

STAND. COM. REP. NO. 500 -22

Honolulu, Hawaii

FEB 17 , 2022

RE: H.B. No. 1658
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 non-agricultural 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,



DAVID A. TARNAS, Chair



