

STAND. COM. REP. NO.

1251

Honolulu, Hawaii

MAR 25 2021

RE: H.B. No. 1149
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committees on Water and Land and Government Operations,
to which was referred H.B. No. 1149, H.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to reorganize and
integrate the Land Use Commission (LUC) within a modified Office
of Planning (OP), to be renamed the Office of Planning and
Sustainable Development.

Your Committees received testimony in support of this measure
from the Land Use Commission and Office of Planning. Your
Committees received comments on this measure from the Department
of Budget and Finance.

Your Committees find that the intent of this measure is to
streamline government and how it handles land use and planning
matters by consolidating the various governmental land use and
environmental policy functions of different agencies into one new
structure with a focus on sustainable development under a modified
Office of Planning. Your Committees note that the original
version of this measure was introduced in conjunction with H.B.
No. 1318, Regular Session of 2021, which would have integrated the
Office of Environmental Quality into the Office of Planning and
Sustainable Development created by this measure and created an



Environmental Advisory Council to serve as a liaison between the Office of Planning and the general public regarding matters of ecology and environmental quality.

Although your Committees support government efficiency, your Committees received testimony stating that there may be serious concerns and potential legal ramifications in reorganizing existing state entities of various organizational units into the Office of Planning through statute rather than through executive order or administrative rules.

Accordingly, your Committees have amended this measure by:

- (1) Removing language that:
 - (A) Established the Office of Planning and Sustainable Development;
 - (B) Reclassified the Coastal Zone Management Program into a division;
 - (C) Reclassified the Statewide Sustainability Branch into a division;
 - (D) Required OP to act as the lead agency to coordinate climate adaptation and sustainability plans and studies;
 - (E) Allowed the Director of OP to employ staff without regard to chapter 76, Hawaii Revised Statutes;
 - (F) Required OP to also submit its five-year boundary review of the districts to the Governor, Legislature, and appropriate state and county agencies; and
 - (G) Required the LUC to have a separate reporting structure from the Land Use Division in OP;
- (2) Clarifying language regarding the Department of Business, Economic Development, and Tourism's jurisdiction over state planning under chapter 225M and the Hawaii State Planning Act under chapter 226;



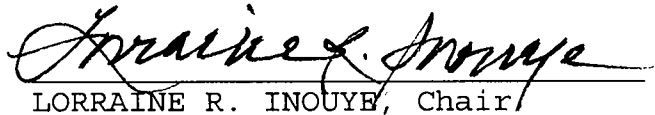
- (3) Amending section 1 to reflect its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1149, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1149, H.D. 1, 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 Government Operations,



SHARON MORIWAKI Chair




LORRAINE R. INOUE, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

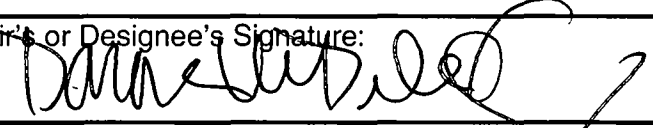
Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1149, HD 1	WTL/GVD, WAM	3-24-2021		
<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
INOUE, Lorraine R. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
MISALUCHA, Bennette E.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt		X		
TOTAL	4	1		
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1149 HDI	WTL/GVO, WAM	3/24/2021		
<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
MORIWAKI, Sharon Y. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
CHANG, Stanley	/			
GABBARD, Mike	/			
FEVELLA, Kurt		/		
TOTAL	4	1		
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