

STAND. COM. REP. NO.

691

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 1345
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 1345 entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURE,"

begs leave to report as follows:

The purpose of this measure is to provide fair compensation and an automatic lease extension to protect a lessee's interest in state land that is withdrawn, taken, or condemned and prevents the lessee from using the land as originally intended.

Your Committee received eight written comments on this measure. Copies of written comments submitted are available for review on the Legislature's website.

Your Committee finds that the Saddle Road widening project in the county of Hawaii, is a good example of a taking of leased land with inadequate compensation for the lessee. In that project, the Department of Land and Natural Resources established conservation easements on leased land used for pasture or special livestock. As a result of the taking, the lessee ranchers suffered serious financial losses over an extended period of time. The intent of this measure is to prevent similar situations as the Saddle Road project from occurring in the future and to properly compensate affected lessees.

Your Committee has amended this measure by:



- (1) Changing the effective date to July 1, 2090, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1345, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1345, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

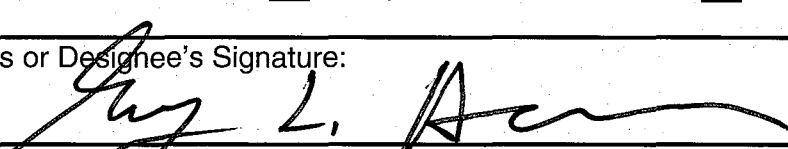


DONNA MERCADO KIM, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 1345	Committee Referral: WTL, WAM	Date: 14 FEB 27, 2009		
<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
KIM, Donna Mercado (C)	✓			
TSUTSUI, Shan S. (VC)				✓
CHUN OAKLAND, Suzanne	✓			
ENGLISH, J. Kalani	✓			
FUKUNAGA, Carol	✓			
GALUTERIA, Brickwood				✓
HEE, Clayton	✓			
HOOSER, Gary L.	✓			
KIDANI, Michelle N.	✓			
KOKUBUN, Russell S.				✓
TOKUDA, Jill N.	✓			
HEMMINGS, Fred				✓
TOTAL	8			4
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