

TESTIMONY
HB 2561
LATE



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



**KAKA'KO
KALAELOA**

Linda Lingle
Governor

C. Scott Bradley
Chairperson

Anthony J. H. Ching
Executive Director

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STATEMENT OF

ANTHONY J. H. CHING, EXECUTIVE DIRECTOR
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE

SENATE COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS

AND

SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT
OPERATIONS

AND

SENATE COMMITTEE ON WAYS AND MEANS

Wednesday, March 31, 2010

10:00 A.M.

State Capitol, Conference Room 211

H. B. 2561 - RELATING TO LANDS CONTROLLED BY THE STATE.

Purpose: Act 176, Session Laws of Hawaii 2009, established that any sale of State lands would require the concurrence of two-thirds of the State House of Representatives and Senate respectively. This measure would amend Act 176 and would allow the sale of non-ceded lands controlled by the State without any need for legislative oversight.

Position: The Hawaii Community Development Authority ("HCDA") supports the passage of this measure.

The HCDA holds title to lands which lie outside of the Kalaeloa Community Development District that may be developed for housing, commercial uses, recreation, community facilities, and/or the preservation of historic/cultural resources. The current requirement that formal legislative approval is secured before the execution of development agreements and/or the conveyance of such

lands to individual entities or organization for public benefit is onerous and inefficient. Amendment of the law to allow for the sale or conveyance of non-ceded lands by the HCDA would allow for its development and property management to proceed according to procedures which are consistent with its mandate. I note that the prohibition of the sale of lands which reside in Chapter 206E, Hawaii Revised Statutes, would not be affected by enactment of this proposal.

Thank you for the opportunity to offer our testimony on this important issue.



HB 2561
RELATING TO LANDS CONTROLLED BY THE STATE

Senate Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senate Committee on Judiciary and Government Operations
Senate Committee on Ways and Means

March 31, 2010

10:00 a.m.

Room: 211

The Office of Hawaiian Affairs **SUPPORTS** HB 2561, which would restore the law with regard to non-ceded lands controlled by the state, to what it was prior to the passage of Act 176, Session Laws of Hawaii 2009.

HB 2561 does conflict with the exact terms of the Settlement Agreement between OHA and the State of Hawai'i regarding the ceded lands litigation that resulted in Act 176, SLH 2009 (*Office of Hawaiian Affairs, et al. v. Housing and Community Development Corporation of Hawaii et al.*). However, HB 2561 does not conflict with OHA's consistent position during the 15 years of litigation and legislative testimony. OHA sought to protect the unrelinquished claims of the Native Hawaiian people to ceded lands.

Thank you for the opportunity to testify.

BIA-HAWAII
BUILDING INDUSTRY ASSOCIATION

LATE TESTIMONY

March 31, 2010

Senator Clayton Hee, Chair,
Committee on Water, Land, Agriculture, and
Hawaiian Affairs
Senator Brian Taniguchi, Chair
Committee on Judiciary and Government Operations
Senator Donna Mercado Kim, Chair
Committee on Ways and Means
State Capitol, Room 211
Honolulu, Hawaii 96813

RE: HB 2561 Relating to Lands Controlled by the State

Dear Chairs Hee, Taniguchi, and Kim and Members of the Respective Committees:

I am Karen Nakamura, Chief Executive Officer of the Building Industry Association of Hawaii. Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-Hawaii supports the passage of HB 2561, Relating to Lands Controlled by the State.

Campbell Estate gifted the non-ceded lands to the University of Hawaii for the specific purpose of building the UH-West Oahu campus with specific conditions. The proposed sale of the portions of the land situated around the proposed campus site would expedite the financing of the construction of the new campus. One of the conditions of the gift by Campbell Estate was that the construction would begin by December 31, 2011; otherwise, the lands revert to Campbell Estate. The procedural requirements of such sale under Act 176 may cause delays in the sale and jeopardize the ability of the state to meet the conditions of the grant.

We request that the Legislature approve the fee simple sale of non-ceded lands owned by the University of Hawaii situated around the Kapolei campus by passing HB2561.

Thank you for the opportunity to share our views with you



Executive Vice President/CEO
Building Industry Association of Hawaii



Testimony of C. Mike Kido
External Affairs
The Pacific Resource Partnership

Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill Tokuda, Vice Chair

Committee on Judiciary and Government Operations
Senator Brian Taniguchi, Chair
Senator Dwight Takamine, Vice Chair

Committee on Ways and Means
Senator Donna Mercado Kim, Chair
Senator Shan Tsutsui, Vice Chair

HB 2561 Relating to Lands Controlled by the State
Wednesday, March 31, 2010
10:00 am
Conference Room 211

Chair Members Hee, Taniguchi, Kim and Members of the Committees:

My name is C. Mike Kido, External Affairs of the Pacific Resource Partnership (PRP), a labor-management consortium representing over 240 signatory contractors and the Hawaii Carpenters Union.

PRP supports HB 2561 - Relating to Lands Controlled by the State, which restores the law with regard to non-ceded lands controlled by the State, to what it was prior to the passage of Act 176, Session Laws of Hawaii 2009.

HB 2561 benefits the public as well as State departments and agencies by allowing them to sell or gift non-ceded state-owned lands without going through a legislative review and approval process required under ACT 176. This bill will reduce the time required to complete capital improvement projects (CIP).

PRP believes that UH-West Oahu is a worthy beneficiary of this proposed legislation to continue and expedite the development of the new UH-West Oahu campus which is construction ready and slated for construction sometime in the summer of 2010.

Thank you for the opportunity to share our views with you and we respectfully ask for your support on HB 2561 - Relating to Lands Controlled by the State.

TESTIMONY
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(END)