

STAND. COM. REP. NO.

568

Honolulu, Hawaii

MAR 04 2011

RE: S.B. No. 683
S.D. 1

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

Sir:

Your Committee on Water, Land, and Housing, to which was referred S.B. No. 683 entitled:

"A BILL FOR AN ACT RELATING TO KAKAAKO,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow the conveyance of transferable development rights from landowners in Kakaako Makai to landowners in Kakaako Mauka, subject to approval by the Hawaii Community Development Authority; and
- (2) Require the Hawaii Community Development Authority to adopt rules to regulate and authorize these conveyances.

Your Committee received testimony in opposition to this measure from The Outdoor Circle. Your Committee received comments on this measure from the Hawaii Community Development Authority and one individual.

Your Committee finds that the conveyance of transferable development rights provides a potentially powerful land use tool that allows for the preservation of open spaces and historic landmarks, while giving other areas, like Kakaako Mauka, a chance for continued expansion and economic growth.

Your Committee notes that this measure mistakenly amends section 206E-31.5, Hawaii Revised Statutes, to apply the

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prohibition against residential development to Kakaako Mauka, rather than Kakaako Makai. It is your Committee's intent that the prohibition on residential development shall continue to apply to Kakaako Makai.

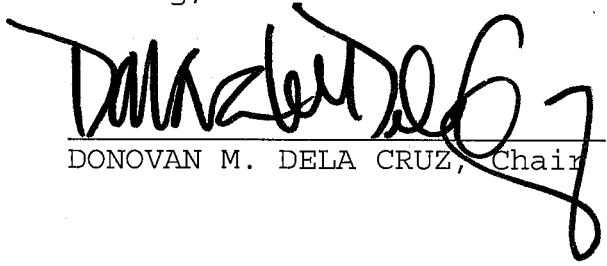
Accordingly, your Committee has amended this measure by:

- (1) Amending section 5 to clarify that the prohibition on residential development in section 206E-31.5, Hawaii Revised Statutes, applies to Kakaako Makai and not Kakaako Mauka;
- (2) Amending the definitions of "Kakaako Makai" and "Kakaako Mauka" to conform to the respective definitions under the Hawaii Community Development Authority's administrative rules;
- (3) Adding language to section 6 of the measure to require that the rules adopted by the Hawaii Community Development Authority include a requirement that the Department of Budget and Finance contract with a Hawaii financial institute, as defined in section 412:1-109, Hawaii Revised Statutes, to oversee any transfer of development rights pursuant to this measure;
- (4) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 683, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 683, S.D. 1, and be placed on the calendar for Third Reading.



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

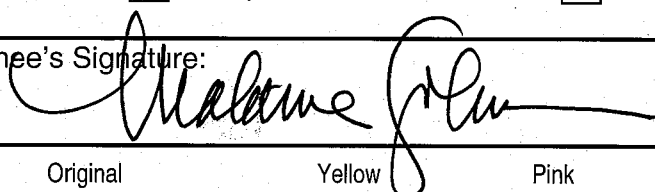


DONOVAN M. DELA CRUZ, Chair



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:	
SB683	WLH	03/01/2011	
<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	4		3
Recommendation:			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted			
Chair's or Designee's Signature:			
			
Distribution:			
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

*Only one measure per Record of Votes