

STAND. COM. REP. NO. 393

Honolulu, Hawaii

FEB 15 2013

RE: S.B. No. 755
S.D. 1

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

Madam:

Your Committees on Water and Land and Tourism and Hawaiian Affairs and Higher Education, to which was referred S.B. No. 755 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to repeal the exemption from legislative approval for sales of non-ceded lands conveyed to the University of Hawaii after December 31, 1989, to which the University of Hawaii holds title.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and two individuals. Your Committees received testimony in opposition to this measure from the University of Hawaii System.

Your Committees find that the intent of Act 56, Session Laws of Hawaii 2010, which enacted the amendment to section 171-64.7(b), Hawaii Revised Statutes, being repealed by this measure, was for the exemption to apply only to the West Oahu campus as evidenced by the language of Senate Standing Committee Report No. 2975, Regular Session of 2010, on H.B. No. 2561, S.D. 1, which reads in part: "Your Committees find that the Campbell Estate gifted non-ceded lands to the University of Hawaii for the specific purpose of building the West Oahu campus, with the condition that construction begin by December 31, 2011 or the land reverts to the Campbell Estate. Portions of the gifted land



surrounding the proposed campus are to be sold to expedite the financing of the construction of the new campus, however, the legislative approval process may cause delays in these sales thus resulting in the condition not being met."

According to testimony, the West Oahu campus has been largely built out, and the threat of reversion of the land to the Campbell Estate no longer exists. Therefore, the exemption is no longer necessary.

Your Committees further find that legislative approval for the alienation of public lands is in the public interest and should not be circumvented by statutory exemptions given to any department or agency. Testimony indicated that the University of Hawaii may hold title to other public lands surrounding other campuses that could be sold by the University without legislative approval. This measure is intended to repeal that ability.

Your Committees have amended this measure by:

- (1) Inserting language to exempt from legislative approval two identified portions of the lands controlled by the University of Hawaii that could be sold for the benefit of the West Oahu campus;
- (2) Inserting language to repeal the exemption for the lots for the West Oahu campus on July 1, 2016, which should provide sufficient time for West Oahu to complete its land development; and
- (3) Making technical, nonsubstantive amendments for the purpose of clarity and consistency.

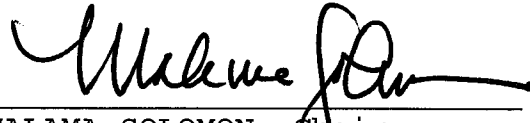
As affirmed by the records of votes of the members of your Committees on Water and Land and Tourism and Hawaiian Affairs and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 755, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 755, S.D. 1, and be referred to the Committee on Ways and Means.



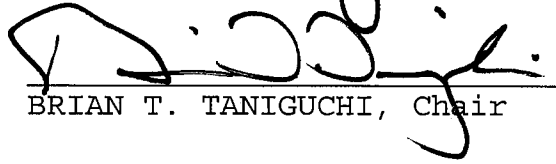
Respectfully submitted on
behalf of the members of the
Committees on Water and Land
and Tourism and Hawaiian
Affairs and Higher Education,



BRICKWOOD GALUTERIA, Chair



MALAMA SOLOMON, Chair

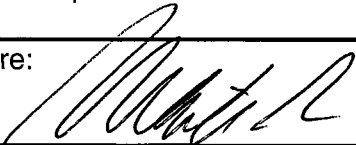


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Tourism and Hawaiian Affairs
THA

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 755	NTL/THA/HRE, WAM	2/14/13		
<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
GALUTERIA, Brickwood (C)	✓			
KEITH-AGARAN, Gilbert S.C. (VC)				✓
HEE, Clayton				✓
KAHELE, Gilbert	✓			
KIDANI, Michelle N.				✓
SHIMABUKURO, Maile S.L.	✓			
SOLOMON, Malama	✓			
SLOM, Sam	✓			
TOTAL	5			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

