

JAN 22 2008

A BILL FOR AN ACT

RELATING TO SUSTAINABILITY.

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

1 SECTION 1. During the 2005 special session, the
2 legislature adopted Act 8, Special Session Laws of Hawaii 2005
3 (Act 8), to create the Hawaii 2050 task force to review the
4 Hawaii state plan and the State's planning process. The office
5 of the auditor was required to prepare and submit to the
6 legislature the Hawaii 2050 sustainability plan. In enacting
7 Act 8, the legislature expressed its belief that government is
8 responsible for resolving daily and immediate issues and public
9 needs, while providing guidance to assure a sustainable future
10 and outlook.

11 The creation of the Hawaii 2050 sustainability plan comes
12 as the State faces a growing number of pressing issues,
13 including the steady deterioration of public infrastructure;
14 lack of affordable housing; continued reliance on a service-
15 based economy; vulnerability of Hawaii in a volatile global
16 energy market; possible interruptions in travel and critical
17 food supplies; threats to fragile island ecosystems; and ever



1 increasing numbers of residents and visitors. These issues all
2 raise questions about the long-term limits of growth in the
3 State and motivate the need to begin planning and action to
4 assure Hawaii's future.

5 Addressing and solving issues critical to Hawaii's way of
6 life and natural resources requires coordinated community
7 efforts to produce comprehensive, long-range planning policies
8 and actions. Within that context, the mission of the Hawaii
9 2050 sustainability task force and the objectives of the Hawaii
10 2050 sustainability plan are intended to revitalize the State's
11 long-term planning process to better guide the future
12 development of Hawaii.

13 The purpose of this Act is to:

- 14 (1) Set forth and adopt the Hawaii 2050 sustainability
15 plan;
- 16 (2) Establish a sustainability council to coordinate,
17 implement, measure, and evaluate the progress of the
18 Hawaii 2050 sustainability plan and its related
19 activities; and
- 20 (3) Appropriate funds for the creation of the
21 sustainability council.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter under title 13 to be appropriately
3 designated and to read as follows:

4 "CHAPTER

5 HAWAII 2050 SUSTAINABILITY PLAN

6 § -1 **Findings and purpose.** The legislature finds that
7 over the years, the Hawaii state plan under chapter 226 has
8 become outdated and there is a lack of awareness of the goals
9 embodied therein. In 2005, the legislature enacted Act 8,
10 Special Session Laws of Hawaii 2005, to create the Hawaii 2050
11 sustainability task force to review the Hawaii state plan and
12 develop a sustainability plan to address the vital needs of the
13 State through the year 2050. The office of the auditor was
14 required to prepare and submit to the legislature the Hawaii
15 2050 sustainability plan.

16 The task force developed a comprehensive sustainability
17 plan that provides a definition for sustainability; identifies
18 guiding principles and five major goals for Hawaii 2050;
19 identifies and proposes strategic actions to implement these
20 five major goals, indicators to measure the success or failure
21 in various sustainability actions, and priority actions and



1 intermediate steps for a target date of 2020; and establishes
2 recommendations.

3 The purpose of this chapter is to:

4 (1) Set forth the Hawaii 2050 sustainability plan, which
5 shall serve as a guide for the future long-range
6 development of the State;

7 (2) Provide a mechanism to implement strategic actions to
8 achieve objectives and utilize indicators to measure
9 progress in the State's efforts to achieve its
10 objectives; and

11 (3) Establish a coordinating body for plan implementation,
12 progress review, and program coordination to provide
13 for an integration of all major state and county
14 activities to achieve a sustainable future.

15 **§ -2 Definitions.** As used in this chapter, the
16 following words and terms shall have the following meanings
17 unless the context shall indicate another or different meaning
18 or intent:

19 "Ahupuaa" means a traditional native Hawaiian resource and
20 behavioral management system that ensures respect for the air,
21 land, water, and other scarce natural resources that make life
22 sustainable from the mountains to the sea.



1 "Council" means the sustainability council.

2 "Kanaka Maoli" means native Hawaiians.

3 "Plan" means the Hawaii 2050 sustainability plan.

4 "Task force" means the Hawaii 2050 sustainability task
5 force established under Act 8, Special Session Laws of Hawaii
6 2005.

7 **§ -3 Sustainability; guiding principles.** (a) As a
8 result of a statewide community effort and engagement process,
9 it was revealed that most Hawaii residents desire a balance
10 between economic, cultural, and environmental concerns. Thus,
11 sustainability is defined as a Hawaii that achieves the
12 following:

- 13 (1) Respects the culture, character, beauty, and history
14 of the State's island communities;
- 15 (2) Strikes a balance between economic, social and
16 community, and environmental priorities; and
- 17 (3) Meets the needs of the present without compromising
18 the ability of future generations to meet their own
19 needs.

