

Honolulu, Hawaii  
February 19, 2016

RE: H.B. No. 2043  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 2043 entitled:

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

begs leave to report as follows:

The purpose of this measure is to require the Land Use Commission to process the reversion of land use district boundary reclassifications and revoke approvals for special use permits in cases where the pertinent county has violated or failed to enforce land use conditions or restrictions imposed by the Commission for the subject property.

The Friends of Makakilo provided testimony in support of this measure. The Department of Planning and Permitting of the City and County of Honolulu, Land Use Research Foundation of Hawaii, and Hawaii Association of Realtors provided testimony in opposition. The Office of Planning, Land Use Commission, Building Industry Association-Hawaii, Hawaii's Thousand Friends, and Chamber of Commerce Hawaii provided comments.

Your Committee has amended this measure by:

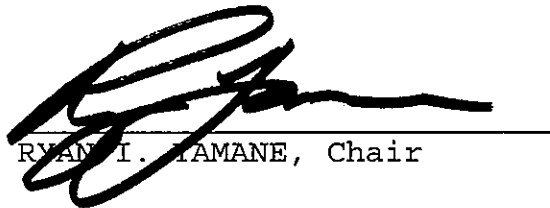
- (1) Changing the consequences of a Commission finding that a violation or failure to enforce has occurred from the reversion of reclassification or revocation of approval to stripping the county of its authority to approve future permits for the completion of the project and allocating the authority to the Commission;



- (2) Deleting the subsection that made the counties bear the costs arising out of an investigation or hearing that results in an adverse disposition for the county;
- (3) Adding a subsection that establishes an expedited process for judicial challenges to the Land Use Commission's determination;
- (4) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (5) Making technical nonsubstantive amendments for the purpose of style, clarity, and consistency.

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. 2043, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2043, H.D. 1, and be referred to your Committee on Judiciary.

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



RYAN I. YAMANE, Chair



State of Hawaii  
 House of Representatives  
 The Twenty-eighth Legislature

*HSR 575-1C*

Record of Votes of the Committee on Water & Land

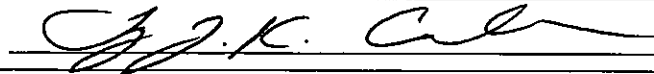
Bill/Resolution No.: <b>HB 2043</b>	Committee Referral: <b>WAL, JWD</b>	Date: <b>2-12-2016</b>
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The committee is reconsidering its previous decision on the measure.

The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  
 Pass short form bill with HD to recommit for future public hearing (recommit)

WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)	<input checked="" type="checkbox"/>			
2. CULLEN, Ty J.K. (VC)	<input checked="" type="checkbox"/>			
3. EVANS, Cindy	<input checked="" type="checkbox"/>			
4. ING, Kaniela	<input checked="" type="checkbox"/>			
5. LEE, Chris	<input checked="" type="checkbox"/>			
6. LOWEN, Nicole E.	<input checked="" type="checkbox"/>			
7. NISHIMOTO, Scott Y.	<input checked="" type="checkbox"/>			
8. SAY, Calvin K.Y.	<input checked="" type="checkbox"/>			
9. POUHA, Feki	<input checked="" type="checkbox"/>			
10. THIELEN, Cynthia	<input checked="" type="checkbox"/>			
<b>TOTAL (10)</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>

The recommendation is:  Adopted  Not Adopted  
 If joint referral, \_\_\_\_\_ did not support recommendation.  
committee acronym(s)

Vice Chair's or designee's signature: 

Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO