STAND. COM. REP. NO.

Honolulu, Hawaii

, 2022 FFB 17

H.B. No. 1658 RE: H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2022 State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 1658 entitled:

"A BILL FOR AN ACT RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS,"

begs leave to report as follows:

The purpose of this measure is to adopt a recommendation from the Act 90 Working Group to authorize the Department of Agriculture, prior to any transfer of certain qualifying nonagricultural park lands, to request from the Department of Land and Natural Resources any information related to the establishment of easements by necessity upon the lands.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Ulupono Initiative; Hawaii Cattlemen's Council, Inc.; Local Food Coalition; and Hawai'i Farm Bureau. Your Committee received testimony in opposition to this measure from Kapapala Ranch. Your Committee received comments on this measure from the Land Use Research Foundation of Hawaii.

Your Committee finds that this measure is intended in part to facilitate the transfer of certain non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture pursuant to Act 90, Session Laws of

2022-1513 HB1658 HD1 HSCR HMSO  Hawaii 2003 (Act 90), where both agencies have agreed to the transfer but the lack of a documented easement across the land impedes the transfer. Your Committee further finds that this measure offers another tool to promote the land transfer process under Act 90.

Your Committee has amended this measure by:

- (1) Clarifying that the easements about which the Department of Agriculture may request information from the Department of Land and Natural Resources, prior to any transfer of certain qualifying non-agricultural park lands, are not easements by necessity but rather necessary and reasonable easements;
- (2) Changing its effective date to July 1, 2050, to encourage further discussion; 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 Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1658, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1658, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on behalf of the members of the Committee on Water & Land,

Dan Sames

DAVID A. TARNAS, Chair

## State of Hawaii House of Representatives The Thirty-first Legislature



## Record of Votes of the Committee on Water & Land

Bill/Resolution No.:	Committee Referral: WAL, FIN	Date	2/15/2022	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: ☐ Pass, unamended (as is) ☐ Pass, with amendments (HD) ☐ Hold ☐ Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)				
2. BRANCO, Patrick Pihana (VC				
2 CANADEN C				
3. GANADEN, Sonny				
4. KOBAYASHI, Bertrand				
4. KODATASIII, Bertrand				
5. KONG, Sam Satoru				<b>-</b>
6. MORIKAWA, Dee				
7. OHNO, Takashi				✓
8. McDERMOTT, Bob				✓
				-
<del></del>				
TOTAL (8)	5			3
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				