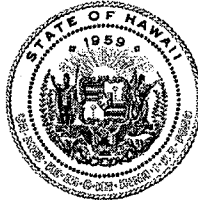


HB 397

HD2, SD1

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the Senate Committee on
WAYS AND MEANS**

**Friday, April 1, 2011
9:00 AM
State Capitol, Conference Room 211**

**In consideration of
HOUSE BILL 397, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO LANDS CONTROLLED BY THE STATE**

House Bill 397, House Draft 2, Senate Draft 1 proposes to amend Sections 171-64.7(c) and 171-50 (c), Hawaii Revised Statutes, by requiring more specificity in all concurrent resolutions for the review of proposed sale or gifts of state land and exchanges of public land for private land, including whether the land was classed as government or crown lands prior to August 15, 1895. Additionally, it requires that a draft copy of the resolution be submitted to the Office of Hawaiian Affairs (OHA) at least three (3) months prior to the convening of a regular or special session of the legislature.

The Department of Land and Natural Resources does not object to this measure but would like to point out that this bill may result in slowing down certain transactions. For example, if staff only first becomes aware of a potential transaction two (2) months prior to the start of a legislative session, then the bill would require the applicant to wait another year for legislative review because the draft resolution would not have met the requirement of at least three (3)-months prior notice to OHA.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



HB397 HD2 SD1
RELATING TO LANDS CONTROLLED BY THE STATE
Senate Committee on Ways and Means

April 1, 2011

9:00 a.m.

Room 211

The Office of Hawaiian Affairs (OHA) strongly **SUPPORTS** HB397 HD2 SD1, which is a bill in OHA's 2011 Legislative Package. This bill requires more timely notice of, and greater specificity in, resolutions for legislative consideration involving anticipated sales, gifts, or exchange of state-controlled lands.

Act 176, Session Laws of Hawaii 2009, established a more comprehensive process for the sale or gift of state-owned land, and reserved a larger oversight role for the Legislature to assure that key information about certain sales, gifts, or exchanges of land is shared with the Legislature and OHA.

A key element in this process involves state departments submitting for consideration, legislative resolutions containing information as to their anticipated land transactions. The law requires that OHA receive a copy of each resolution when it is submitted to the Legislature.

During the 2010 Regular Session, substantial numbers of "Act 176 resolutions" moved through both houses of the Legislature, but OHA's full consideration of the resolutions, in anticipation of legislative hearings, was hindered because of the limited time between OHA's receipt of the resolutions and the Legislature's consideration of the resolutions. Furthermore, the resolutions were not always informative regarding a matter of great interest to OHA: whether the land was formerly crown or government land of the Kingdom of Hawai'i.

HB 397 HD2 SD 1 is designed to facilitate OHA's review by requiring that the draft resolutions be transmitted to OHA at least three months prior to the convening of the Legislature and by requiring additional detail in the resolutions, including an explanation of whether the land was classed as government or crown land previous to August 15, 1895, or was acquired by the State in exchange for such lands. We respectfully suggest that requiring the additional detail could assist the Legislature in considering the potential impact of the transaction to the ceded lands, the public land trust, and other key policy matters.

We urge your committee to PASS HB397 HD2 SD1. Mahalo for the opportunity to testify on this important measure.

NEIL ABERCROMBIE
GOVERNOR



KAREN SEDDON
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
Honolulu, Hawaii 96813
FAX: (808) 587-0600

IN REPLY REFER TO:

Statement of
Karen Seddon
Hawaii Housing Finance and Development Corporation
Before the

SENATE COMMITTEE ON WAYS AND MEANS

April 1, 2011 at 9:00 a.m.
Room 211, State Capitol

In consideration of
H.B. 397, H.D. 2, S.D. 1
RELATING TO LANDS CONTROLLED BY THE STATE.

The HHFDC supports H.B. 397, H.D. 2, S.D. 1. The bill in its current form incorporates several amendments requested by HHFDC, with concurrence from the Office of Hawaiian Affairs.

Thank you for the opportunity to provide written comments on this bill.