

STAND. COM. REP. NO.

694

Honolulu, Hawaii

MAR 01 2013

RE: S.B. No. 894  
S.D. 2

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

Madam:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.B. No. 894, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to appropriate funds and to authorize the Governor, or the Governor's designee, to continue efforts to acquire certain unimproved lands surrounding a resort property located in Kahuku, Oahu.

Your Committees did not accept any testimony on this measure.

The subject property under negotiation includes the unimproved lands adjacent to the Turtle Bay Hotel and Resort. The subject matter of this measure dates back to the latter years of the previous administration as part of an effort to purchase and protect precious natural resource lands from development. Despite two separate attempts to acquire the land, nothing has been successfully completed, and the purchase is still pending. Your Committees believe that it remains in the public's best interest to continue efforts to protect the undeveloped portions of the subject property.

Your Committees recognize both sides of the argument. On the one hand, a cogent argument can be made that the Turtle Bay Hotel and Resort is the only major economic stimulus for the area in the form of employment and future affordable housing. On the other hand, the slogan "Keep the country country" has merit,

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particularly when considering the potentially disruptive impact of the expansion on rural lifestyles, especially impacts of traffic congestion and the undeniable demands on infrastructure improvements such as roads and sewers.

Your Committees are cognizant that residents of the North Shore prefer to live in a rural environment and live there by choice rather than by circumstance. However, the North Shore represents perhaps the last bastion of developable land, which makes the North Shore the symbolic lightning rod on the issue of development and tourism, particularly considering the State's limited industrial potential and its disproportionate reliance on tax revenues.

Accordingly, your Committees have amended this measure by:

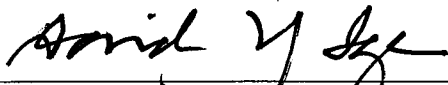
- (1) Clarifying that its purpose is to appropriate funds to conserve, rather than acquire, the undeveloped, rather than unimproved, lands through a purchase, easement, or other means as provided by law;
- (2) Clarifying that the Governor or the Governor's designee is required to negotiate with the current owners of the property to conserve the undeveloped portions of the property;
- (3) Specifying that the lands to be conserved:
  - (A) Shall include the undeveloped lands, defined as those that are not used for the existing hotel and condominiums;
  - (B) May include the unoccupied areas, such as the golf courses, stables, parking areas, nurseries, and lands with similar uses that could be relocated; and
  - (C) Generally include the undeveloped portions of the subject property and other lands that have significant conservation or historic value if the conservation would better protect coastal and natural resources between Malaekahana State Recreational Area and Kawela Bay;



- (4) Deleting language that authorizes the Governor to exercise the power of eminent domain to acquire lands if an agreement to acquire the subject property is not reached within a reasonable time;
- (5) Inserting an unspecified appropriation amount for fiscal years 2013-2014 and 2014-2015 and clarifying that the appropriation is for the fee simple purchase, easement, or other means as provided by law to conserve the undeveloped portions of the subject property and adjacent lands identified in the measure;
- (6) Inserting a sunset date of November 6, 2018, to coincide with the general election day at the end of the current or subsequent Governor's term; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

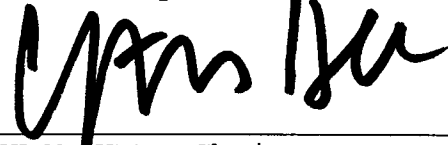
As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 894, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 894, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Labor and Ways and Means,



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DAVID Y. ICE, Chair




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CLAYTON HEE, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 894 SDI	WTL, JDL/WAM	2/27/13		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike		✓		
IHARA, Jr., Les	✓			
SLOM, Sam			✓	
<b>TOTAL</b>	3	1	1	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> 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-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:* <b>SB 894 SD1</b>	Committee Referral: <b>WTL, JDL/WAM</b>	Date: <b>2-27-13</b>
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The committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312     Pass, with amendments 2311     Hold 2310     Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)			✓	
CHUN OAKLAND, Suzanne		✓		
DELA CRUZ, Donovan M.		✓		
ENGLISH, J. Kalani			✓	<del>W</del> <i>mik</i>
ESPERO, Will			✓	
KAHELE, Gilbert		✓		
KEITH-AGARAN, Gilbert S.C.				✓
KOUCHI, Ronald D.		✓		
RUDERMAN, Russell E.		✓		
THIELEN, Laura H.	✓			
TOKUDA, Jill N.			✓	
SLOM, Sam			✓	
<b>TOTAL</b>	<b>2</b>	<b>5</b>	<b>5</b>	<b>1</b>

Recommendation:  Adopted     Not Adopted

Chair's or Designee's Signature: *Michelle N. Kidani*

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