

Honolulu, Hawaii

MAR 24 2006

RE: H.B. No. 2132
H.D. 2
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Water, Land, and Agriculture, to which was referred H.B. No. 2132, H.D. 2, entitled:

"A BILL FOR AN ACT MAKING AN APPROPRIATION TO ACQUIRE REAL PROPERTY IN WAHIAWA, OAHU,"

begs leave to report as follows:

The purpose of this measure is to appropriate funds to the Department of Land and Natural Resources to purchase real property beneath Lake Wilson to ensure that the Wahiawa dam is properly maintained and to explore future recreational uses for Lake Wilson.

Testimony in support of this measure was submitted by Dole Food Company, Inc. Testimony in opposition to this measure was submitted by the Department of Land and Natural Resources. Comments on the measure were also submitted by the Department of Agriculture.

Your Committee finds that the land beneath Lake Wilson in Wahiawa, Oahu is currently owned by the Galbraith Trust and a subsidiary of Dole Food Company, Inc. Your Committee further finds that the trust will terminate in April 2007, and the sole trustee intends to sell its land beneath Lake Wilson. Currently, Dole Food Company, Inc. leases a portion of a parcel owned by the trust that contains one-half of the Wahiawa Dam. This lease will also be terminated upon the trust's dissolution. Therefore, with the change of ownership imminent, concerns have arisen regarding



the continued structural integrity and maintenance of the Wahiawa Dam as well as the possible future usage of Lake Wilson. This measure will appropriate funds for the acquisition of the land underneath Lake Wilson and appurtenant lands in Wahiawa to ensure that the dam will be safe and properly maintained and the potential for recreational uses of Lake Wilson may be explored.

Your Committee notes that this measure proposes to purchase the land with general funds. This choice in funding prompted your Committee to inquire whether the acquisition of the property should be accomplished through the use of revenue bonds and whether the Agribusiness Development Corporation of the Department of Agriculture is the more appropriate agency to acquire the property. The Department of Agriculture submitted responses to your Committee's inquiries indicating that revenue bonds are not an appropriate source of funding. Further, the Department of Agriculture indicated that the Agribusiness Development Corporation is also not the appropriate agency to acquire the property because Lake Wilson is used for not only agricultural purposes but also for recreational purposes, which is outside of its jurisdiction. For all of these reasons, your Committee believes that further discussion on the matter is necessary.

Accordingly, your Committee has amended this measure by changing the effective date of the Act to July 1, 2050.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2132, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2132, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, and
Agriculture,

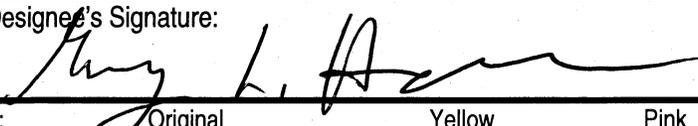


RUSSELL S. KOKUBUN, Chair



The Senate
Twenty-Third Legislature
State of Hawaii

Record of Votes of the
Committee on Water, Land and Agriculture
(Bills and Resolutions)

Measure:* HB 2132 HD WLA, WAM	Committee Referral: WLA, WAM	Date: 3/22/06		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <input type="checkbox"/> Pass, unamended (2312) <input checked="" type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
KOKUBUN, Russell S. (C)	✓			
HOOSER, Gary L. (VC)	✓			
ENGLISH, J. Kalani	✓			
FUKUNAGA, Carol				✓
HEMMINGS, Fred	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Do not list more than one measure per Record of Votes.