

STAND. COM. REP. NO

401

Honolulu, Hawaii

FEB 18 2011

RE: S.B. No. 1180  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committees on Water, Land, and Housing and Agriculture, to which was referred S.B. No. 1180 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 authorize certain development rights to be conveyed from owners of land in agricultural districts to certain owners of land in urban districts.

Your Committees received testimony in support of this measure from the Hawaii Farm Bureau Federation and Alexander & Baldwin, Inc. Your Committees received testimony in opposition to this measure from the Office of Planning and the City and County of Honolulu. Your Committees received comments on this measure from the Department of Agriculture, The Chamber of Commerce of Hawaii, and the Building Industry Association of Hawaii.

Your Committees find that the transfer of development rights is a tool that can extinguish the development potential of agricultural land, resulting in a permanent conservation of agricultural land, by transferring development rights to a party who then takes the rights to an area that allows more intensive development. The agricultural lands remain under the same owner, and the prohibition on developing the affected agricultural land runs with the land.



Your Committees also find that the transfer of development rights provides a valuable market mechanism by which the public interest in maintaining agricultural viability and rural character can be balanced with landowner interest in realizing equity in their lands.

Your Committees have heard the concerns that the proposal lacks provisions for infrastructure capacity criteria when determining receiving areas. Your Committees note that if the counties lack discretion over the transfers, then there may be a negative and unintended impact on county infrastructure planning.

Your Committees have also heard the concerns regarding the valuation of transfer of development rights credits to density. Your Committees note that other forms of credit valuation may need to be considered. Your Committees believe these concerns merit further discussion by the Committee on Judiciary and Labor.

Accordingly, your Committees have amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (2) 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, Land, and Housing and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1180, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1180, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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



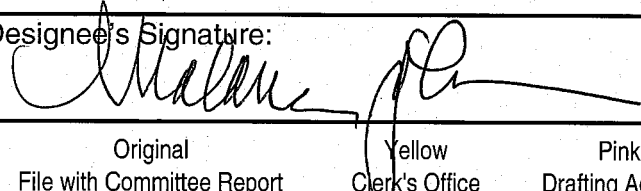
CLARENCE K. NISHIHARA, Chair

  
DONOVAN M. DELA CRUZ, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water, Land, and Housing**  
**WLH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB1180	WLH / AGC, JDL	2/12/11		
<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
DELA CRUZ, Donovan M. (C)	✓			
SOLOMON, Malama (VC)	✓			
FUKUNAGA, Carol				✓
RYAN, Pohai				✓
SHIMABUKURO, Maile	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>4</b>			<b>3</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
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

The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Agriculture**  
**AGL**

Bill / Resolution No.:* SB 1180	Committee Referral: WLH/AGL, JDL	Date: 2-12-11		
<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
NISHIHARA, Clarence K. (C)	✓			
KAHELE, Gilbert (VC)	✓			
CHUN OAKLAND, Suzanne				✓
DELA CRUZ, Donovan M.	✓			
KOUCHI, Ronald D.				✓
SHIMABUKURO, Maile	✓			
TOKUDA, Jill N.	✓			
WAKAI, Glenn	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>6</b>			<b>3</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>Clarence K. Nishihara</i></div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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