

STAND. COM. REP. NO.

1400

Honolulu, Hawaii

APR 06 2017

RE: S.C.R. No. 41

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred  
S.C.R. No. 41 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A  
SIXTY-FIVE YEAR TERM, NON-EXCLUSIVE EASEMENT FOR REPAIR AND  
MAINTENANCE OF THE EXISTING SEAWALL SEAWARD OF AND FRONTING  
TAX MAP KEY NUMBER: (2) 3-9-11:7; WAIOHULU-KEOKEA HOMESTEADS  
AND BEACH LOTS, WAIOHULU-KEOKEA (KIHEI), WAILUKU, MAUI,  
HAWAII,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the  
issuance of an easement for state submerged lands.

Specifically, this measure authorizes the Board of Land and  
Natural Resources to issue a term, non-exclusive easement covering  
a portion of state submerged lands fronting property located in  
Waiohuli-Keokea (Kihei), Wailuku, Maui, for the maintenance and  
repair of the existing seawall.

Your Committee received written comments in support of this  
measure from the Department of Land and Natural Resources.


Your Committee finds that section 171-53, Hawaii Revised  
Statutes, requires the Board of Land and Natural Resources to  
obtain authorization from the Legislature to engage in disposition  
of state submerged lands. The Board has identified portions of a  
seawall fronting the property identified as Tax Map Key: (2) 3-9-



11:7, as encroaching upon state submerged lands. The previous and current owners of the abutting property have worked with the Department of Land and Natural Resources to obtain a long-term easement, as the seawall is located on state submerged lands. Your Committee further finds that this measure expresses the requisite legislative approval so that an easement may be issued for the use of those state submerged lands.

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 concurs with the intent and purpose of S.C.R. No. 41 and recommends its adoption.


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

  
\_\_\_\_\_  
JILL N. TOKUDA, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

| Bill / Resolution No.:*  | Committee Referral:                                    | Date:                                 |     |         |
|--|--|---------------------------------------|-----|---------|
| SCR 41   | WTL, WAM   | 3/30/17                               |     |         |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |  |                                       |     |         |
| The Recommendation is:   |  |                                       |     |         |
| <input checked="" type="checkbox"/> Pass, unamended<br>2312  | <input type="checkbox"/> Pass, with amendments<br>2311 | <input type="checkbox"/> Hold<br>2310 |     |         |
| <input type="checkbox"/> Recommit<br>2313  |  |                                       |     |         |
| Members  | Aye  | Aye (WR)                              | Nay | Excused |
| TOKUDA, Jill N. (C)  | /  |                                       |     |         |
| DELA CRUZ, Donovan M. (VC)   | /  |                                       |     |         |
| ENGLISH, J. Kalani   |  |                                       |     | /       |
| GALUTERIA, Brickwood   | /  |                                       |     |         |
| HARIMOTO, Breene   | /  |                                       |     |         |
| INOUYE, Lorraine R.  | /  |                                       |     |         |
| KAHELE, Kaiali'i   |  |                                       |     | /       |
| RIVIERE, Gil   | /  |                                       |     |         |
| SHIMABUKURO, Maile S.L.  |  |                                       |     | /       |
| TANIGUCHI, Brian T.  |  |                                       |     | /       |
| WAKAI, Glenn   | /  |                                       |     | /       |
|  |  |                                       |     |         |
|  |  |                                       |     |         |
|  |  |                                       |     |         |
|  |  |                                       |     |         |
|  |  |                                       |     |         |
|  |  |                                       |     |         |
| <b>TOTAL</b>   | 7  |                                       |     | 4       |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |  |                                       |     |         |
| Chair's or Designee's Signature:   |  |                                       |     |         |
|   |  |                                       |     |         |
| <b>Distribution:</b> <span style="margin-left: 40px;">Original</span> <span style="margin-left: 100px;">Yellow</span> <span style="margin-left: 100px;">Pink</span> <span style="margin-left: 100px;">Goldenrod</span>                           |  |                                       |     |         |
| <span style="margin-left: 40px;">File with Committee Report</span> <span style="margin-left: 100px;">Clerk's Office</span> <span style="margin-left: 100px;">Drafting Agency</span> <span style="margin-left: 100px;">Committee File Copy</span> |  |                                       |     |         |

\*Only one measure per Record of Votes