

STAND. COM. REP. NO.

3044

Honolulu, Hawaii

MAR 30 2012

RE: S.C.R. No. 124
S.D. 1

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

Sir:

Your Committee on Water, Land, and Housing, to which was referred S.C.R. No. 124 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT, COVERING A PORTION OF STATE SUBMERGED LANDS AT MAHINAHINA, LAHAINA, MAUI, FOR RUBBLE ROCK REVETMENT PURPOSES,"

begs leave to report as follows:

The purpose and intent of this measure is to request the authorization to issue a fifty-five year term, non-exclusive easement comprising approximately 5,597 square feet of submerged lands identified as tax map key: (2) 4-3-006:065, situated at Mahinahina, Lahaina on the island of Maui for work on a rubble rock revetment.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and three individuals.

Your Committee finds that in 1975, the Board of Land and Natural Resources approved the issuance of a month-to-month Revocable Permit No. S-5117 to the Association of Apartment Owners of Lokelani for the revetment. However, the Board then determined that a non-exclusive term easement would be more appropriate. Accordingly, on October 24, 2010, the revocable permit was cancelled and the Board approved the issuance of a fifty-five year term non-exclusive easement, under which the lessee pays the State



the fair market value of the easement as determined by an independent appraisal.

As required by section 171-53, Hawaii Revised Statutes, the Board may lease submerged lands with prior approval of the Governor and authorization of the Legislature by concurrent resolution.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Housing that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 124, as amended herein, and recommends that it be referred to the Committee on Ways and Means, in the form attached hereto as S.C.R. No. 124, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, and
Housing,

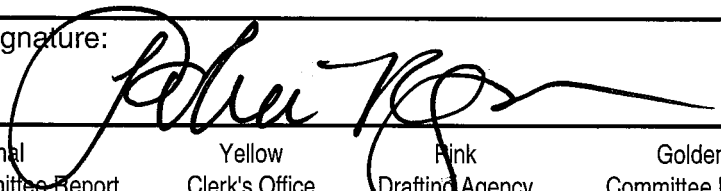


DONOVAN M. DELA CRUZ, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Water, Land and Housing
WLH

Bill / Resolution No.:*	Committee Referral:	Date:		
SR 124	WLH, NAM	2/27/12		
<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
DELA CRUZ, Donovan M. (C)	✓			
SOLOMON, Malama (VC)				✓
FUKUNAGA, Carol				✓
RYAN, Pohai	✓			
SHIMABUKURO, Maile	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam				✓
TOTAL	4			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