

STAND. COM. REP. NO.

2887

Honolulu, Hawaii

MAR 30 2010

RE: S.C.R. No. 71

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

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.C.R. No. 71 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE LANDS AT HANAPEPE, WAIMEA, KAUAI, FOR RESIDENTIAL PURPOSES,"

begs leave to report as follows:

The purpose of this measure is to authorize the sale of state lands at Hanapepe, Waimea on Kauai for residential purposes.

Testimony in support was submitted by one state agency and one individual. Testimony in opposition was submitted by one member of the House of Representatives and one individual. Written testimony presented to the Committee may be reviewed on the Legislature's website.

On June 24, 1993, the Department of Land and Natural Resources held a public auction for the subject parcel of land, and Mr. Robert E. Farlander was the successful bidder. He paid the bid amount of \$107,000 in installment payments at eight per cent interest until the debt was paid in full on June 30, 1998. However, the Department has yet to convey fee simple title to Mr. Farlander. Your Committee believes this measure is unnecessary and that the final issuance of a deed is a ministerial matter not subject to legislative approval under section 171-64.7, Hawaii Revised Statutes. However, despite your Committee's requests, the Attorney General has not issued an opinion on this matter. The Department of Land and Natural Resources introduced the measure, and requests that your Committee adopt the measure in an abundance of caution. Your Committee is concerned about

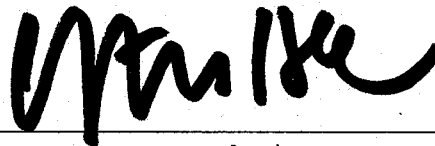
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setting a precedent when the only explanation offered is in an abundance of caution. However, because your Committee recognizes that Mr. Farlander has satisfied his obligations under the installment agreement, your Committee finds that adopting this measure may alleviate any concerns over the State now satisfying its obligations.

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 concurs with the intent and purpose of S.C.R. No. 71 and recommends that it 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,

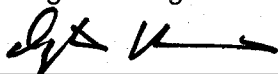


CLAYTON HEE, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

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

Bill / Resolution No.:* SCR 71	Committee Referral: WTL, WAM	Date: 3/22/10		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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)	✓			
TOKUDA, Jill N. (VC)				✓
BUNDA, Robert	✓			
FUKUNAGA, Carol	✓			
KOKUBUN, Russell S.				✓
TAKAMINE, Dwight Y.	✓			
HEMMINGS, Fred				✓
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