

STAND. COM. REP. NO.

1025

Honolulu, Hawaii

MAR 22 2013

RE: H.B. No. 1133
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Water and Land, to which was referred H.B. No. 1133 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC LAND,"

begs leave to report as follows:

The purpose and intent of this measure is to repeal chapter 171C, Hawaii Revised Statutes, the public land development corporation.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, The Interfaith Alliance Hawaii, Community Alliance on Prisons, Temple of the Spirit, Kamakani O Kohala Ohana - Kako'o, Ho'okipa Network - Kauai, Tropical Orchid Farm, Inc., KAHEA: The Hawaiian-Environmental Alliance, Americans for Democratic Action/Hawaii, The Outdoor Circle, 'Ai Pohaku- the Stone Eaters, Ohana O Kaua'i, Hawaii's Thousand Friends, Life of the Land, The League of Women Voters of Hawaii, Na Kupuna Moku O Keawe, Ocean Tourism Coalition, UNITE HERE Local 5, Kahea, Sierra Club, Surfrider Foundation, Island Breath, and numerous individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources, The Chamber of Commerce of Hawaii, and BIA-Hawaii.

Act 55, Session Laws of Hawaii 2011 (Act 55), codified as chapter 171C, Hawaii Revised Statutes, created the Public Land



Development Corporation. Section 171C-1, Hawaii Revised Statutes, states in pertinent part:

"The purpose of this chapter is to create a vehicle and process to make optimal use of public land for the economic, environmental, and social benefit of the people of Hawaii. This chapter establishes a public corporation to administer an appropriate and culturally-sensitive public land development program. The corporation shall coordinate and administer programs to make optimal use of public land, while ensuring that the public land is maintained for the people of Hawaii."

Your Committee finds that Act 55 has engendered significant public concern and scrutiny due in part to the fact that projects undertaken pursuant to Act 55 are exempt from state and county laws regarding land use, zoning, and construction standards for subdivisions, development, and improvement of land. In addition, concerns have been raised regarding inadequate notice given to the public to testify on the exemption provisions. The exemptions, coupled with the manner in which Act 55 was passed, have led to distrust and uncertainty of the corporation's intentions and development plans. Despite efforts to allay concerns, many individuals and organizations, particularly environmental and Native Hawaiian organizations, have expressed support for legislation to repeal Act 55.

Your Committee further finds that the implementation of Act 55 falls short of "ensuring that the public land is maintained for the people of Hawaii." The intent of this measure is to ensure that the public lands of Hawaii are used and administered in an equitable and transparent manner that should not necessarily be relegated to administrative decision-making or rule making on an ad hoc basis. While the optimization of the use of public lands is a meritorious goal with the potential to significantly benefit the people of Hawaii, the means of achieving this goal requires a greater respect for existing laws and procedures and greater assurance that the corporation is the vehicle that will produce economic, environmental, and social benefit for the people of Hawaii.

Your Committee further finds that the county councils of Kauai and Maui have adopted resolutions urging the Legislature to abolish the Public Land Development Corporation by repealing chapter 171C, Hawaii Revised Statutes.

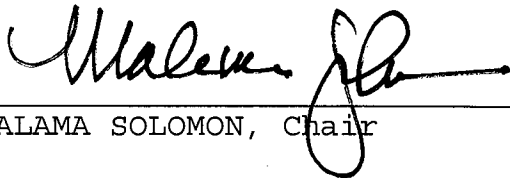


Your Committee has amended this measure by deleting its contents and replacing them with the contents of S.B. No. 707, S.D. 2, a substantially similar measure that makes the following amendments to H.B. No. 1133, S.D. 1:

- (1) Adds a purpose section;
- (2) Makes a conforming amendment to Act 117, Session Laws of Hawaii 2012;
- (3) Adds transitional provisions relating to funding and personnel;
- (4) Changes the effective date to upon approval; and
- (5) Makes 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 and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1133, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1133, S.D. 1, and be referred to the Committee on Ways and Means.

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


MALAMA SOLOMON, Chair



