

Honolulu, Hawaii
Feb 17, 2006

RE: H.B. No. 2112
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2112, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC LANDS,"

begs leave to report as follows:

The purpose of this bill is to require the prior approval by the Legislature of any disposition of public lands by the Board of Land and Natural Resources (BLNR) or the Hawaii Community Development Authority (HCDA) in fee simple, by lease with option to purchase, or grant of easement in perpetuity. The disposition of remnants or grants to any state or county department or agency for roadway or infrastructure improvements is excluded from this requirement.

The Hawaii Government Employees Association and Sierra Club, Hawaii Chapter, testified in support of this bill. The Department of Land and Natural Resources, Department of the Attorney General, HCDA, and General Growth Properties, Inc., opposed this measure. Hawaiian Electric Company, Inc., Hawaii Electric Light Company, and Maui Electric Company offered comments.

Your Committee has amended this bill by:

- (1) Limiting the types of land dispositions that require prior legislative approval to public trust lands;



- (2) Removing the prior approval provisions for dispositions by BLNR from section 171-13 (disposition of public lands), Hawaii Revised Statutes (HRS), and inserting them into sections 171-41 (commercial, industrial, and other business uses), HRS, and 171-42 (hotel and resort uses), HRS;
- (3) Clarifying the type of land dispositions exempt from prior legislative approval by including, among other things, utility easements and dispositions by grant to a private entity for roadway or infrastructure improvement;
- (4) Changing the effective date to July 1, 2096, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for consistency and clarity.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2112, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 2112, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


for SYLVIA LUKE, Chair



