STAND. COM. REP. NO.

Honolulu, Hawaii

FEB 0.5 2016

RE: S.B. No. 2163

S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir

Your Committee on Water, Land, and Agriculture, to which was referred S.B. No. 2163 entitled:

"A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS,"

begs leave to report as follows:

The purpose and intent of this measure is to allow notice of a land use violation to be given via a posting on a searchable government website when attempts to serve the notice in person and by mail have been unsuccessful.

Your Committee received testimony in support of this measure from the City and County of Honolulu Department of Planning and Permitting and Conservation Council for Hawaii. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that personal service of notices of violation are not always successful and publication of notices in daily newspapers can be costly; therefore, the ability for public notices to be posted on a searchable government website can be beneficial to agencies issuing notices. Your Committee further finds that given that the impetus for this measure was a situation where a homeowner was polluting a stream, it is appropriate to amend this measure to ensure that it addresses the problem in question and similar violations that arise in the future.

Your Committee has amended this measure by:

(1) Deleting section 1;

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- (2) Inserting new language to amend section 342D-9, Hawaii Revised Statutes, to allow notice of a water pollution violation to be given via a posting on a searchable government website when attempts to serve the notice in person and by mail have been unsuccessful;
- (3) Inserting new language to amend section 342H-7, Hawaii Revised Statutes, to allow an order assessing an administrative penalty for a solid waste pollution violation to be given via a posting on a searchable government website when attempts to serve the notice in person and by mail have been unsuccessful; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2163, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2163, S.D. 1, and be referred to your Committee on Judiciary and Labor.

Respectfully submitted on behalf of the members of the Committee on Water, Land, and Agriculture,

MIKE GABBARD, Chair

The Senate Twenty-Eighth Legislature State of Hawai'i

Record of Votes Committee on Water, Land, and Agriculture WLA

Bill / Resolution No.:*	Committee	Referral:		Date:	
SB 2163	WLA, JDL			Feb 1, 2016	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WF	R) Nay	Excused
GABBARD, Mike (C)		_			
NISHIHARA, Clarence K. (VC)		V			
DELA CRUZ, Donovan M.					
RIVIERE, Gil		<u> </u>			
RUDERMAN, Russell E.		\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \			
SHIMABUKURO, Maile S.L.		✓			
THIELEN, Laura H.		V			
WAKAI, Glenn					
SLOM, Sam		_<			
<u>'</u>					
TOTAL		7			2
Recommendation: V Adopted Not Adopted					
Chair's or Designee's Signature: Clarence be Turkihero					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

Revised: 6/4/15

^{*}Only one measure per Record of Votes