

STAND. COM. REP. NO.

870

Honolulu, Hawaii

MAR 15 2013

RE: S.C.R. No. 21

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

Madam:

Your Committee on Water and Land, to which was referred
S.C.R. No. 21 entitled:

"SENATE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE
OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE
BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE AND
SALE OF PROPERTY,"

begs leave to report as follows:

The purpose and intent of this measure is to seek the
approval of the Legislature by concurrent resolution of a Board of
Land and Natural Resources action approving a land exchange and
sale of property involving five parcels situated at Kahananui,
Molokai.

Your Committee received testimony in support of this measure
from the Department of Land and Natural Resources. Your Committee
received testimony in opposition to this measure from two
individuals. Your Committee received comments on this measure
from the Office of Hawaiian Affairs.

The proposed land exchange and sale stem from a quiet title
and partition action filed in 1992 involving five parcels of land
on Molokai. The State was named as a defendant in the action.
Stipulated judgments were reached in 1996 and 1997 to resolve the
title and partition claims. Pursuant to the stipulated judgments,
two of the parcels are to be conveyed to the State, one parcel is
to be conveyed to the four families involved in the litigation,
and two parcels are to be sold, with the proceeds split 39.89
percent to the State, and 60.11 percent to the remaining parties.

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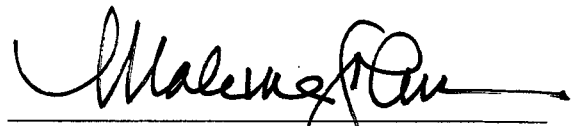


Based on a 1996 appraisal, the combined value the State is to receive under this arrangement is more than the one-half interest that the State has in all the parcels. These values comply with section 171-50, Hawaii Revised Statutes. The Board of Land and Natural Resources approved the exchange and sale at its meeting of June 8, 2012, under agenda item D-11.

In regard to the parcels that the State is acquiring under this stipulated judgment, specifically the parcels with tax map keys: (2) 5-6-06:14 and (2) 5-6-03:12, your Committee wishes to emphasize its intention is to have those parcels retain their public land trust status pursuant to section 5(f) of the Hawai'i Admission Act.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 21 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 and Land,


MALAMA SOLOMON, Chair



