

Honolulu, Hawaii
Feb 14, 2008

RE: H.B. No. 2607

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committees on Water, Land, Ocean Resources & Hawaiian Affairs and Agriculture, to which was referred H.B. No. 2607 entitled:

"A BILL FOR AN ACT RELATING TO LAND USE,"

beg leave to report as follows:

The purpose of this bill is to protect and preserve the North Kohala coastline by directing:

- (1) The Office of Planning to petition the Land Use Commission to reclassify certain parcels along the North Kohala coastline on the island of Hawaii which are currently classified as agricultural to the conservation district; and
- (2) The County of Hawaii not to issue any special permits or land use, subdivision, building, or other permits to allow development of the specified parcels pending the preparation, filing, and final disposition of the petition.

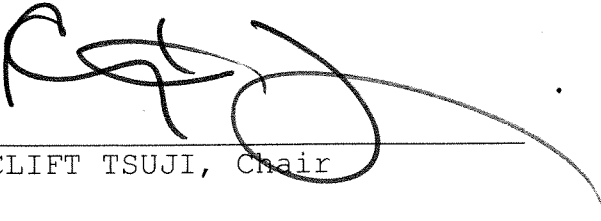
The Office of Hawaiian Affairs, Council Chair of the Hawaii County Council, Kamakani O Kohala Ohana, Inc., Malama Na Wahi Pana O Kohala, and several concerned individuals testified in support of this bill. The Hawaii Building and Construction Trades Council, AFL-CIO, opposed this measure. The Department of Agriculture, Department of Land and Natural Resources, Office of Planning, and the Attorney General provided comments.



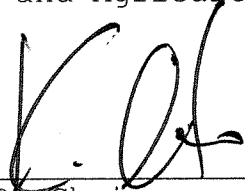
Your Committees note that the Attorney General raised concerns regarding the constitutionality of some of the provisions in this bill. However, your Committees believe that this bill is not exercising power over lands by transfer but instead regulating and providing oversight over the Office of Planning and a political subdivision. It is well within the power of the Legislature to provide direction to state agencies and political subdivisions.

As affirmed by the records of votes of the members of your Committees on Water, Land, Ocean Resources & Hawaiian Affairs and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2607 and recommend that it pass Second Reading and be referred to the Committee on Economic Development & Business Concerns.

Respectfully submitted on
behalf of the members of the
Committees on Water, Land,
Ocean Resources & Hawaiian
Affairs and Agriculture,



CLIFT TSUJI, Chair



KEN ITO, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

Record of Votes of the Committee on Agriculture

Bill/Resolution No.: HB 2607	Committee Referral: WLH/AGR, EDB	Date: 2/11/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
AGR Members	Ayes	Ayes (WR)	Nays	Excused
1. TSUJI, Clift (C)	/			
2. BROWER, Tom (VC)	/			
3. BERG, Lyla B., Ph.D.		/		
4. CHANG, Jerry L.	/			
5. HANOHANO, Faye P.		/		
6. HERKES, Robert N.				/
7. MANAHAN, Joey	/			
8. WAKAI, Glenn	/			
9. YAMANE, Ryan I.	/			
10. YAMASHITA, Kyle T.	/			
11. CHING, Corinne W.L.				/
12. MEYER, Colleen Rose				/
TOTAL (12)	7	2	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>Tan Brown</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				