

Honolulu, Hawaii

APR 26 2013

RE: S.B. No. 5  
S.D. 1  
H.D. 1  
C.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 5, S.D. 1, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to provide fair compensation to lessees when a withdrawal or taking by the State of land leased for intensive agricultural or pastoral uses renders the land unusable for the lessees' original intended purposes.

Your Committee on Conference finds that the Department of Land and Natural Resources established conservation easements on approximately six thousand acres of lands, originally leased for pasture or special livestock use, in order to widen Saddle Road in the County of Hawaii. As a result, the lessee ranchers were prevented from grazing cattle and effectively deprived of their use of the land.



Although the Department reduced the lease rent in proportion to the taking of the land, the lessees received no other compensation. Existing law also provides no other method of compensation. However, the lessees are still required by their leases to maintain insurance on the land and pay taxes for the land they cannot use for the specific purpose for which it was originally leased. As a result, several lessees reduced their herd size and have been unable to mitigate the long-term, fixed costs associated with operating a ranch in the way they anticipated when the lease was negotiated. Thus, the lessees have experienced financial hardship for an extended period of time that is not sufficiently mitigated by a reduction in their lease rent.

Your Committee on Conference has amended this measure by:

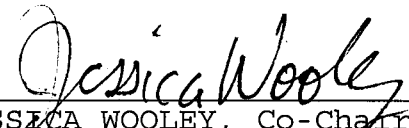
- (1) Changing the effective date to upon approval; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

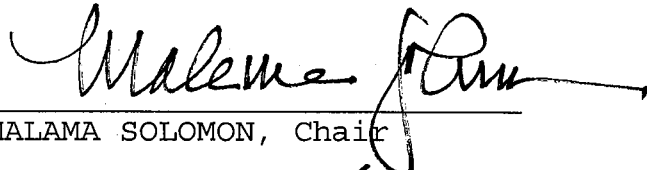
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 5, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 5, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

  
 JESSICA WOOLEY, Co-Chair

  
 MALAMA SOLOMON, Chair

  
 CINDY EVANS, Co-Chair

  
 RONALD D. KOUCHI, Co-Chair



  
 RICHARD H.K. ONISHI, Co-Chair



Hawaii State Legislature

CCR 152

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: <b>SB 5, SD 1, HD 1</b>					Date/Time: <b>4/26/13 5:34pm</b>						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).											
<input type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.						
Senate Managers		A	WR	N	E	House Managers		A	WR	N	E
SOLOMON, Malama, Chr.		/				WOOLEY, Jessica, Co-Chr.		/			
KOUCHI, Ronald D., Co-Chr.		/				EVANS, Cindy, Co-Chr.		/			
DELA CRUZ, Donovan M.					/	ONISHI, Richard H.K., Co-Chr.					/
SHIMABUKURO, Maile S.L.		/				TSUJI, Clift		/			
SLOM, Sam		/				CHEAPE, Lauren Kealohilani		/			
<b>TOTAL</b>		4	-	-	1	<b>TOTAL</b>		4	-	-	1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused				
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted						House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
Senate Lead Chair's or Designee's Signature: 						House Lead Chair's or Designee's Signature: 					
<b>Distribution:</b>		<b>Original</b> <i>File with Conference Committee Report</i>		<b>Yellow</b> <i>House Clerk's Office</i>		<b>Pink</b> <i>Senate Clerk's Office</i>		<b>Goldenrod</b> <i>Drafting Agency</i>			