



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

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House Committee on Water & Land
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HB 344 – RELATING TO GOVERNMENT

Chair Tarnas, Vice Chair Branco and members of the committee:

Thank you for the opportunity to provide testimony on HB 344.

As proposed, HB 344 amends the Hawai'i Revised Statutes ("HRS") so that the Board of Land and Natural Resources and Commission on Water Resource Management shall not conduct contested case hearings. In addition, the bill amends the HRS so that counties shall not conduct contested case hearings regarding disputes over land use. Instead, decisions and disputes may be contested and adjudicated directly in circuit court.

The University of Hawai'i supports the intent of HB 344, because it removes some of the duplication, uncertainty, and taxpayer costs related to land use decision-making and development. Given the negative fiscal picture the State is currently experiencing, it is critical now more than ever that the State pursue innovative means of economic development, without sacrificing due process rights and community involvement. For both applicants and opponents, and when government is involved, for the taxpayers, the contested case hearing process has become lengthy and expensive, and exploring new and more efficient ways of mitigating the costs that are associated with the issuance of discretionary permits or approvals is a necessity.

The changes proposed by HB 344 do not come at the expense of less public participation, due process, or judicial oversight. The bill leaves intact the right to participate in the agency decision-making processes under the Sunshine Law (HRS chapter 92) at open public meetings. The bill leaves intact public hearing requirements for certain discretionary permits and approvals (e.g., conservation district use permits or county zone changes) so that the public will have an opportunity to present information and views on the record. And finally, the bill leaves fully intact appeals through the Hawai'i Judiciary. Under HB 344, agencies still have an interest and obligation to ensure decision-making is based on facts, data, and public input applied to legislatively imposed criteria on discretionary permits and approvals.

Thank you for the opportunity to submit testimony on this bill.