STAND. COM. REP. NO. 3212

Honolulu, Hawaii

APR 2 0 2010

RE: H.C.R. No. 44

Honorable Colleen Hanabusa President of the Senate Twenty-Fifth State Legislature Regular Session of 2010 State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred H.C.R. No. 44 entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE RECLAIMED LAND AT KAALAEA, KOOLAUPOKO, OAHU, FOR PRIVATE PROPERTY PURPOSES,"

begs leave to report as follows:

The purpose of this measure is to authorize the sale of the state reclaimed land at Kaalaea, Koolaupoko, Oahu for private property purposes.

Testimony in support of the measure was submitted by one state agency. One state agency submitted testimony in opposition. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that the parcel of land subject to this measure is 156 square feet of reclaimed land that is included in the fully fenced property of Joseph and Stephanie Phillips and is abutted by a seawall built in the 1950s. During the Kaneohe Bay Piers Amnesty Program in 2001, the Phillips obtained a pier lease from the Department of Land and Natural Resources and a field survey discovered 156 square feet of state reclaimed lands abutting the Phillips private property. The Phillips entered into a fifty-five year easement for the 156 square foot parcel. As part of the easement agreement, the Phillips are required to maintain commercial insurance on the parcel. In 2007, the Phillips requested to purchase the parcel in fee simple and the Board of Land and Natural Resources approved the sale. The

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appraised value of the parcel is \$11,550. The Phillips estimate that the cost of the insurance far exceeds the appraised value of the parcel, and would like to pass the property on to later generations with fewer encumbrances.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 44, and recommends its adoption.

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

CLAYTON HEE, Chair

The Senate Twenty-Fifth Legislature State of Hawaii

Record of Votes Committee on Water, Land, Agriculture and Hawaiian Affairs WTL

HCL 44	Committee WTC	Referral:	Da	te:	0
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)					
TOKUDA, Jill N. (VC)					
BUNDA, Robert		/			
FUKUNAGA, Carol					
KOKUBUN, Russell S.					
TAKAMINE, Dwight Y.					
HEMMINGS, Fred					
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		-		NAME OF THE OWNER OWNER OF THE OWNER	V. V. MINISTER
TOTAL		5	ϕ	ø	2
Recommendation: Adopted 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					

^{*}Only one measure per Record of Votes