

STAND. COM. REP. NO.

2975

Honolulu, Hawaii

APR - 1 2010

RE: H.B. No. 2561
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Judiciary and Government Operations and Ways and Means, to which was referred H.B. No. 2561 entitled:

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

beg leave to report as follows:

The purpose of this measure is to narrow the applicability of the legislative approval process for the sale or gift of State lands in fee simple to transfers of ceded lands.

Testimony in support of the measure was submitted by seven state agencies and three organizations. Written testimony presented to the Committees may be reviewed on the Legislature's website.

Act 176, Session Laws of Hawaii 2009, codified as section 171-64.7, Hawaii Revised Statutes, requires that any sale or gift of state lands in fee simple be subject to a legislative approval process. Thereby, any state agency wishing to sell or gift state lands must submit a concurrent resolution to the Legislature describing the sale with specific details and the concurrent resolution must be adopted by a two-thirds majority vote of both houses. The Legislature adopted the legislative approval process to protect lands which the State has responsibility and stewardship over, and the intent was for the legislative approval process to have broad application.



This measure is designed to greatly narrow the application of the legislative approval process to those transactions conveying ceded lands. Your Committees are concerned that this major change in the law, so soon after implementation, is a reversal of the Legislature's policy goals. However, your Committees recognize the concerns expressed by the Attorney General with regard to how this process may frustrate certain land transfers.

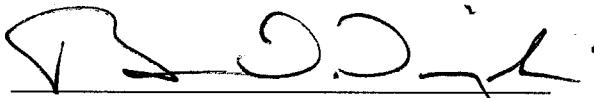
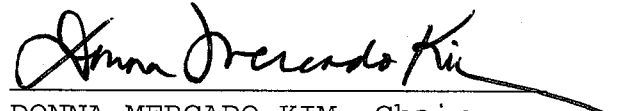
Your Committees find that the Campbell Estate gifted non-ceded lands to the University of Hawaii for the specific purpose of building the West Oahu campus, with the condition that construction begin by December 31, 2011 or the land reverts to the Campbell Estate. Portions of the gifted land surrounding 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.

In recognition of the Attorney General's concerns and the University of Hawaii's position with regard to the West Oahu campus, your Committees have amended this measure by deleting its contents and inserting language that exempts non-ceded lands acquired by the University of Hawaii after December 31, 1989 from the legislative approval process of section 171-64.7, Hawaii Revised Statutes.

As affirmed by the records of votes of the members of your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Judiciary and Government Operations and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2561, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2561, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committees on Water, Land,
Agriculture, and Hawaiian
Affairs and Judiciary and
Government Operations and Ways
and Means,


BRIAN T. TANIGUCHI, Chair
CLAYTON HEE, Chair
DONNA MERCADO KIM, Chair

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WTL

Bill / Resolution No.:* HB 2561	Committee Referral: WTL/2560/WAM	Date: 3/31/10		
<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
HEE, Clayton (C)	/			
TOKUDA, Jill N. (VC)	/			
BUNDA, Robert	/			
FUKUNAGA, Carol	/			
KOKUBUN, Russell S.	/			
TAKAMINE, Dwight Y.	/			
HEMMINGS, Fred	/			
TOTAL	7	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

***Only one measure per Record of Votes**

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:* HB 2561	Committee Referral: WTL/JGO/WAM	Date: 3/31/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert	✓			
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	6	0	0	0
Recommendation: <div style="display: flex; justify-content: space-around; align-items: center;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: 				
Distribution: <div style="display: flex; justify-content: space-between; font-size: small;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**

Record of Votes
Committee on Ways and Means
WAM

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