [~~director of business, economic~~
2 ~~development, and tourism~~] chairperson of the board of land and
3 natural resources deem necessary for the effective discharge of
4 its duties."

5 SECTION 7. Section 225M-4, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§225M-4 Allocation of funds.** Any of the agencies of the
8 State to which general or special appropriations are made, or a
9 part of whose budget contains an allocation, or which makes an
10 allocation of funds for planning and research, shall consult
11 with the office of planning and sustainable development to
12 ensure that all expenditures are in accordance with, or in
13 furtherance of the goals and objectives of the Hawaii state
14 plan. After first consulting with the [~~director of business,~~
15 ~~economic development, and tourism,~~] chairperson of the board of
16 land and natural resources, the governor may withhold the
17 expenditure of these funds by any agency until the governor is
18 satisfied that the expenditures will implement those goals and
19 objectives."

20 SECTION 8. All rights, powers, functions, and duties of
21 the department of business, economic development, and tourism,



1 as they relate to the office of planning and sustainable
2 development are transferred to the department of land and
3 natural resources.

4 All employees who occupy civil service positions and whose
5 functions are transferred to the department of land and natural
6 resources by this Act shall retain their civil service status,
7 whether permanent or temporary. Employees shall be transferred
8 without loss of salary, seniority (except as prescribed by
9 applicable collective bargaining agreements), retention points,
10 prior service credit, any vacation and sick leave credits
11 previously earned, and other rights, benefits, and privileges,
12 in accordance with state personnel laws and this Act; provided
13 that the employees possess the minimum qualifications and public
14 employment requirements for the class or position to which
15 transferred or appointed, as applicable; provided further that
16 subsequent changes in status may be made pursuant to applicable
17 civil service and compensation laws.

18 Any employee who, prior to this Act, is exempt from civil
19 service and is transferred as a consequence of this Act may
20 retain the employee's exempt status, but shall not be appointed
21 to a civil service position as a consequence of this Act. An



1 exempt employee who is transferred by this Act shall not suffer
2 any loss of prior service credit, vacation or sick leave credits
3 previously earned, or other employee benefits or privileges as a
4 consequence of this Act; provided that the employees possess
5 legal and public employment requirements for the position to
6 which transferred or appointed, as applicable; provided further
7 that subsequent changes in status may be made pursuant to
8 applicable employment and compensation laws. The chairperson of
9 the board of land and natural resources may prescribe the duties
10 and qualifications of these employees and fix their salaries
11 without regard to chapter 76, Hawaii Revised Statutes.

12 SECTION 9. All appropriations, records, equipment,
13 machines, files, supplies, contracts, books, papers, documents,
14 maps, and other personal property heretofore made, used,
15 acquired, or held by the department of business, economic
16 development, and tourism relating to the functions transferred
17 to the department of land and natural resources shall be
18 transferred with the functions to which they relate.

19 SECTION 10. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 11. This Act shall take effect upon its approval.



Report Title:

Office of Planning and Sustainable Development; Department of Land and Natural Resources; Department Transfer

Description:

Transfers the Office of Planning and Sustainable Development from the Department of Business, Economic Development, and Tourism to the Department of Land and Natural Resources.
(Proposed SD1)

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