

Honolulu, Hawaii

MAR 24 2011

RE: H.B. No. 331
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Water, Land, and Housing, to which was referred H.B. No. 331, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC LANDS,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that the Board of Land and Natural Resources may extend or modify the fixed rental period of certain leases, provided that the aggregate of the initial term and any extension granted shall not exceed sixty-five years.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Hawaii Farm Bureau Federation; Kanoelehua Industrial Area Association; Dhucks; Hawaii Aquaculture and Aquaponics Association; McCully Works; Mauna Kea Infrared, LLC; Pinky's; Takamine Construction, Inc.; Chika Nakano Repair Shop Inc.; Pacific Circulation, Inc.; Bert M. Wagatsuma; Pacific Air Supply, Inc.; John Chiquita, Jr.; Roger Antonio; Dayton Jackson; Trudee Siemann; and Jieyu Shepard. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that pursuant to section 171-36, Hawaii Revised Statutes, the Department of Land and Natural Resources may extend certain leases provided that the aggregate of the initial term and the aggregate term shall not exceed fifty-five years. However, this fifty-five year limit is nonsensical in light of the



current sixty-five year overall maximum term for public land leases. This measure would allow the Department to grant certain qualified lessees an extended term up to the overall maximum term for public land leases of sixty-five years.

Your Committee further finds that invasive species pose a potential threat to the environment. Pursuant to section 197-3, Hawaii Revised Statutes, no species of aquatic life and wildlife shall be deliberately introduced by the Department of Land and Natural Resources into any habitat within the State, unless the introduction is recommended by the Department and authorized by rules of the Department pursuant to chapter 91, Hawaii Revised Statutes. This measure would broaden the restriction on introducing aquatic life and wildlife into any habitat within the State to apply to any person, as well as the Department.

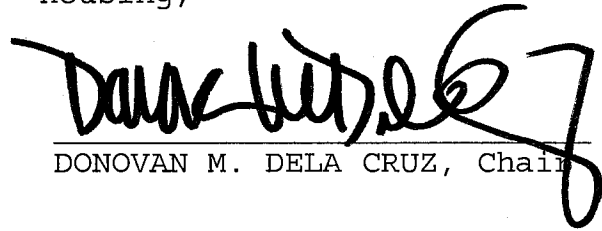
Your Committee has amended this measure by:

- (1) Amending the definition of wildlife in section 197-1, Hawaii Revised Statutes, to include certain mammals that are non-domesticated but have been obtained after being reared, including but not limited to wild pigs, deer, and rabbits;
- (2) Clarifying that the restriction on introducing, whether deliberately or otherwise, any species of aquatic life or wildlife into any habitat in the State without the recommendation and authorization of the Department of Land and Natural Resources, applies to any person, as well as the Department; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 331, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 331, 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
Housing,

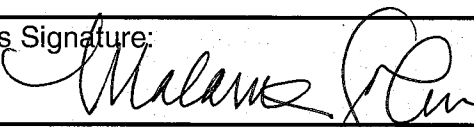
A handwritten signature in black ink, appearing to read "Donovan M. DeLa Cruz", written over a horizontal line.

DONOVAN M. DELA CRUZ, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Water, Land, and Housing
WLH

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 331 HD2	WLH, WAM	3/22/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<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	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	✓			
SOLOMON, Malama (VC)	✓			
FUKUNAGA, Carol	✓			
RYAN, Pohai	✓			
SHIMABUKURO, Maile	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam				✓
TOTAL	6			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	

*Only one measure per Record of Votes