

STAND. COM. REP. NO. 2457

Honolulu, Hawaii

**FEB 16 2018**

RE: S.B. No. 2425  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committees on Water and Land and Housing, to which was referred S.B. No. 2425 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to exempt lands owned by the Hawaii Public Housing Authority from the definition of "public lands" under section 171-2, Hawaii Revised Statutes (HRS), and the jurisdiction of the Board of Land and Natural Resources.

Your Committees received testimony in support of this measure from the Hawaii Public Housing Authority. Your Committees received comments on this measure from the Office of Hawaiian Affairs.

Your Committees find that the Hawaii Public Housing Authority titled lands were previously exempt from the definition of "public lands" under section 171-2, HRS, when these lands were held by the Authority's predecessor agencies, the Housing and Community Development Corporation of Hawaii and the Hawaii Housing Authority. After the Housing and Community Development Corporation of Hawaii was bifurcated into two separate agencies, an exemption for Hawaii Public Housing Authority titled lands was inadvertently excluded from the list of lands exempt from the definition of lands under section 171-2, HRS.



Your Committees further find that the Hawaii Public Housing Authority is authorized to acquire, own, and hold real property pursuant to section 356D-8, HRS, and its federal low-income public housing properties are under a federal annual contributions contract with the federal government. Thus, these titled lands do not fall under the jurisdiction of the State's public lands and should be exempt from the definition of "public lands" and the jurisdiction of the board of land and natural resources to avoid delays in redevelopment projects.

Your Committees note the written comments submitted by the Office of Hawaiian Affairs that Hawaii Public Housing Authority titled lands should be treated consistently with other state lands removed from the jurisdiction of the Board of Land and Natural Resources. Thus, any sale or gift of lands under the control of the Authority should be subject to the legislative approval requirements under section 171-64.7, HRS.

Furthermore, in light of the concerns raised by the Office of Hawaiian Affairs regarding its objection to the sale of ceded lands except under limited circumstances, your Committees clarify that ceded lands will remain ceded lands and remain unaffected by this measure.

Your Committees have amended this measure by:

- (1) Adopting the language suggested by the Office of Hawaiian Affairs that requires the legislative approval of the sale or gift of lands to which the Hawaii Public Housing Authority in its corporate capacity holds title; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2425, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2425, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committees on Water and Land  
and Housing,

*Will Espero*

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WILL ESPERO, Chair

*Karl Rhoads*


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KARL RHOADS, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2425	WTL/HOU, WAM	2/13/18		
<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
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
INOUYE, Lorraine R.				✓
RIVIERE, Gil	✓			
THIELEN, Laura H.	<del>W</del> ✓	✓		
<b>TOTAL</b>	3	1	—	1
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

The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Housing**  
**HOU**

Bill / Resolution No.:* <b>SB 2425</b>	Committee Referral: <b>WTL/HOU, WAM</b>	Date: <b>2/13/18</b>		
<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
ESPERO, Will (C)	✓			
HARIMOTO, Breene (VC)	✓			
GREEN, Josh		✓		
KAHELE, Kaiali'i				✓
NISHIHARA, Clarence K.				✓
<b>TOTAL</b>	<b>2</b>	<b>1</b>		<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Breene Harit</i>				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy				

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