

Honolulu, Hawaii

FEB 16 2011

RE: S.B. No. 248
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 Water, Land, and Housing and Public Safety, Government Operations, and Military Affairs, to which was referred S.B. No. 248 entitled:

"A BILL FOR AN ACT RELATING TO FEES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit the imposition of impact fees in urban land use districts; and
- (2) Require the Department of Transportation to charge nominal fees for the disposal of easements within, and access rights along, state highways.

Your Committees received testimony in opposition to this measure from the Department of Transportation.

Your Committees find that local jurisdictions charge impact fees to developers to offset the costs of off-site capital improvements that are necessitated by and benefit the new development. However, off-site capital improvements are frequently unnecessary in densely populated urban areas, where infrastructure already exists to support new developments. This measure restricts the monetary value that can be assessed by the Department of Transportation for disposal of easements and rights of way to a nominal amount. Your Committees learned through



testimony that this provision may jeopardize the bulk of federal funds provided for state highway projects.

Therefore, your Committees have amended this measure by:

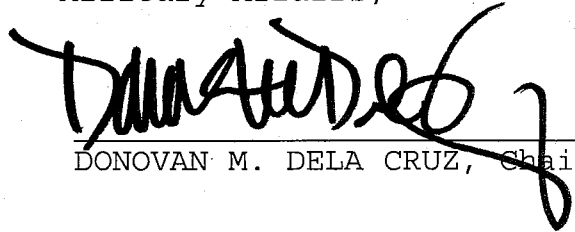
- (1) Eliminating the provision restricting assessments by the Department of Transportation to nominal amounts; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water, Land, and Housing and Public Safety, Government Operations, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 248, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 248, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Water, Land, and
Housing and Public Safety,
Government Operations, and
Military Affairs,



WILL ESPERO, Chair



DONOVAN M. DELA CRUZ, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

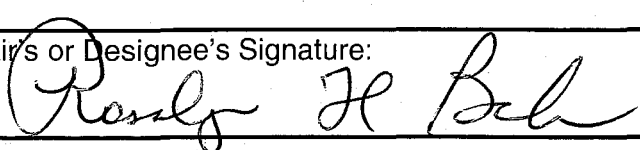
Record of Votes
Committee on Water, Land, and Housing
WLH

Bill / Resolution No.:* SB248	Committee Referral: WLH/PAM, WAM	Date: 2-10-11		
<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				/
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: 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 Public Safety, Government Operations, and
Military Affairs
PGM

Bill / Resolution No.:* SB 248	Committee Referral: WLH/PGM, WAM	Date: 2-10-2011		
<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
ESPERO, Will (C)	✓			
KIDANI, Michelle N. (VC)	✓			✓ <i>24B</i>
BAKER, Rosalyn H.	✓			
RYAN, Pohai	✓			
SLOM, Sam				✓
TOTAL	4	-	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes