

STAND. COM. REP. NO.

2027

Honolulu, Hawaii

FEB 05 2016

RE: S.B. No. 2163  
S.D. 1

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

Sir:

Your Committee on Water, Land, and Agriculture, to which was referred S.B. No. 2163 entitled:

"A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS,"

begs leave to report as follows:

The purpose and intent of this measure is to allow notice of a land use violation to be given via a posting on a searchable government website when attempts to serve the notice in person and by mail have been unsuccessful.

Your Committee received testimony in support of this measure from the City and County of Honolulu Department of Planning and Permitting and Conservation Council for Hawaii. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that personal service of notices of violation are not always successful and publication of notices in daily newspapers can be costly; therefore, the ability for public notices to be posted on a searchable government website can be beneficial to agencies issuing notices. Your Committee further finds that given that the impetus for this measure was a situation where a homeowner was polluting a stream, it is appropriate to amend this measure to ensure that it addresses the problem in question and similar violations that arise in the future.

Your Committee has amended this measure by:

- (1) Deleting section 1;

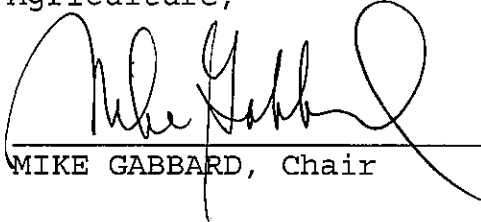
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- (2) Inserting new language to amend section 342D-9, Hawaii Revised Statutes, to allow notice of a water pollution violation to be given via a posting on a searchable government website when attempts to serve the notice in person and by mail have been unsuccessful;
- (3) Inserting new language to amend section 342H-7, Hawaii Revised Statutes, to allow an order assessing an administrative penalty for a solid waste pollution violation to be given via a posting on a searchable government website when attempts to serve the notice in person and by mail have been unsuccessful; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2163, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2163, S.D. 1, and be referred to your Committee on Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land, and  
Agriculture,



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MIKE GABBARD, Chair



