

STAND. COM. REP. NO.

18

Honolulu, Hawaii

FEB 05 , 2021

RE: H.B. No. 344

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 344 entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT,"

begs leave to report as follows:

The purpose of this measure is to clarify the venues regarding certain disputes by specifying that the Board of Land and Natural Resources (Board), Commission on Water Resource Management (Commission), and the counties, regarding disputes over land use, shall not conduct contested case hearings, but that decisions and disputes may be contested and adjudicated in the circuit court.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, University of Hawai'i System, Kona-Kohala Chamber of Commerce, Maunakea Observatories, Hawai'i Island Chamber of Commerce, and one individual. Your Committee received testimony in opposition to this measure from Life of the Land and Earthjustice.

Your Committee finds that the number and complexity of contested cases has greatly increased over time. This measure seeks to reduce some of the duplication, uncertainty, and costs related to land use decisions specifically for the Board, Commission, and counties, while allowing the continued use of



contested case hearings for other departments and agencies and for disputes over other types of issues.

Your Committee notes the concerns raised regarding ensuring due process for those contesting decisions or disputes by an agency in court rather than through the contested case hearing process. Should your Committee on Judiciary and Hawaiian Affairs hear this measure, your Committee respectfully requests that it consider these due process concerns and an option of allowing the Department of Land and Natural Resources to conduct contested case hearings in certain circumstances.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 344 and recommends that it pass Second Reading and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Water & Land,



DAVID A. TARNAS, Chair



