

Honolulu, Hawaii

FEB 16 2017

RE: S.B. No. 629
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committees on Water and Land and Judiciary and Labor, to which was referred S.B. No. 629 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Provide the Land Use Commission with the power to amend, revise, or modify a decision and order granting a district boundary amendment, or fine a petitioner, when the Commission finds that a petitioner or its successors or assigns have not adhered to the conditions imposed by the commission, regardless of whether there has been substantial commencement of use of the land; and
- (2) Define "substantial commencement".

Your Committees received testimony in support of this measure from the Office of Planning and Land Use Commission. Your Committees received testimony in opposition to this measure from the Land Use Research Foundation of Hawaii. Your Committees received comments on this measure from the Department of Permitting and Planning of the City and County of Honolulu.

Your Committees find that providing additional tools to the Land Use Commission (LUC) for enforcing the conditions or requirements of a land use district boundary amendment serves to protect state interests and the public trust. Currently, the only



enforcement mechanism available to the LUC for noncompliance with the conditions or requirements of a district boundary amendment is issuing an order to show cause, which may result in a reversion to the former land use classification. However, even that mechanism is available only prior to substantial commencement of use of the land. Furthermore, reversion is not always an appropriate solution. Your Committees find that providing the LUC with the flexibility to work with petitioners and amend, modify, or vacate conditions, or impose fines, will improve compliance and eliminate the unfair advantages of petitioners who fail to comply with the conditions or requirements imposed with their district boundary amendments.

Your Committees have amended this measure by:


- (1) Inserting an effective date of March 15, 2094, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 629, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 629, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Water and Land
and Judiciary and Labor,



GILBERT S.C. KEITH-AGARAN, Chair



KARL RHOADS, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* <i>SB 629</i>	Committee Referral: <i>WTL/JDL, WAM</i>	Date: <i>02-06-2017</i>
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
INOUYE, Lorraine R.				✓
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
TOTAL	<i>3</i>	<i>—</i>	<i>—</i>	<i>2</i>

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 629	Committee Referral: WTL/JDL, WAM	Date: 2/6/17		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Karl Rhoads</div>				
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