

STAND. COM. REP. NO. 3299

Honolulu, Hawaii

APR 05 2012

RE: H.B. No. 1617
H.D. 2
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred H.B. No. 1617, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC LANDS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Provide fair compensation to lessees when a withdrawal or taking of leased land renders the land unusable for the lessee's original intended purpose; and
- (2) Transfer the parcels of land identified by tax map key numbers (1)9-4-0-12:001, (1)9-4-0-12:002, and (1)9-4-0-12:003 to the Agribusiness Development Corporation no later than January 1, 2013.

Your Committee received written comments in support of this measure from Hawaii Cattlemen's Council Incorporated, Ulupalakua Ranch, Priceville Ranch, McCandless Ranch, Mikilua Farm Bureau Center, Maui Cattlemen's Association, and two individuals. Your Committee received written comments in opposition to this measure from the Office of Hawaiian Affairs.

Your Committee finds that lessee ranchers suffered serious financial losses when the Department of Land and Natural Resources established conservation easements on leased public land in order to widen Saddle Road. Though current law only provides for rent



reductions, the lessees are required by their leases to maintain insurance on the land and pay taxes for the land that can no longer be used for the purpose for which it was originally intended. Your Committee finds this measure 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 has amended this measure by:

- (1) Amending the title of the new section being added to Chapter 171, Hawaii Revised Statutes, to more accurately reflect the section's provisions regarding the withdrawal or taking of leased land;
- (2) Deleting the requirement that the Department of Land and Natural Resources be responsible for properly documenting the changes in title to the parcels of land identified by tax map key numbers (1)9-4-0-12:001, (1)9-4-0-12:002, and (1)9-4-0-12:003; and
- (3) Making technical nonsubstantive amendments for the purposes of clarity, consistency, 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 H.B. No. 1617, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1617, H.D. 2, S.D. 2.

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




DAVID Y. IGE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1617 HD2 SDI	WLH/JDL, WAM	3-29-12		
<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
IGE, David Y. (C)	/			
KIDANI, Michelle N. (VC)	/			
CHUN OAKLAND, Suzanne	/			
DELA CRUZ, Donovan M.	/			
ENGLISH, J. Kalani	/			
ESPERO, Will	/			
FUKUNAGA, Carol	/			
KIM, Donna Mercado	/			
KAHELE, Gilbert	/			
KOUCHI, Ronald D.				/
RYAN, Pohai	/			
TOKUDA, Jill N.		/		
WAKAI, Glenn	/			
SLOM, Sam	/			
TOTAL	12	1	0	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	Goldenrod Committee File Copy	

*Only one measure per Record of Votes