

STAND. COM. REP. NO.

918

Honolulu, Hawaii

MAR 24 2011

RE: H.B. No. 397
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs and Water, Land, and Housing and Judiciary and Labor, to which was referred H.B. No. 397, H.D. 2, 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 require:

- (1) Specificity in all concurrent resolutions for the review of proposed exchanges, sales, or gifts of state land, including whether the land was classed as government or crown lands prior to August 15, 1895; and
- (2) A draft copy of the concurrent resolution be submitted to the Office of Hawaiian Affairs at least three months prior to the appropriate legislative session.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Hawaii Housing Finance and Development Corporation, Native Hawaiian Legal Corporation, Association of Hawaiian Civic Clubs, Aha Kiole Advisory Committee, 'Ilio'ulaokalani Coalition, and three individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Land and Natural Resources.



Your Committees find that Act 176, Session Laws of Hawaii 2009, established a more comprehensive process for the sale or gift of state-owned land, and a larger oversight role for the Legislature to assure that key information about certain sales, gifts, or exchanges of land is shared with the Legislature and the Office of Hawaiian Affairs. During the 2010 Regular Session, when substantial numbers of "Act 176 resolutions" moved through both houses of the Legislature, two issues regarding the process emerged. Your Committees find that, first, the resolutions were not always informative as to whether the land was formerly crown or government land of the Kingdom of Hawai'i. Second, the Office of Hawaiian Affairs was hindered in full consideration of the resolutions because of the limited time between the receipt of the resolutions by the Office of Hawaiian Affairs and the Legislature's consideration of the resolutions.

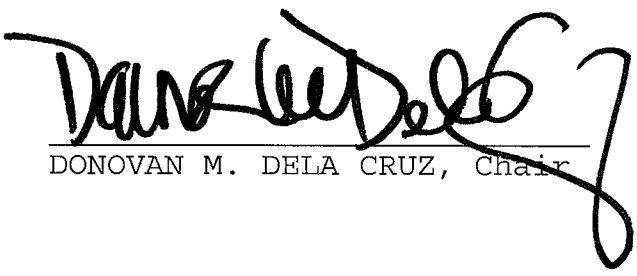
Your Committees find that this measure will address both of those concerns and ensure that the Legislature and the Office of Hawaiian Affairs exercise their respective roles in a more timely and comprehensive manner.

Your Committees have amended this measure by changing the effective date from January 7, 2059, to upon approval.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water, Land, and Housing and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 397, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 397, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.



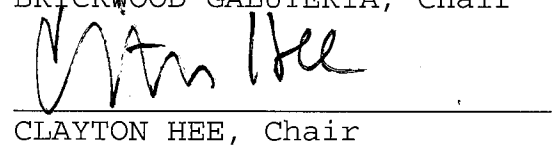
Respectfully submitted on
behalf of the members of the
Committees on Hawaiian Affairs
and Water, Land, and Housing
and Judiciary and Labor,



DONOVAN M. DELA CRUZ, Chair



BRICKWOOD GALUTERIA, Chair

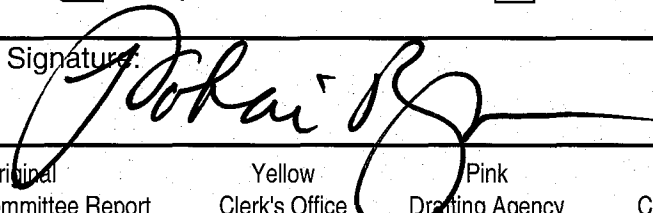


CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

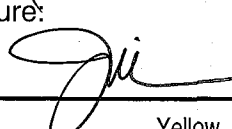
Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:* <i>HB 397, HD 2</i>	Committee Referral: <i>HWN/WLH/JDL, WAM</i>	Date: <i>03-21-11</i>		
<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)	✓			
RYAN, Pohai (VC)	✓			
ENGLISH, J. Kalani	✓			
HEE, Clayton	✓			
KAHELE, Gilbert	✓			
KIDANI, Michelle N.	✓			
SOLOMON, Malama				✓
SLOM, Sam				✓
TOTAL	<i>6</i>			<i>2</i>
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-Sixth Legislature
State of Hawai'i


Record of Votes
Committee on Water, Land, and Housing
WLH

Bill / Resolution No.:	Committee Referral:	Date:		
HB 307, HD2	HWN/WLH/JDL,WAM	3/21/11		
<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
DELA CRUZ, Donovan M. (C)	X			
SOLOMON, Malama (VC)				X
FUKUNAGA, Carol				X
RYAN, Pohai	X			
SHIMABUKURO, Maile	X			
TOKUDA, Jill N.	X			
SLOM, Sam				X
TOTAL	4	0	0	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

The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB397 HD2	HWN/WLH/JDL, WAM	03/21/11		
<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)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam				✓
TOTAL	3	0	0	2
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