

STAND. COM. REP. NO.

809

Honolulu, Hawaii

MAR 01 2013

RE: S.B. No. 1361
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 1361, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BANYAN DRIVE,"

begs leave to report as follows:

The purpose and intent of this measure is to transfer in fee simple certain properties located near or adjacent to Banyan Drive from the Department of Land and Natural Resources to the County of Hawaii on January 1, 2014.

Your Committee received written comments in support of this measure from the Mayor of the County of Hawaii.

Your Committee finds that the County of Hawaii would be an appropriate steward of the properties located near or adjacent to Banyan Drive in Hilo. However, your Committee believes that leasing, rather than transferring in fee simple, these properties to the County of Hawaii will ensure that the public lands are held, managed, and operated for the public's best interest.

Your Committee has amended this measure by:

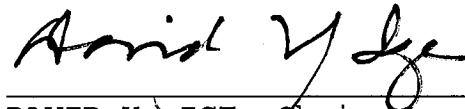
- (1) Deleting the provisions transferring properties located near or adjacent to Banyan Drive to the County of Hawaii and instead requiring the Department of Land and Natural Resources to enter into negotiations with the County for the lease of these properties to the County;



- (2) Requiring that the lease rent charged to the County shall be \$1 per year;
- (3) Requiring that an unspecified percentage of gross revenues received by the County from use of the land shall be transmitted to the Director of Finance for deposit into the special land and development fund;
- (4) Requiring the Department of Land and Natural Resources to report to the Legislature if a lease agreement is reached and, if a lease agreement is not reached by January 1, 2014, to report on the action taken and progress made to reach a lease agreement; and
- (5) Changing the effective date to July 1, 2013, and providing for repeal of the measure on an unspecified date; and
- (6) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1361, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1361, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DAVID Y. IGE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB1361, SD1	Committee Referral: WTL/PSM, WAM	Date: 3/1/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <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	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)				✓
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani				✓
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.				✓
TOKUDA, Jill N.				✓
SLOM, Sam	✓			
TOTAL	9	0	0	4
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Will Espero</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes