568

Honolulu, Hawaii

MAR 0 4 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

2011-1573 SSCR SMA-1.doc

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

## The Senate Twenty-Sixth Legislature State of Hawai'i

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

The committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:  The Recommendation is:  Pass, unamended 2311 2310 2313 2313 2313 2313 2313 2313	Bill / Resolution No.:*	Committee Ref	erral:	Da	te:		
If so, then the previous decision was to:  The Recommendation is:  Pass, unamended 2311 Pass, with amendments 2310 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  Recommendation:  Adopted Not Adopted  Chair's or Designee's Signature:  Male Tokuda Adopted  Distribution:  Original Yellow  Pink Goldenrod	SB683	WLH		0.	3/01/20	11	
Pass, unamended 2311 Pass, with amendments 2310 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  Recommendation:  Adopted  Chair's or Designee's Signature:  Members Aye Aye (WR) Nay Excused  Aye Aye (WR)  Nay Excused  Recommit 2313  Recommit 2315  Aye Aye (WR)  Nay Excused  Aye Aye (WR)  Aye (WR)  Aye (WR)  Nay Excused  Aye Aye (WR)  Aye (Waye (Aye (Aye (Aye (Aye (Aye (Aye (Aye (A							
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  Recommendation:  Adopted  Chair's or Designee's Signature:  Malama (VC)  Pink Goldenrod	The Recommendation is:						
DELA CRUZ, Donovan M. (C)  SOLOMON, Malama (VC)  FUKUNAGA, Carol  RYAN, Pohai  SHIMABUKURO, Maile  TOKUDA, Jill N.  SLOM, Sam  TOTAL  Recommendation:  Adopted  Chair's or Designee's Signature:  Multiple Adopted  Distribution:  Original  Yellow  Pink  Goldenrod							
SOLOMON, Malama (VC)  FUKUNAGA, Carol  RYAN, Pohai  SHIMABUKURO, Maile  TOKUDA, Jill N.  SLOM, Sam  TOTAL  Recommendation:  Adopted  Chair's or Designee's Signature:  Malama (VC)  FUKUNAGA, Carol  Adopted  Not Adopted  Distribution:  Original  Yellow  Pink  Goldenrod	Members		Aye	Aye (WR)	Nay	Excused	
FUKUNAGA, Carol RYAN, Pohai SHIMABUKURO, Maile TOKUDA, Jill N. SLOM, Sam  TOTAL Adopted Chair's or Designee's Signature:  Distribution: Original  Pink Goldenrod	DELA CRUZ, Donovan M. (C)		V				
RYAN, Pohai  SHIMABUKURO, Maile  TOKUDA, Jill N.  SLOM, Sam  TOTAL  Recommendation:  Adopted  Chair's or Designee's Signature:  Distribution:  Original  Yellow  Pink  Goldenrod	SOLOMON, Malama (VC)				1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2		
SHIMABUKURO, Maile  TOKUDA, Jill N. SLOM, Sam  TOTAL  Recommendation:  Adopted  Chair's or Designee's Signature:  Distribution:  Original  Yellow  Pink  Goldenrod	FUKUNAGA, Carol						
TOTAL  Recommendation:  Adopted  Not Adopted  Chair's or Designee's Signature:  Distribution:  Original  Yellow  Pink  Goldenrod	RYAN, Pohai						
SLOM, Sam  TOTAL  Recommendation: Adopted Not Adopted Chair's or Designee's Signature: Walking Distribution: Original Yellow Pink Goldenrod	SHIMABUKURO, Maile						
TOTAL  Recommendation:  Adopted Not Adopted  Chair's or Designee's Signature:  White Adopted Pink Goldenrod	TOKUDA, JIII N.						
Recommendation:  Adopted Not Adopted  Chair's or Designee's Signature:  Distribution: Original Yellow Pink Goldenrod	SLOM, Sam						
Recommendation:  Adopted Not Adopted  Chair's or Designee's Signature:  Distribution: Original Yellow Pink Goldenrod							
Recommendation:  Adopted  Not Adopted  Chair's or Designee's Signature:  Distribution:  Original  Yellow  Pink  Goldenrod				ewowie tak essesses		K) 75 - ASS - ASS - ASS	
Recommendation:  Adopted Not Adopted  Chair's or Designee's Signature:  Distribution: Original Yellow Pink Goldenrod							
Recommendation:  Adopted Not Adopted  Chair's or Designee's Signature:  Distribution: Original Yellow Pink Goldenrod							
Recommendation:  Adopted  Not Adopted  Chair's or Designee's Signature:  Distribution:  Original  Yellow  Pink  Goldenrod							
Recommendation:  Adopted Not Adopted  Chair's or Designee's Signature:  Distribution: Original Yellow Pink Goldenrod							
Recommendation:  Adopted Not Adopted  Chair's or Designee's Signature:  Distribution: Original Yellow Pink Goldenrod			5061748777 (2-0-) 64 Q		·		
Recommendation:  Adopted  Not Adopted  Chair's or Designee's Signature:  Distribution:  Original  Yellow  Pink  Goldenrod							
Recommendation:  Adopted  Not Adopted  Chair's or Designee's Signature:  Distribution:  Original  Yellow  Pink  Goldenrod							
Chair's or Designee's Signature:  Distribution: Original Yellow Pink Goldenrod	TOTAL	as the same of the	4		90 per 183 miller (183 per 183	3	
Chair's or Designee's Signature:  Distribution: Original Yellow Pink Goldenrod							
Distribution: Original Yellow Pink Goldenrod	Adopted Not Adopted						
The with Continuited Fiebott Clerk's Office Digital Adelicy Continuited File Copy	<b>Distribution:</b> Original File with Committee Rep		Ce Dra	Pink afting Agency		,	

<sup>\*</sup>Only one measure per Record of Votes