

Honolulu, Hawaii

APR - 6 2006

RE: H.B. No. 1928  
H.D. 2  
S.D. 2

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committees on Judiciary and Hawaiian Affairs and Ways and Means, to which was referred H.B. No. 1928, H.D. 2, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose of this measure is to require the Agribusiness Development Corporation, the Hawaii Community Development Authority, the Housing and Community Development Corporation of Hawaii, the High Technology Development Corporation, and the University of Hawaii to obtain legislative approval before disposing of state lands under their respective jurisdictions.

Your Committees received testimony in support of this measure from the Save Our Kaka`ako Coalition. The Agribusiness Development Corporation, the Hawaii Community Development Authority, and the High Technology Development Corporation submitted comments on this measure. The Housing and Community Development Corporation of Hawaii and the University of Hawaii submitted testimony in opposition to this measure.

Your Committees find that this measure needs the appropriate three readings in the House of Representatives. The Hawaii Supreme Court's decision in *Taomae v. Lingle*, 108 Hawaii 245 (2005), invalidated a constitutional amendment because the title of the bill was insufficient and because the bill failed to receive three readings in each house of the legislature. Although



the language of the court's decision has been interpreted to be limited in its application to bills proposing a constitutional amendment, Article III, Section 15 of the Hawaii State Constitution makes it clear that the three reading requirement applies to all bills, providing that "[n]o bill shall become law unless it shall pass three readings in each house on separate days." Therefore, this bill should not pass out of the legislature unless the bill receives three readings by the House of Representatives in conformance with Article III, Section 15 of the Hawaii State Constitution.

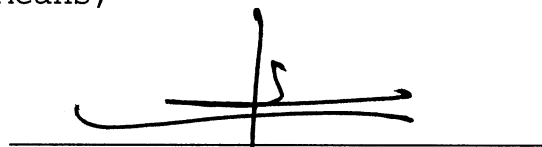
Your Committees have amended this measure to make technical, nonsubstantive changes for clarity and style and to specify that section 7 shall take effect on July 1, 2006.

Your Committees note that concerns regarding constitutionality issues and the addition of a severability clause were raised during the hearing on this measure and the Committees would ask that these issues be left open for discussion as this measure moves to conference.

As affirmed by the records of votes of the members of your Committees on Judiciary and Hawaiian Affairs and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1928, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1928, H.D. 2, S.D. 2.

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

  
BRIAN T. TANIGUCHI, Chair

  
COLLEEN HANABUSA, Chair





**The Senate  
Twenty-Third Legislature  
State of Hawaii**

**Record of Votes of the  
Committee on Ways and Means  
(Bills and Resolutions)**

Measure:* HB 1928 HD2 SD1	Committee Referral: TSM/WLA, JHW/WAM	Date: 4/4/06		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <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	Ayes	Ayes(WR)	Nays	Excused
TANIGUCHI, Brian T. (C)	/			
TSUTSUI, Shan S. (VC)	/			
ENGLISH, J. Kalani	/			
ESPERO, Will	/			
FUKUNAGA, Carol	/			
HOOSER, Gary L.	/			
INOUE, Lorraine R.	/			
KANNO, Brian				/
KIM, Donna Mercado	/			
KOKUBUN, Russell S.	/			
NISHIHARA, Clarence K.	/			
SAKAMOTO, Norman	/			
HEMMINGS, Fred				/
SLOM, Sam	/	/		
TRIMBLE, Gordon	/			
TOTAL	12	1	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Do not list more than one measure per Record of Votes.