

Honolulu, Hawaii

March 24, 2006

RE: S.B. No. 2476
S.D. 2
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 S.B. No. 2476, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE,"

begs leave to report as follows:

The purpose of this bill is to regulate State-controlled lands by, among other things:

- (1) Establishing an order of intestate succession for the transfer of certificate of occupation or homestead lease in the case of death;
- (2) Providing conditions for a tenant-at-will to receive a reinstatement of certificate of occupation, lease, right-of-purchase lease, or cash freehold agreement;
- (3) Requiring legislative approval for the sale, exchange, lease, or similar disposition of land held in title by the Hawaii Community Development Authority (HCDA), within the Kakaako Community Development District (Kakaako District), and located makai of Ala Moana Boulevard; and
- (4) Prohibiting residential projects on state lands in the Kakaako District located makai of Ala Moana Boulevard.



The Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34 and concerned individuals opposed this bill. The High Technology Development Corporation offered comments.

Prior to the public hearing, your Committee circulated and received testimony on a proposed draft (Proposed H.D. 2). The Proposed H.D. 2, specifically:

- (1) Requires legislative approval for the sale, exchange, lease, or similar disposition of land held in title by HCDA, within the Kakaako District, and located makai of Ala Moana Boulevard; and
- (2) Prohibits residential projects on state lands in the Kakaako District located makai of Ala Moana Boulevard.

Numerous concerned citizens supported the Proposed H.D. 2. Save Our Kaka'ako Makai, Friends of Kewalo Basin Park Association, Save Our Kaka'ako Coalition, and numerous concerned individuals supported the Proposed H.D. 2 with an amendment. HCDA opposed the Proposed H.D. 2. The Hawaii Government Employees Association offered comments.

Your Committee has amended this bill by:


- (1) Substituting its contents with the Proposed H.D. 2; and
- (2) Making technical, nonsubstantive amendments for clarity and style.

Your Committee notes suggestions to exclude properties under one acre in size and to remove leases from the new provisions, as well as questions raised about a potential discrepancy between provisions that exempt land dispositions in Kakaako Makai relating to the Reserved Housing Program from the requirement of legislative approval, while also expressly prohibiting residential projects on state lands in the same location. However, your Committee is advancing this bill for further discussion.



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 S.B. No. 2476, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 2476, S.D. 2, H.D. 2.

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


for SILVIA LUKE, Chair



