STAND. COM. REP. NO. 574-16

Honolulu, Hawaii

February 19, 2016

RE: H.B. No. 2044 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 2044 entitled:

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

begs leave to report as follows:

The purpose of this measure is to address long-standing compliance challenges relating to district boundary amendments and conditions of approval by providing the Land Use Commission with a variety of flexible, alternative enforcement tools. Specifically, this measure:

- (1) Establishes penalties for any petitioner for an amendment to a district boundary that violates, neglects or fails to conform or comply with chapter 205, Hawaii Revised Statutes, or any lawful order of the Land Use Commission;
- (2) Authorizes the Land Use Commission to record a notice of noncompliance, modify existing conditions, or impose new conditions on land that has been petitioned for a boundary amendment when the petitioner fails to comply with their representations or the Land Use Commission's conditions;
- (3) Clarifies who may file a motion for an order to show cause based on an alleged failure to perform a condition, representation, or commitment; and

(4) Extends incremental districting to urban districts to twenty years.

The Office of Hawaiian Affairs and Friends of Makakilo provided testimony in support of this measure. The Land Use Commission, Office of Planning, Department of Planning and Permitting, Building Industry Association-Hawaii, Hawaii's Thousand Friends, and Chamber of Commerce Hawaii provided comments.

Your Committee has amended this measure by:

- (1) Clarifying that a petitioner in violation of chapter 205, Hawaii Revised Statutes, may be subject to civil penalties or reversion, but not both; and
- (2) Changing the effective date to July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2044, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2044, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Water & Land,

RYANI. Y.MANE, Chair

State of Hawaii

House of Representatives
The Twenty-eighth Legislature

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: HD 2044	Committee Referral:	Date:	2-12	-2016
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)				
2. CULLEN, Ty J.K. (VC)				
3. EVANS, Cindy				
4. ING, Kaniela				
5. LEE, Chris				
6. LOWEN, Nicole E.				
7. NISHIMOTO, Scott Y.				
8. SAY, Calvin K.Y.				
9. POUHA, Feki				
10. THIELEN, Cynthia				
TOTAL (10)	10	Ø	Ø	Ø
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: A.K. C.				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				