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Honolulu, Hawaii

MAY 01 2009 , 2009

RE: S.B. No. 1677
S.D. 1
H.D. 2
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1677, S.D. 1, H.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to establish legislative oversight of sales or exchanges of land, other than remnant parcels, held by the State.

Specifically, this measure:

- (1) Requires an informational briefing in the community where the land to be sold or exchanged is located prior to finalizing a proposal for the sale or exchange; and
- (2) Makes proposed sales or exchanges of state-held lands subject to legislative disapproval by the adoption of a



concurrent resolution passed by a simple majority vote of both Houses of the Legislature.

Your Committee finds that a comprehensive process for the sale of state-owned land and a larger oversight role for the Legislature needs to be established to assure that key information about certain sales or exchanges of land is shared with the Legislature.

Realizing that each sale, however reasonable or necessary, is final and permanent, and recognizing that the Legislature may exercise its power over the State's land by general laws only, this measure establishes a legislative prior-approval process that must be completed before most state-owned land may be sold, and maintains the current legislative disapproval process that must be completed for the exchange of certain state-owned land for private land to be final, except as amended with regard to notification.

Your Committee has amended this measure by:

- (1) Removing sections 1 through 3 of the measure;
- (2) Adding a new part to chapter 171, Hawaii Revised Statutes, titled "Sale or Gift of Lands", which:
 - (A) Requires prior legislative approval of any sale or gift of most state-owned land by concurrent resolution by each House by at least a two-thirds majority vote of the members;
 - (B) Exempts remnants, as defined in section 171-52, Hawaii Revised Statutes, and the issuance of licenses, permits, easements, and leases from legislative approval;
 - (C) Requires the concurrent resolution submitted to the Legislature by the state department or agency proposing the sale or gift to include specified information, and a copy to be submitted to the Office of Hawaiian Affairs;
 - (D) Requires that, prior to finalizing the proposal or submission to the Legislature, the proponents of the sale or gift hold an informational briefing on the proposed sale or gift in the community where the land to be sold or given is located; and




- (E) Exempts sales or gifts of lands between state departments or agencies, and sales of available lands under the Hawaiian Homes Commission Act;
- (3) Amending section 171-50, Hawaii Revised Statutes, which requires that any exchange of public land for private land be subject to legislative disapproval, by inserting requirements that the submitted concurrent resolution for legislative disapproval include the purpose for the exchange and that a copy of the concurrent resolution be submitted to the Office of Hawaiian Affairs; and
- (4) Changing the effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1677, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1677, S.D. 1, H.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



 MELE CARROLL, Co-Chair



 CLAYTON HEE, Chair



 KEN ITO, Co-Chair



 BRIAN T. TANIGUCHI, Co-Chair



 JON RIKI KARAMATSU, Co-Chair

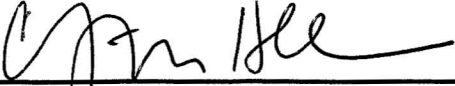



 MARCUS R. OSHIRO, Co-Chair



Hawaii State Legislature
Record of Votes of a
Conference Committee

CCR 135

Bill / Concurrent Resolution No.: SB 1677, SD 1, HD 2					Date/Time: <i>4/30/09 3:32 pm</i>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HEE, Clayton, Chr.	✓				CARROLL, Mele, Co-Chr.	✓	✓		
TANIGUCHI, Brian T., Co-Chr.	✓				ITO, Ken, Co-Chr.	✓			
FUKUNAGA, Carol	✓				KARAMATSU, Jon Riki, Co-Chr.	✓			
KOKUBUN, Russell S.	✓				OSHIRO, Marcus R., Co-Chr.	✓			
TAKAMINE, Dwight Y.	✓				HAR, Sharon E.	✓			
SLOM, Sam				/	OSHIRO, Blake K.	✓			
					WARD, Gene				✓
TOTAL	5	0	0	1	TOTAL	5	1	0	1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
Distribution:		Original	Yellow	Pink	Goldenrod				
		<i>File with Conference Committee Report</i>	<i>House Clerk's Office</i>	<i>Senate Clerk's Office</i>	<i>Drafting Agency</i>				