

Honolulu, Hawaii

APR 05 2012

RE: H.B. No. 2819
H.D. 1
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred H.B. No. 2819, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY
DEVELOPMENT AUTHORITY, "

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Limit the prohibition on the sale or assigning of the fee simple interest of certain lands in the Kakaako Community Development District to the makai lands in the Kakaako Community Development District;
- (2) Require the Hawaii Community Development Authority to determine the costs and benefits of selling and purchasing certain properties, excluding makai lands, within the Kakaako Community Development District; and
- (3) Require the Hawaii Community Development Authority to submit a report to the Legislature no later than ninety days after the effective date of this measure.

Your Committees received testimony in opposition to this measure from one private individual. The Hawaii Community Development Authority submitted comments.



Your Committees find that the Hawaii Community Development Authority is able to purchase and hold title to lands subject to availability of funding without any legislative action. However, legislative approval is required prior to any sale of land owned by or under the control of the State. Situations within the Kakaako Community Development District have arisen where it may have been profitable or beneficial to the Authority to expedite real property transactions. Thus, your Committees find it necessary to be informed of the costs and benefits of the selling and purchasing of various properties within the district.

Your Committees further find that S.B. No. 2783, Regular Session of 2012, recently passed the Legislature. S.B. No. 2783 resolves all claims the Office of Hawaiian Affairs has asserted or raised, or could assert or raise, relating to the Office of Hawaiian Affairs' portion of income and proceeds from public land trust lands from November 7, 1978, up to and including June 30, 2012, and fulfills constitutional obligations to native Hawaiians by providing fee simple title to certain parcels of land situated in Kakaako makai to the Office of Hawaiian Affairs. These identified lands within Kakaako makai will provide a revenue stream to fund the Office of Hawaiian Affairs' services to its beneficiaries. As a result, your Committees believe that additional mechanisms are necessary to ensure that sufficient revenue may be derived from these lands.

Accordingly, your Committees have amended this measure by:

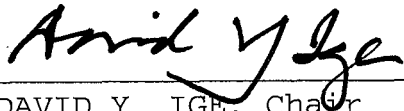
- (1) Amending section 206E-31.5(2), Hawaii Revised Statutes, which prohibits the Hawaii Community Development Authority from approving any plan or proposal for any residential development in that portion of the Kakaako Community Development District makai of Ala Moana Boulevard and between Kewalo Basin and the foreign trade zone, to exempt certain parcels from the prohibition; and
- (2) 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 H.B. No. 2819, H.D. 1, S.D. 1, as amended



herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 2819, H.D. 1, S.D. 2.

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



DAVID Y. IGE, Chair



CLAYTON HEE, Chair



Record of Votes
Committee on Judiciary and Labor
JDL

*Only one measure per Record of Votes

The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2819 HDI SDI	WCH, JDL/WAM	4-3-12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 </div>				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	/			
KIDANI, Michelle N. (VC)	/			
CHUN OAKLAND, Suzanne			/	
DELA CRUZ, Donovan M.	/			
ENGLISH, J. Kalani	/			
ESPERO, Will	/			
FUKUNAGA, Carol			/	
KIM, Donna Mercado		/		
KAHELE, Gilbert	/			
KOUCHI, Ronald D.				/
RYAN, Pohai		/		
TOKUDA, Jill N.				/
WAKAI, Glenn				/
SLOM, Sam		/		
TOTAL	6	3	2	3
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: small;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

*Only one measure per Record of Votes