

Honolulu, Hawaii

FEB 17 , 2012

RE: H.B. No. 2398

H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committees on Water, Land, & Ocean Resources and  
Hawaiian Affairs, to which was referred H.B. No. 2398 entitled:

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

beg leave to report as follows:

The purpose of this measure is to establish the Honokohau  
Marina Development District on the island of Hawaii.

Torpedo Tours; McCormick Marine Service, Inc.; the Kona Boat  
Club; and numerous individuals submitted testimony in support of  
this measure. Gentry's Kona Marina, the Association of Hawaiian  
Civic Clubs, Life of the Land, Kuakini Hawaiian Civic Club of  
Kona, Kona Hawaiian Civic Club, and an individual opposed this  
measure. The Department of Land and Natural Resources, the Hawaii  
Community Development Authority, the Department of Hawaiian  
Homelands, the Office of Information Practices, and the Department  
of Budget and Finance submitted comments on this measure.

Your Committees have amended this measure by:

- (1) Removing the 218 acres that border the harbor area to  
the south and the 7.25 acres that border the harbor to  
the north from the development district by clearly  
identifying these areas and stating that they are not  
within the development district;




- (2) Amending the purpose section to clearly state that major reasons for the redevelopment of the harbor include:
  - (A) Eliminating the current water pollution that is spreading to the nearby culturally sensitive shoreline areas; and
  - (B) Addressing the need to improve security, safety, and environmental impacts of the area;
- (3) Reducing the development district representation on the board to three members and changing its composition to represent:
  - (A) Owners and operators of marina businesses;
  - (B) Harbor boating tenants; and
  - (C) Cultural practitioners representing the Kaloko-Honokohau National Historical Park;
- (4) Changing the effective date so that the establishment of the district takes effect upon approval and the establishment of the revolving fund and the exemption from the procurement code take effect on July 1, 2013; and
- (5) Allowing for the first marina management contract to be exempt from the procurement process under chapter 103D, Hawaii Revised Statutes, for a period not to exceed three years.

As affirmed by the records of votes of the members of your Committees on Water, Land, & Ocean Resources and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2398, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2398, H.D. 1, and be referred to the Committee on Finance.



Respectfully submitted on  
behalf of the members of the  
Committees on Water, Land, &  
Ocean Resources and Hawaiian  
Affairs,

  
\_\_\_\_\_  
FAYE PANOHANO, Chair

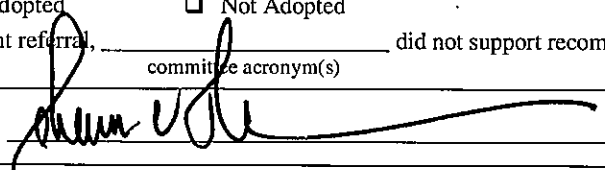
*w/ reservations  
< Kanakua >*

  
\_\_\_\_\_  
JERRY I. CHANG, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: <b>HB 2398</b>	Committee Referral: <b>WLO/HAW, FIN</b>	Date: <b>2/13/12</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. CHANG, Jerry L. (C)	X			
2. HAR, Sharon E. (VC)	X			
3. CABANILLA, Rida T.R.				X
4. CARROLL, Mele				X
5. COFFMAN, Denny	X			
6. HERKES, Robert N.	X			
7. ITO, Ken	X			
8. KAWAKAMI, Derek S.K.	X			
9. NAKASHIMA, Mark M.	X			
10. RIVIERE, Gil	X			
11. THIELEN, Cynthia	X			
TOTAL (11)	9			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. _____ committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				

HSCR 619-12

State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

Record of Votes of the Committee on Hawaiian Affairs

Bill/Resolution No.: <del>HAWAII</del> HB 2398	Committee Referral: WLD/HAW, FIN	Date: 2/13/2012		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HAW Members	Ayes	Ayes (WR)	Nays	Excused
1. HANOHANO, Faye P. (C)		X		
2. LEE, Chris (VC)				X
3. BELATTI, Della Au		X		
4. JORDAN, Jo				X
5. MIZUNO, John M.	X			
6. MORIKAWA, Dee		X		
7. WOOLEY, Jessica		X		
8. YAMANE, Ryan I.		X		
9. PINE, Kymberly Marcos				X
10. WARD, Gene	X			
TOTAL (10)	2	5		3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>Della A. Belatti</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				