20 (b) The following principles or values are established as
21 the overall theme of the sustainability plan:



- 1 (1) To balance economic, social, community, and
- 2 environmental priorities;
- 3 (2) To respect and live within the natural resources and
- 4 limits of the State;
- 5 (3) To achieve a diversified and dynamic economy;
- 6 (4) To honor the host culture;
- 7 (5) To make decisions based on meeting the present needs
- 8 without compromising the needs of future generations;
- 9 (6) To observe the principles of the ahupuaa system to
- 10 guide resource management decisions; and
- 11 (7) To emphasize that everyone, including individuals,
- 12 families, communities, businesses, and government, has
- 13 the responsibility for achieving a sustainable Hawaii.

14 **§ -4 Sustainability goals.** There is established five

15 major goals that are designed to achieve a preferred future by

16 the year 2050, which shall include the following:

- 17 (1) A way of life where living sustainably is a part of
- 18 daily practice in Hawaii;
- 19 (2) A diversified and globally competitive economy that
- 20 will enable residents to meaningfully live, work, and
- 21 play in Hawaii;



1 (3) The use of the State's natural resources are
2 responsibly and respectfully used, replenished, and
3 preserved for future generations;

4 (4) A community that is strong, healthy, vibrant, and
5 nurturing, thus providing safety nets for those in
6 need; and

7 (5) Kanaka Maoli and island cultures and values are
8 thriving and perpetuated.

9 The council shall develop and implement various strategic
10 actions to accomplish each major goal.

11 **§ -5 Sustainability council; established.** (a) There is
12 established a sustainability council, which shall be a body
13 corporate and a public instrumentality of the State, for the
14 purpose of implementing this chapter. The council shall be
15 placed administratively within the office of the auditor for
16 administrative purposes only until June 30, 2010. The council
17 shall be placed administratively within the office of planning
18 for administrative purposes only on July 1, 2010 and thereafter.
19 The purposes of the council shall include but not be limited to
20 the following:



1 (1) Assisting in the adoption of the principles of
2 sustainability as an important policy priority for the
3 State;

4 (2) Setting forth and implementing the Hawaii
5 sustainability plan to serve as a long-range
6 sustainability planning guide for the State; and

7 (3) Measuring the State's progress in meeting its
8 sustainability goals and objectives.

9 (b) The council shall consist of fifteen voting members,
10 as follows, to serve staggered terms pursuant to section 26-34:

11 (1) Six of the members shall be governmental appointments
12 from the following:

13 (A) One member shall be nominated by the governor;

14 (B) One member shall be nominated by the governor
15 from a list of no more than three nominees
16 submitted by each of the four mayors to represent
17 each county in the State; provided that each
18 member shall reside in the county that the member
19 represents; and

20 (C) One member shall be nominated by the governor
21 from a list of no more than three nominees
22 submitted by the office of Hawaiian affairs; and



1 (2) Nine of the members shall be public members appointed
2 by the governor and nominated due to their statewide
3 expertise and interests in the following areas,
4 including but not limited to the Kanaka Maoli;
5 business, science, and technology; labor; environment;
6 multi-cultures; visitor industry; military;
7 agriculture; education; and health and human services;
8 provided that at least one public member shall be a
9 representative of the State's youth population under
10 twenty-five years of age;

11 provided that, of the initial appointments, at least five of the
12 members shall be members of the Hawaii 2050 sustainability task
13 force established under Act 8, Special Session Laws of Hawaii
14 2005, and be appointed by the governor from a list of nominees
15 submitted by the task force, excluding task force members who
16 are members of the legislature or employees of the State, for a
17 term of two years to expire on June 30, 2010. The
18 superintendent of education and the director of the office of
19 planning shall serve as ex-officio, non-voting members. The
20 general public shall be permitted to submit nominations for
21 council members.



1 (c) The members of the council appointed under subsection
2 (b) shall serve without compensation, but shall be reimbursed
3 for expenses, including travel expenses, incurred in the
4 performance of their duties.

5 (d) The council shall appoint an executive director who
6 shall serve at the pleasure of the council and shall be exempt
7 from chapter 76. The council shall set the salary and duties of
8 the executive director.

9 (e) The council may appoint an advisory committee for each
10 of the following categories:

- 11 (1) Education and community engagement;
- 12 (2) Marketing and public awareness;
- 13 (3) Economic development and diversification;
- 14 (4) Environment and natural resources;
- 15 (5) Social and community development; and
- 16 (6) Kanaka Maoli and island lifestyle.

17 Each advisory committee shall consist of five members who shall
18 serve without compensation but may be reimbursed for expenses
19 incurred in the performance of their duties. The members of the
20 advisory committee shall be drawn from fields of activity
21 related to each category, and selected by the council.



- 1 § -6 Powers; generally. Except as otherwise limited by
2 this chapter, the council may:
- 3 (1) Sue and be sued;
 - 4 (2) Have a seal and alter the same at pleasure;
 - 5 (3) Make and execute contracts and all other instruments
6 necessary or convenient for the exercise of powers and
7 functions under this chapter;
 - 8 (4) Make and alter bylaws for its organization and
9 internal management;
 - 10 (5) Adopt rules under chapter 91 necessary to effectuate
11 this chapter;
 - 12 (6) Through its executive director, appoint officers,
13 agents, and employees, prescribe their duties and
14 qualifications, and fix their salaries, without regard
15 to chapter 76;
 - 16 (7) Coordinate and implement the Hawaii 2050
17 sustainability plan;
 - 18 (8) Develop, adopt, and review strategic actions to
19 achieve the five major sustainability goals in the
20 Hawaii 2050 sustainability plan;
 - 21 (9) Collect and analyze data on formulated and approved
22 sustainability indicators;



- 1 (10) Conduct assessments for and publish and promote an
2 annual report card on the formulated and approved
3 sustainability indicators;
- 4 (11) Convene statewide summits and forums on sustainability
5 issues;
- 6 (12) Sponsor cross-sector dialogue to address key
7 sustainability issues;
- 8 (13) Direct an ongoing public awareness and education
9 campaign about sustainability;
- 10 (14) Recommend legislation and advocate for sustainability
11 in Hawaii's public policy arena;
- 12 (15) Revise and amend the Hawaii 2050 sustainability plan
13 every five years, as appropriate;
- 14 (16) Conduct a periodic review and audit of sustainability
15 activities;
- 16 (17) Provide advisory, consultative, training, and
17 educational services, technical assistance, and advice
18 to any person, partnership, or corporation, either
19 public or private, in order to carry out the purposes
20 of this chapter, and engage the services of
21 consultants on a contractual basis for rendering
22 professional and technical assistance and advice;



1 (18) Contract for and accept gifts or grants in any form
2 from any public agency or from any other source; and

3 (19) Do any and all things necessary to carry out its
4 purposes and exercise the powers given and granted in
5 this chapter.

6 **§ -7 Contracts for services necessary for the management**
7 **and operation of the council.** The council may contract with
8 others, public or private, for the provision of all or a portion
9 of the services necessary for the management and operation of
10 the council. The council shall have the power to use all
11 appropriations, grants, contractual reimbursements, and all
12 other funds not appropriated for a designated purpose to pay for
13 the proper general expenses and to carry out the purposes of the
14 council.

15 **§ -8 Sustainability indicators.** The council shall
16 develop, utilize, and analyze sustainability indicators, which
17 shall serve as comprehensive measuring tools to determine the
18 State's progress in the economic, cultural, and environmental
19 impact sectors, and measure the State's efforts toward
20 sustainability.

21 **§ -9 Sustainability annual report cards.** The council
22 shall research, develop, and publish report cards that chronicle



1 the State's current status on implementing and achieving the
2 objectives of the Hawaii 2050 sustainability plan. The report
3 card shall serve as an assessment for the approved
4 sustainability indicators for the State to analyze how the State
5 is measuring up to the plan, and enable the State to make any
6 appropriate adjustments in its sustainability efforts.

7 **§ -10 Annual report.** The council shall submit a
8 complete and detailed report of the council's activities to the
9 legislature. The report shall be submitted no later than twenty
10 days prior to the convening of the regular session of each year.

11 **§ -11 Biennial audit.** The books and records of the
12 council shall be subject to a biennial audit by an independent
13 auditor.

14 **§ -12 Assistance by state and county agencies.** Any
15 state or county agency may render services upon request of the
16 council.

17 **§ -13 Court proceedings; preferences.** Any action or
18 proceeding to which the council, the State, or a county may be
19 party, in which any question arises as the validity of this
20 chapter, shall be preferred over all other civil causes, except
21 election cases, without respect to position on the calendar.

22 The same preference shall be given upon application of counsel



1 for the council in any action or proceeding questioning the
2 validity of this chapter in which the council has duly
3 intervened.

4 § -14 Construction of chapter. This chapter shall be
5 liberally construed to effect its purposes."

6 SECTION 3. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$ or so
8 much thereof as may be necessary for fiscal year 2008-2009 for
9 the creation of a sustainability council to coordinate,
10 implement, measure, and evaluate the progress of the Hawaii 2050
11 sustainability plan and its related activities.

12 The sum appropriated shall be expended by the office of the
13 auditor for the purposes of this Act.

14 SECTION 4. This Act shall take effect upon its approval;
15 provided that section 3 shall take effect on July 1, 2008.

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Report Title:

Hawaii 2050 Sustainability Plan; Sustainability Council;
Establishment

Description:

Adopts the Hawaii 2050 sustainability plan. Establishes a sustainability council to coordinate, implement, measure, and evaluate the progress of the Hawaii 2050 sustainability plan and activities. Appropriates funds to the sustainability council.

