STAND. COM. REP. NO. 1947-08

Honolulu, Hawaii

A = 221 , 2008

RE: S.C.R. No. 4

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Water, Land, Ocean Resources & Hawaiian Affairs, to which was referred S.C.R. No. 4 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI, FOR MAINTENANCE AND REPAIR OF EXISTING CONCRETE PILLARS AND IMPROVEMENTS PURPOSES,"

begs leave to report as follows:

The purpose of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of State submerged lands fronting the property identified as Tax Map Key No.: (2) 4-5-1:5 at Lahaina, Maui, for maintenance and repair of existing concrete pillars and improvements purposes.

The Department of Land and Natural Resources testified in support of this measure.

Your Committee notes that the area above the submerged lands in question is partially used for a restaurant. Leases of the submerged lands in question are made on a case-by-case basis which is why there is a difference in the lease term between the original lese and the current lease for the submerged lands. Your Committee further notes that the submerged lands in question are ceded lands and that proceeds from the pro rata portion of the income derived from the usage of these lands is required to be transferred to the Office of Hawaiian Affairs pursuant to Article XII of the Hawaii Constitution.

SCR4 HSCR WLH

Pursuant to section 171-53(c), Hawaii Revised Statutes, the Board of Land and Natural Resources is authorized to lease the described lands to any private entity upon the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution. Accordingly, this measure authorizes the Board of Land and Natural Resources to lease the lands fronting the property identified as Tax Map Key No.: (2) 4-5-1:5 at Lahaina, Maui, for maintenance and repair of existing concrete pillars and improvements purposes.

As affirmed by the record of votes of the members of your Committee on Water, Land, Ocean Resources & Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 4 and recommends its adoption.

Respectfully submitted on behalf of the members of the Committee on Water, Land, Ocean Resources & Hawaiian Affairs,

KEN ITO, Chair



## State of Hawaii House of Representatives The Twenty-fourth Legislature

## Record of Votes of the Committee on Water, Land, Ocean Resources & Hawaiian Affairs

Bill/Resolution No.:	Committee Referral:	Date	1. /. /.	^
SCR 4	WLH		4/17/0	<i>Y</i>
☐ 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)				
WLH Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)				
2. KARAMATSU, Jon Riki (VC)			Selection (Sec.)	
2. KARAMATISO, JOH KIKI (VC)				
3. CARROLL, Mele			917 11 4-19	
4. MAGAOAY, Michael Y.				
			Sancasa Section	
5. MORITA, Hermina M.				
				Control of Approximation
6. SAGUM, Roland D., III				
7. SAIKI, Scott K.				
8. THIELEN, Cynthia				
o. IIIIEEEN, Cyntina				
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				4
TOTAL (8)	7			
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				