

STAND. COM. REP. NO.

972

Honolulu, Hawaii

MAR 24 2011

RE: H.B. No. 324  
H.D. 2  
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 Economic Development and Technology and Water, Land, and Housing, to which was referred H.B. No. 324, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION,"

beg leave to report as follows:

The purpose and intent of this measure is to establish the South Kona Wilderness Area to be administered by the Department of Land and Natural Resources.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources. Your Committees received testimony in opposition to this measure from the Department of the Attorney General and The Resort Group. Your Committees received comments on this measure from The Nature Conservancy and five individuals.

Your Committee on Water, Land, and Housing previously heard and amended a comparable measure, S.B. No. 1154, and your Committees have amended this measure by incorporating the provisions of S.B. No. 1154, S.D. 2, as part I. Your Committees have further amended this measure by incorporating the language from S.B. No. 176, as part II. As amended, this measure:

- (1) Establishes the South Kona Wilderness Area;



- (2) Designates the lands to be included in the South Kona Wilderness Area, and clarifies the descriptions of Kaulanamauna and Manuka;
- (3) Prohibits construction of new homes or other structures within one thousand feet of the shoreline within the South Kona Wilderness Area;
- (4) Authorizes the Department of Land and Natural Resources to acquire private lands in the South Kona Wilderness Area by donation or by a dollar-for-dollar exchange;
- (5) Designates the lands within the South Kona Wilderness Area as lands within the conservation district;
- (6) Requires the Department of Land and Natural Resources, in cooperation with appropriate county, state, and federal agencies; the Aha Kiole Advisory Committee, established pursuant to Act 212, Session Laws of Hawaii 2007; and Paa Pono Milolii, a Hawaii nonprofit corporation to develop a comprehensive management plan;
- (7) Authorizes the Legislature to designate a contiguous geographical area in the State as a historical district, and establishes the West Oahu Historical District; and
- (8) Makes technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees have heard the concerns raised by the Attorney General, as well as the concerns of The Resort Group relative to the Kapu'a parcels. While your Committees agree that these private property issues need to be addressed, the recommendations to remove a significant portion of the lands from the proposed South Kona Wilderness Area need further clarification. Your Committees ask that the parties continue the dialogue in order to determine how best to address these concerns.

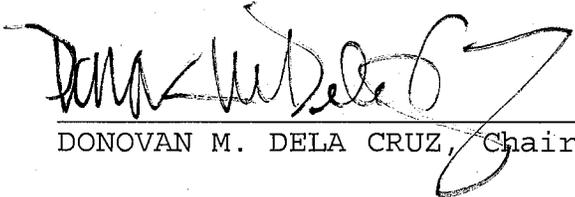
To this end, your Committees note that the effective date of this measure is July 1, 2030, to allow for further discussion.

As affirmed by the records of votes of the members of your Committees on Economic Development and Technology and Water, Land, and Housing that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 324, H.D. 2, as



amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 324, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Economic Development and Technology and Water, Land, and Housing,

  
DONOVAN M. DELA CRUZ, Chair

  
CAROL FUKUNAGA, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

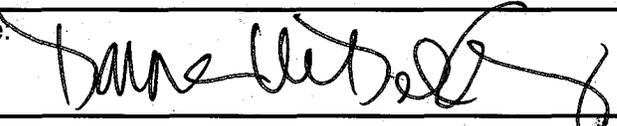
**Record of Votes**  
**Committee on Economic Development and Technology**  
**EDT**

Bill / Resolution No.:* <b>HB 324, HD 2</b>	Committee Referral: <b>EDT/WLH, WAM</b>	Date: <b>3/23/11</b>		
<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
FUKUNAGA, Carol (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
SOLOMON, Malama	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
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-Sixth Legislature  
 State of Hawai'i

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

Bill / Resolution No.:*	Committee Referral:	Date:
HB 324 HD2	EDT/WLH, WAM	3-23-11
<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>5</b>	<b>2</b>
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		

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