

STAND. COM. REP. NO.

1086

Honolulu, Hawaii

MAR 20 2007

RE: H.B. No. 260
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred H.B. No. 260 entitled:

"A BILL FOR AN ACT RELATING TO APPRAISALS OF RESOURCE VALUE LANDS,"

begs leave to report as follows:

The purpose of this measure is to provide an appraisal procedure for land acquired by the State that is determined to have value as a resource to the State.

Testimony in support of this measure was submitted by the Department of Land and Natural Resources, the Office of Hawaiian Affairs, the Nature Conservancy, the Hawaii Agricultural Research Center, and the Trust for Public Land.

Your Committee finds that this measure extends to the Board of Land and Natural Resources the right to accept appraisals of land prepared for nonprofit organizations under certain conditions. It further allows the Board of Land and Natural Resources to contract with independent appraisers to set the purchase price of land to be acquired as land having value as a resource to the State. Further, it allows the Board of Land and Natural Resources to acquire the land at a price higher than the appraised price if the Attorney General determines the higher price is justified and within the range of market value.

It was indicated in submitted testimony that it is not part of the normal practice to purchase land above the appraised or

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market value, except under unusual circumstances, such as condemnation. The Department of Land and Natural Resources testified that federal programs and many nonprofit groups that the Department partners with do not allow purchases above market value on a normal basis.

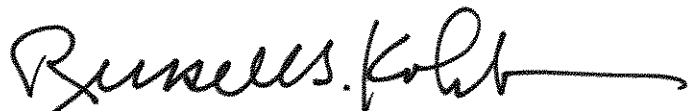
Accordingly, your Committee has amended this measure by:

- (1) Deleting section 1 of this measure and replacing it with the substantially similar language in section 1 of S.B. No. 933, S.D. 1;
- (2) Prohibiting, rather than allowing, land to be purchased for a sum greater than the appraised value if the Attorney General determines that the higher value is justified and within the range of market value; provided that the prohibition does not apply to condemnation proceedings; and
- (3) Making technical, nonsubstantive amendments for the purposes of style and consistency.

Your Committee believes that this measure, as amended, fulfills the intent of this measure, which is to provide an appraisal procedure for land acquired by the State that is determined to have value as a resource to the State.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 260, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 260, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land,
Agriculture, and Hawaiian
Affairs,




RUSSELL S. KOKUBUN, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

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

Bill / Resolution No.:*	Committee Referral:	Date:
HB 260	WAH, WAWA	3/12/07
<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	
KOKUBUN, Russell S. (C)	X	
TOKUDA, Jill N. (VC)	X	
FUKUNAGA, Carol	X	
HEE, Clayton		X
SLOM, Sam	X	
TOTAL	4	9
9	1	
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

*Only one measure per Record of Votes