

Honolulu, Hawaii

APR 22 2010 , 2010

RE: S.B. No. 2020
H.D. 2
C.D. 1

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

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2020, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO REAL PROPERTY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to help stabilize Hawaii's economy by addressing some of the burdensome or vague provisions of existing commercial and industrial leases of certain lands within urban districts by extending the sunset date for Act 189, Session Laws of Hawaii 2009 (Act 189), to June 30, 2011.

Specifically, Act 189 clarifies provisions in long-term commercial and industrial ground leases without:

- (1) Substantial reduction in the economic benefit to the owners or impact on their ownership of the land;
- (2) Impairing their lease contracts; and



- (3) Incurring the taking of any property rights without due process of law.

Your Committee on Conference finds that the conditions that prompted the passage of Act 189 still continue to exist today. The solvency and continued profitability of small businesses remains a fundamental goal in reviving the economic stability of the State. Your Committee on Conference also finds that extending the effective date of Act 189 is necessary to alleviate the economic burden on lessees of certain commercial and industrial properties by removing barriers that prevent free and fair rent negotiations.

Your Committee on Conference has amended this measure by:

- (1) Extending the repeal date of Act 189 to June 30, 2013; and
(2) Changing the effective date of the measure to June 29, 2010.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2020, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2020, H.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE


ANGUS L.K. MCKELVEY, Co-Chair


JON RIKI KARAMATSU, Co-Chair

ON THE PART OF THE SENATE


ROSALYN H. BAKER, Chair

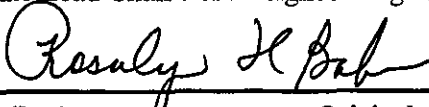
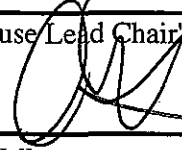

BRIAN T. TANIGUCHI, Co-Chair



Hawaii State Legislature

Record of Votes of a Conference Committee

67-10

Bill / Concurrent Resolution No.: SB 2020, HD 2					Date/Time: <i>11:10 am April 19, 2010</i>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
BAKER, Rosalyn H., Chr.	✓				MCKELVEY, Angus L.K., Co-Chr.	✓			
TANIGUCHI, Brian T., Co-Chr.	✓				KARAMATSU, Jon Riki, Co-Chr.	✓			
SLOM, Sam	✓				WARD, Gene	✓			
TOTAL	3	-	-	-	TOTAL	3	-	-	-
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
Distribution:					Distribution:				
Original					Yellow				
File with Conference Committee Report					House Clerk's Office				
Pink					Goldenrod				
Senate Clerk's Office					Drafting Agency				