

STAND. COM. REP. NO.

3550

Honolulu, Hawaii

APR 08 2016

RE: H.B. No. 2617
H.D. 1
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred H.B. No. 2617, H.D. 1, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to address district boundary amendments.

More specifically, this measure:

- (1) Requires the counties to petition the Land Use Commission for regional district boundary amendments needed after adopting updates to their respective general plans;
- (2) Provides additional flexibility to the Land Use Commission in addressing failure to perform in accordance with representations made to the commission or failure to comply with conditions imposed by the commission in its decisions and orders, regardless of whether there has been substantial commencement of use of the land; and
- (3) Defines "substantial commencement" for purposes of land use.



Your Committee received written comments in support of this measure from the Office of Hawaiian Affairs, the state Land Use Commission, and the state Office of Planning.

Your Committee received written comments in opposition to this measure from a member of the Maui County Council, the Department of Planning and Permitting of the City and County of Honolulu, the Planning Department of the County of Hawaii, the Building Industry Association of Hawaii, The Chamber of Commerce Hawaii, the Hawaii Association of Realtors, the Hawaii Island Economic Development Board, Hawaii Laborers Union Local 368, the Hawaii Leeward Planning Conference, the Land Use Research Foundation of Hawaii, and W.H. Shipman Limited.

Your Committee received written comments on this measure from the Planning Department of the County of Kauai.

Your Committee finds that the state Land Use Commission was established to ensure proper conservation, control, and development of Hawaii's land resources. The commission operates within a framework of statutes and rules that is periodically reviewed and revised to allow the commission to more efficiently and effectively manage the State's land resources. Your Committee further finds that existing law unduly limits the remedies that may be utilized when parties fail to comply with conditions of use imposed by the commission. This measure is intended to clarify the commission's powers to address these compliance issues.

Your Committee has amended this measure by changing the effective date to July 1, 2076, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2617, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2617, H.D. 1, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

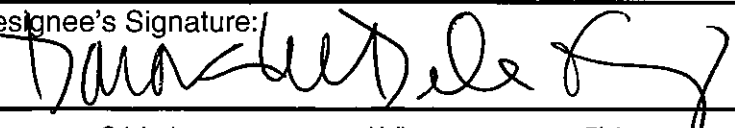


JILL N. TOKUDA, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

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|--|---------------------|----------|-----|---------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| HB 2617, HD1, SD1 | PSM/WLA, WAM | 3/31/16 | | |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| TOKUDA, Jill N. (C) | / | | | |
| DELA CRUZ, Donovan M. (VC) | / | | | |
| CHUN OAKLAND, Suzanne | / | | | |
| ENGLISH, J. Kalani | - | | | / |
| GALUTERIA, Brickwood | / | | | |
| HARIMOTO, Breene | / | | | |
| INOUYE, Lorraine R. | / | | | |
| RIVIERE, Gil | / | | | |
| TANIGUCHI, Brian T. | - | | | / |
| WAKAI, Glenn | / | | | |
| SLOM, Sam | / | | | |
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| TOTAL | 9 | | | 2 |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature:  | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes