

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Department of Land and Natural Resources  
Testimony Transmittal Cover Sheet**

**OPPOSED**

**Date Submitted: February 9, 2010**

**Testifier's Name/Title:** Morris Atta, Land Division Administrator

**Committee Name:** HOUSE COMMITTEE ON HAWAIIAN AFFAIRS and WATER, LAND,  
& OCEAN RESOURCES (HAW-WLO)

**Day and Date:** Wednesday, February 10, 2010  
**Time/Location:** 11:00 AM, Conference, Room 329

**Measure Number:** HB 1230 RELATING TO PUBLIC LANDS

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**Testimony of  
LAURA H. THIELEN  
Chairperson**

**OPPOSED**

**Before the House Committees on  
HAWAIIAN AFFAIRS  
and  
WATER, LAND, & OCEAN RESOURCES**

**Wednesday, February 10, 2010  
11:00 a.m.  
State Capitol, Conference Room 329**

**In consideration of  
HOUSE BILL 1230  
RELATING TO PUBLIC LANDS**

House Bill 1230 proposes that the form of joint tenancy under Section 171-99(e), Hawaii Revised Statutes, prior to April 6, 2000 be construed to continue unchanged, notwithstanding other changes to the law approved in Act 166, Session Laws of Hawaii (Act 166). The Department of Land and Natural Resources (Department) does not support this bill.

It is the Department's understanding that by allowing less restrictive transfers of 999-year homestead leases, the legislative intent for Act 166 was to make it easier for the lessees to obtain financing to improve their leaseholds by broadening the pool of persons to whom the leasehold interest could be transferred. Since the enactment of Act 166, the Board of Land and Natural Resources authorized the assignment of some homestead leases based on that understanding.

The Department is concerned that the proposed measure may adversely impact any transfers that have been authorized and documented since the enactment of Act 166 by creating a cloud on the title of those assignees. As such, the Department opposes this bill.

**LAURA H. THIELEN**  
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