

Honolulu, Hawaii

APR 09 2010

RE: S.C.R. No. 6

S.D. 1

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

Madam:

Your Committee on Ways and Means, to which was referred
S.C.R. No. 6 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE MUTUAL
CANCELLATION OF LEASE OF NON-EXCLUSIVE EASEMENT S-5252 AND
ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION
OF STATE SUBMERGED LANDS SITUATED AT LAPAAKEA, LAHAINA, MAUI,
IDENTIFIED BY TAX MAP KEY: (2) 4-5-001:055: SEAWARD OF TAX
MAP KEY: (2) 4-5-001:006,"

begs leave to report as follows:

The purpose of this measure is to authorize the Board of Land
and Natural Resources to cancel the current non-exclusive easement
of state submerged land in Lahaina, Maui, held by the Lakala
Trust, and to authorize the Board to issue a new term non-
exclusive easement to the Trust.

Your Committee received written comments in support of this
measure from a concerned individual. The Department of Land and
Natural Resources submitted written comments on the measure. The
written comments may be reviewed on the Legislature's website.

Your Committee finds that the Lakala Trust's current non-
exclusive easement for state submerged land in Lahaina, Maui, will
expire on May 24, 2012. Due to the expiration of the non-
exclusive agreement, the Lakala Trust is unable to refinance the
property. By authorizing the Board of Land and Natural Resources



to cancel the current non-exclusive agreement and issue a new term non-exclusive agreement, the Lakala Trust will be able to refinance its mortgage and to continue the repair and maintenance of the wooden decks and concrete piers that extend over submerged land.

Your Committee also finds that the Lahainaluna High School boarding program is a vital component of the educational service provided by the school. The boarding program allows students from neighbor islands and remote areas on Maui to live in dormitories on campus, in exchange for reasonable custodial and maintenance work on the school grounds. Your Committee believes that the Lahainaluna High School boarding program provides opportunities for students to grow and mature and adds value to the school and student body.

Accordingly, your Committee has amended this measure by:

- (1) Including information about the importance of the Lahainaluna High School boarding program;
- (2) Changing the title and adding new language to the measure urging the Department of Education to continue the Lahainaluna High School boarding program;
- (3) Requesting the Department of Education to convene a Lahainaluna Boarding Program Working Group that includes representation from named stakeholders;
- (4) Requesting the Lahainaluna Boarding Program Working Group to evaluate the boarding program and to submit a report to the Legislature on its finding and recommendations;
- (5) Adding that certified copies of the Concurrent Resolution be sent to the Governor, Chairperson of the Board of Education, Superintendent of Education, Principal of Lahainaluna High School, and Trustee of the Lakala Trust; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and style.



As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 6, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 6, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DONNA MERCADO KIM, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SJR 6</div>	Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">WTL, WAM</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">4/8/10</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
KIM, Donna Mercado (C)	/			
TSUTSUI, Shan S. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
FUKUNAGA, Carol	/			
GALUTERIA, Brickwood				/
HEE, Clayton				/
HOOSER, Gary L.				/
KIDANI, Michelle N.	/			
KOKUBUN, Russell S.	/			
TOKUDA, Jill N.	/			
HEMMINGS, Fred	/			
TOTAL	9	0	0	3
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;"> </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**