

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.

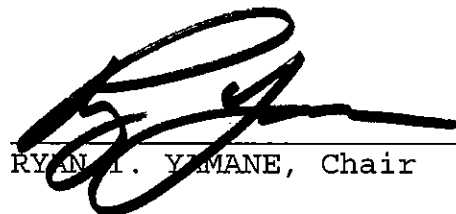
The Office of Hawaiian Affairs and Friends of Makakilo provided testimony in support of this measure. The Land Use Commission, Office of Planning, Department of Planning and Permitting, Building Industry Association-Hawaii, Hawaii's Thousand Friends, and Chamber of Commerce Hawaii provided comments.

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,



RYAN M. YAMANE, Chair



