

Honolulu, Hawaii

FEB 17

, 2006

RE: S.B. No. 2476
S.D. 1

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

Sir:

Your Committees on Water, Land, and Agriculture and Higher Education, to which was referred S.B. No. 2476 entitled:

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

beg leave to report as follows:

The purpose of this measure is to require the Agribusiness Development Corporation, the Hawaii Community Development Authority, and the University of Hawaii to obtain legislative approval before selling any State-owned land.

Testimony in support of this measure was submitted by the Hawaii Government Employees Association, Save Our Kaka'ako Coalition, Kewalo Basin Park Association, and seven individuals. Testimony in opposition to this measure was submitted by the Hawaii Community Development Authority, the University of Hawaii, and the University of Hawaii's School of Ocean and Earth Science and Technology. Comments were also submitted by the ADC and the Office of Hawaiian Affairs.

Your Committees find that state lands are an invaluable asset and should be preserved. Thus, if state lands are to be disposed, it is imperative that the decision to dispose of the land should be done with great contemplation and transparency. This measure requires Agribusiness Development Corporation, Hawaii Community Development Authority, and the University of Hawaii to obtain legislative approval before permanently disposing of any state lands.



Your Committees amended this measure by:

- (1) Requiring legislative approval of all land exchanges made by the Agribusiness Development Corporation, the Hawaii Community Development Authority, the Housing and Community Development Corporation of Hawaii, and the High Technology Development Corporation;
- (2) Requiring legislative approval of all leases executed by the Hawaii Community Development Authority and the University of Hawaii;
- (3) Amending the legislative approval process by requiring a concurrent resolution to be adopted by a majority vote of both the Senate and the House of Representatives;
- (4) Providing exceptions to the legislative approval process for each agency;
- (5) Amending the information required in the concurrent resolution;
- (6) Amending section 206E-14(a) to include language that cross references the Hawaii Community Development Authority's new requirements for land dispositions;
- (7) Amending section 304-8.957(a) to include language that cross-references the University of Hawaii's new requirements for land dispositions;
- (8) Amending the effective date to provide that on July 1, 2006, section 201G-9 will be amended to include the changes made in this measure; and
- (9) Making technical, nonsubstantive changes for clarity, consistency, and style.

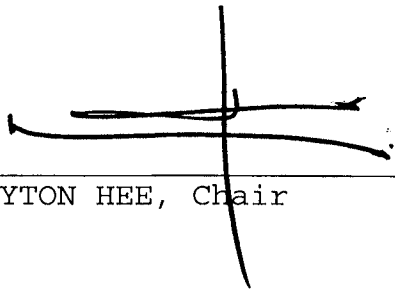
Your Committees also noted that the University of Hawaii expressed concerns that this measure violated Article X, Section 6 of the Hawaii State Constitution, which states that the Board of Regents shall have "exclusive jurisdiction over the internal structure, management and operation of the university." However, your Committees also note that Article X, Section 6 of the Hawaii State Constitution further states that the provisions in "[t]his



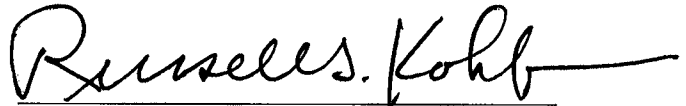
section shall not limit the power of the legislature to enact laws of statewide concern. The legislature shall have the exclusive jurisdiction to identify laws of statewide concern."

As affirmed by the records of votes of the members of your Committees on Water, Land, and Agriculture and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2476, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2476, 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 Agriculture and Higher Education,



CLAYTON HEE, Chair

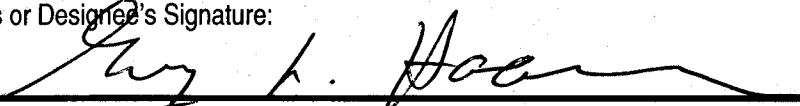


RUSSELL S. KOKUBUN, Chair



The Senate
 Twenty-Third Legislature
 State of Hawaii

Record of Votes of the
 Committee on Water, Land and Agriculture
 (Bills and Resolutions)

Measure:* <i>SB2476</i>	Committee Referral: <i>WLA/HRE, WAM</i>	Date: <i>2/14/06</i>		
<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
KOKUBUN, Russell S. (C)	✓			
HOOSER, Gary L. (VC)	✓			
ENGLISH, J. Kalani	✓			
FUKUNAGA, Carol				✓
HEMMINGS, Fred	✓			
TOTAL	<i>4</i>			<i>1</i>
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				

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

