

STAND. COM. REP. NO. 257 -10

Honolulu, Hawaii

Feb 10, 2010

RE: H.B. No. 2058  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Sir:

Your Committee on Economic Revitalization, Business, &  
Military Affairs, to which was referred H.B. No. 2058 entitled:

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

begs leave to report as follows:

The purpose of this bill is to remove telecommunication  
operations as a concession on public property and exempt  
operations involving the sale of communications or  
telecommunications from the procurement code.

The Natural Energy Laboratory of Hawaii Authority provided  
testimony in support of this measure. Hawaiian Telcom provided  
testimony in opposition to this measure.

Your Committee finds that in 2006, the Board of Land and  
Natural Resources approved an amendment to the master lease for  
the Natural Energy Laboratory of Hawaii Authority that waived the  
Board's sublease approval requirement and delegated this sublease  
authority to the Authority. The Authority has since subleased  
land to a tenant to operate a cell tower. The cell tower,  
however, appears to require the Authority to lease concessions --  
a function that is uncertain under the Authority's current powers.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the existing provisions; and



- (2) Inserting a provision to allow the Authority to specifically lease concessions to cell tower operators not only to sanction an on-going practice, but also to allow the Authority to develop several other opportunities with cell tower operators.

Your Committee has also amended the bill by:

- (1) Removing the amendments to the definition of "concession"; and
- (2) Removing the exemption of telecommunication operations from the procurement code.

As affirmed by the record of votes of the members of your Committee on Economic Revitalization, Business, & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2058, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2058, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Economic  
Revitalization, Business, &  
Military Affairs,



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ANGUS L.K. MCKELVEY, Chair



State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

HSCR 257-10

**Record of Votes of the Committee on Economic Revitalization, Business, & Military Affairs**

Bill/Resolution No.: <b>HB 2058</b>	Committee Referral: <b>EBM</b>	Date: <b>2/9/10</b>		
<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)				
EBM Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	✓			
2. CHOY, Isaac W. (VC)	✓			
3. BERG, Lyla B.				✓
4. EVANS, Cindy	✓			
5. MANAHAN, Joey	✓			
6. TAKAI, K. Mark	✓			
7. TOKIOKA, James Kunane	✓			
8. TSUJI, Clift	✓			
9. WAKAI, Glenn				✓
10. WOOLEY, Jessica	✓			
11. WARD, Gene	✓			
<b>TOTAL (11)</b>	<b>9</b>			<b>2</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <div style="text-align: center; font-size: small;">_____</div>				
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