

STAND. COM. REP. NO. 3297

Honolulu, Hawaii

APR 05 2012

RE: H.B. No. 2154
H.D. 2
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Water, Land, and Housing, to which was referred H.B. No. 2154, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREA USE PERMITS,"

begs leave to report as follows:

The purpose and intent of this measure is to provide a temporary exemption from special management area minor and use permit requirements for airport structures and improvements necessary to comply with Federal Aviation Administration regulations.

Prior to the hearing, your Committee posted a proposed S.D. 2 of this measure for public review, which amended the measure by inserting language to allow the Board of Land and Natural Resources to exempt certain state projects from coastal zone management and shoreline setback requirements.

Your Committee received testimony in support of the proposed S.D. 2 from the Department of Land and Natural Resources, Office of Planning, Building Industry Association - Hawaii, General Contractors Association of Hawaii. Your Committee received testimony in opposition to the proposed S.D. 2 from the Outdoor Circle, Hawaii's Thousand Friends, Country Talk Story, and two individuals. The Department of Transportation submitted comments.



Your Committee finds that this measure would provide the Department of Transportation with sufficient authority to plan, design, and construct airports, subject to Hawaii Coastal Zone Management Program federal consistency review, without sacrificing special controls on developments within an area along the shoreline to avoid permanent loss of valuable coastal and ocean resources. Additionally, these temporary exemptions will provide an expedited construction process that will improve or repair deteriorated facilities for better service to the public and create jobs to improve the economy.

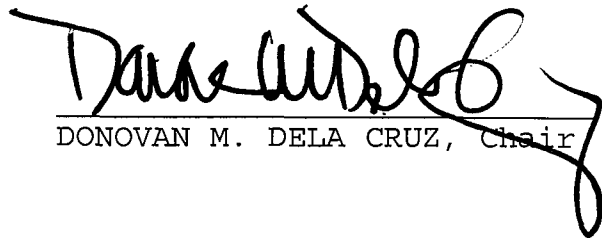
Upon further consideration, your Committee has amended this measure by adopting the proposed S.D. 2 and further amending the measure by:

- (1) Clarifying that the exemption of state projects by specifying that the planning, designing, constructing, operating, or maintaining of any state project under the jurisdiction of the Department of Land and Natural Resources is exempt from requirement to obtain a special management area minor permit, special management area use permit, or shoreline setback variance approval;
- (2) Limiting the exemption to those state projects for which the Department of Land and Natural Resources, rather than any state agency, is the contracting agency;
- (3) Amending the definition of "development" under chapter 205A, Hawaii Revised Statutes, to exclude the repair, maintenance, or modification to existing buildings, utilities, roadways, parking lots, or other structures within state-owned parcels and funded by state funds, federal funds, or both; and
- (4) Allowing the continuation of the exemptions for state projects for which funds are allotted by the Director of Finance prior to June 30, 2015, until the projects are completed.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2154, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2154, H.D. 2, S.D. 2.



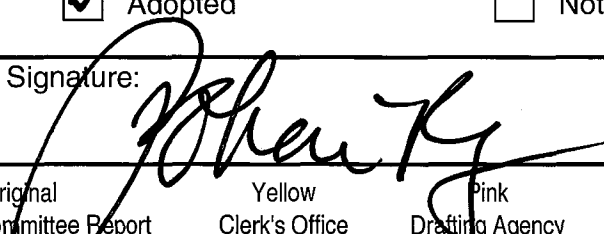
Respectfully submitted on
behalf of the members of the
Committee on Water, Land, and
Housing,


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:		
HB2154 HD2SD1	TIA, WLH	3/27/12		
<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				✓
TOTAL	3	1		3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
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