

Honolulu, Hawaii

Ag-17, 2006

RE: S.B. No. 1015  
S.D. 1  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which was referred S.B. No. 1015, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LAND USE,"

begs leave to report as follows:

The purpose of this bill is to prevent land conflicts by requiring disclosure of reclassification in instruments conveying land that:

- (1) Was reclassified from agricultural to any other land use classification; and
- (2) Is adjacent to agricultural lands.

Prior to the public hearing, your Committee circulated a proposed draft that replaced the contents of this bill with language amending the laws relating to 999-year homestead leases, certificates of occupancy, right of purchase leases, and cash freehold agreements of public lands (Proposed HD1) and received testimony on the Proposed HD1. Specifically, the Proposed HD1:

- (1) Allows a qualifying 999-year lessee, an occupier under a certificate of occupancy, or a lessee of a right of purchase lease to purchase the fee interest by paying the Board of Land and Natural Resources (BLNR) the tax



assessed value of the property without improvements, instead of its fair market value;

- (2) Provides for an intestate succession order, in the event a certificate of occupancy or homestead lease is not transferred by conveyance, devise, or bequest; and
- (3) Authorizes BLNR, until December 31, 2007, to reinstate certificates of occupancy, 999-year leases, right of purchase leases, and cash freehold agreements that were cancelled, terminated, or forfeited as a result of failure to pay outstanding arrearages, where, among other things, the arrearages are paid and the tenant-at-will continually occupied the land.

A concerned individual testified in support of the Proposed HD1. A concerned individual supported this measure's intent. The Department of Land and Natural Resources opposed this measure. The Office of Hawaiian Affairs offered comments.

Your Committee has amended this bill by substituting its contents with the Proposed HD1.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1015, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1015, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land, &  
Ocean Resources,

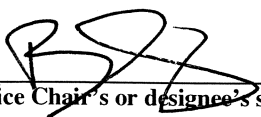
  
EZRA R. KANOHO, Chair



HSR 1555-06

State of Hawaii  
House of Representatives  
The Twenty-third Legislature

Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: SB 1015 SD1		Date: 4/3/06			
Committee Referral: WLO		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.			
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration					
WLO Members		Ayes	Ayes (WR)	Nays	Excused
1. KANOHO, Ezra R. (C)		✓			
2. SCHATZ, Brian (VC)		✓			
3. BERG, Lyla B., Ph.D.					✓
4. CARROLL, Mele					✓
5. EVANS, Cindy		✓			
6. HARBIN, Bev					✓
7. MORITA, Hermina M.					✓
8. WATERS, Tommy		✓			
9. MEYER, Colleen Rose		✓			
10. THIELEN, Cynthia		✓			
TOTAL		6			4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature: 					
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office					