

STAND. COM. REP. NO. 1103

Honolulu, Hawaii

March 23, 2009

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

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

Sir:

Your Committees on Water, Land, & Ocean Resources and
Judiciary, to which was referred S.B. No. 1677, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose of this bill is to require the adoption of a
concurrent resolution by two-thirds majority vote of each house of
the Legislature prior to the sale or exchange of ceded and other
public lands.

The Association of Hawaiian Civic Clubs, Koolaupoko Hawaiian
Civic Club, Royal Order of Kamehameha I, and many concerned
individuals supported this bill. One concerned individual
supported this bill with amendments. The Hawaii Government
Employees Association supported the intent of this bill. The
Hawaii Housing Finance and Development Corporation opposed this
bill. The Department of Land and Natural Resources, Office of
Hawaiian Affairs, University of Hawaii System, the Attorney
General, and several concerned individuals offered comments.

Recognizing the need to reaffirm the Legislature's authority
to oversee the permanent disposition of all lands held by the
State without unduly hampering the State's ability to complete
such transactions, your Committees have amended this bill by:

SB1677 HD1 HSCR WLO-JUD HMS 2009-2988



- (1) Broadening the legislative oversight to include the sale and exchange of all lands held by the State in fee simple title to parties other than the State, its agencies, or its entities;
- (2) Making such sales and exchanges subject to the disapproval of a majority of both houses of the Legislature or a two-thirds majority of either house, rather than requiring the approval of a two-thirds majority of both houses;
- (3) Requiring an informational briefing in the community where the property to be sold or exchanged is located prior to finalizing any proposal to sell or exchange the property;
- (4) Adding provisions affirming the generality of the legislation to conform to Article XI, Section 5, of the Hawaii Constitution which limits the legislative powers over state-controlled lands to general laws;
- (5) Changing the effective date to January 1, 2046, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for clarity consistency, and style.

Your Committees realize that the broad scope of the oversight provision may cause difficulties for some State agencies and entities currently negotiating exchange and sale transactions. Your Committees specifically request the Committee on Finance to consider the needs of University of Hawaii, West Oahu (UHWO) and its conformance to certain deed restrictions on property UHWO is attempting to convey in connection with the development of the campus.

As affirmed by the records of votes of the members of your Committees on Water, Land, & Ocean Resources and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1677, S.D. 1, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 1677, S.D. 1, H.D. 1.



Respectfully submitted on
behalf of the members of the
Committees on Water, Land, &
Ocean Resources and Judiciary,



JORI RIKI KARAMATSU, Chair



KEN ITO, Chair



State of Hawaii
 House of Representatives
 The Twenty-fifth Legislature

HSR 1103

Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: SB 1677, SD1	Committee Referral: HAW, WLO/JUD, FIN	Date: 3/13/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	✓			
2. HAR, Sharon E. (VC)	✓			
3. CABANILLA, Rida	✓			
4. CHANG, Jerry L.				✓
5. CHONG, Pono	✓			
6. COFFMAN, Denny				✓
7. HERKES, Robert N.	✓			
8. LEE, Chris		✓		
9. LUKE, Sylvia		✓		
10. MORITA, Hermina M.				✓
11. SAGUM, Roland D., III	✓			
12. CHING, Corinne W.L.		✓		
13. THIELEN, Cynthia				✓
TOTAL (13)	6	3		4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. _____ committee acronym(s)				
Vice Chair's or designee's signature: <i>[Signature]</i>				
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