

STAND. COM. REP. NO.

2620

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2951  
S.D. 2

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 2951, S.D. 1, 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 to lessees of condemned state land or partial takings who are prevented from using the land as originally intended.

Your Committee received comments in support of the measure from the Waimanalo Agricultural Association. Comments in opposition were submitted by the Department of Land and Natural Resources, the Department of Transportation, the American Bird Conservatory, and one individual. Written comments may be reviewed on the Legislature's website.

Your Committee finds that this measure, through reduced rent and other compensation, will provide more equitable relief to lessees of public lands in partial takings or condemnations where the lessee is prevented from using the lands as originally intended. Your Committee believes that the remedies in this measure are justified, considering that lessees continue to be responsible, despite the condemnation or taking for paying lease rents, real property taxes, and in some cases, insurance and other fixed costs.

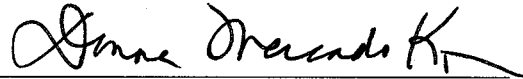


Your Committee has amended the measure by:

- (1) Correcting the text of section 171-37, Hawaii Revised Statutes, to reflect the printed version of the Hawaii Revised Statutes, by inserting the word "but" on page 5, line 6;
- (2) Making other technical nonsubstantive changes for purposes of clarity and style; and
- (3) Changing the effective date to July 1, 2100, to facilitate further discussion on the measure.

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. 2951, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2951, S.D. 2.

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

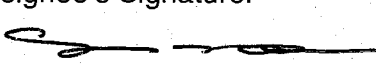


DONNA MERCADO KIM, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2951 SDI	WTL, WAM	02/18/10		
<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				/
<b>TOTAL</b>	9	0	0	3
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