

STAND. COM. REP. NO.

648

Honolulu, Hawaii

MAR 02 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 Committee on Ways and Means, to which was referred S.B. No. 629, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to provide the Land Use Commission (Commission) with the power to amend, revise, or modify a decision and order granting a land use district boundary amendment when the Commission finds that a petitioner or its successors or assigns has not adhered to the conditions previously imposed by the Commission.

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

Your Committee received written comments in opposition to this measure from the Department of Planning and Permitting of the City and County of Honolulu and the Land Use Research Foundation of Hawaii.

Your Committee finds that the enforcement powers of the Commission are currently not sufficient or flexible enough to address the varied compliance issues it must confront. The only enforcement mechanism currently available to the Commission for noncompliance with the conditions or requirements of a district



boundary amendment is the issuance of 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, and reversion is not always an appropriate solution.

Your Committee further finds that this measure would provide the Commission with additional authority and enforcement tools, providing the flexibility to amend, modify, or vacate conditions, or impose fines, with respect to conditions that are within the public trust, concern state expenditures, or have cultural or environmental significance.

Your Committee requests that as this measure continues to move through the legislative process, proponents of this measure consider recommendations from the Department of Planning and Permitting of the City and County of Honolulu and other concerned parties to clarify or modify certain provisions of 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 S.B. No. 629, S.D. 1, and recommends that it pass Third Reading.

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

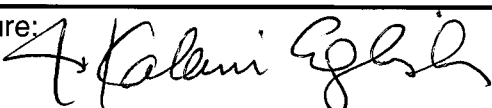


JILL N. TOKUDA, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 629, SDI	WTL/SDL, WAM	23 Feb 2017		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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)				/
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood	/			
HARIMOTO, Breene	/			
INOUYE, Lorraine R.				/
KAHELE, Kaiali'i				/
RIVIERE, Gil	/			
SHIMABUKURO, Maile S.L.				/
TANIGUCHI, Brian T.				/
WAKAI, Glenn	/			
TOTAL	6			5
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