

Honolulu, Hawaii

March 14, 2008

RE: S.B. No. 2189  
S.D. 1  
H.D. 1

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

Sir:

Your Committee on Public Safety & Military Affairs, to which was referred S.B. No. 2189, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MAKUA,"

begs leave to report as follows:

The purpose of this bill is to provide an effective mechanism for restoring and preserving the natural resources of Makua Valley by:

- (1) Establishing the Makua Valley Reserve and limiting its future uses in perpetuity to cultural, archaeological, and environmental preservation, restoration, protection, and education;
- (2) Establishing the Makua Valley Reserve Commission to exercise authority over the control and management of Makua Valley;
- (3) Creating penalties for violating laws or rules applicable to the Makua Valley Reserve;
- (4) Establishing that, upon expiration of the Army's lease on Makua Valley, the valley shall be held in trust as part of the public land trust, and providing for the valley's transfer to a sovereign native Hawaiian entity



upon the entity's recognition by the United States and the State; and

- (5) Establishing the Makua Valley Rehabilitation Trust Fund.

The Conservation Council for Hawaii and several concerned individuals supported this bill. A concerned individual supported the intent of this measure. The Office of Hawaiian Affairs (OHA) and a member of Malama Makua supported this bill with amendments. The Department of Land and Natural Resources opposed this measure. Earthjustice submitted comments.

Your Committee finds that it is important to protect the cultural and natural resources of Hawaii for the people of this state. Some concerns were brought to light by OHA regarding the practical implementation of this measure, specifically in regards to section -6 of the proposed chapter, which provides for the responsibilities and duties of the Makua Valley Reserve Commission. Therefore, your Committee on Water, Land, Ocean Resources & Hawaiian Affairs is respectfully requested to look further into this matter to ensure the effective protection of Makua Valley.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2020, to encourage further discussion; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Public Safety & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2189, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2189, S.D. 1, H.D. 1, and be referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs.



Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety &  
Military Affairs,

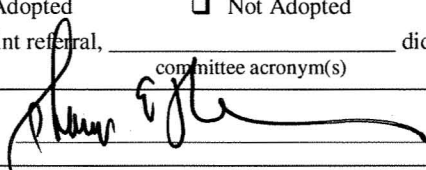
  
CINDY EVANS, Chair



State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

HSCR 1122

Record of Votes of the Committee on Public Safety & Military Affairs

Bill/Resolution No.: SB 2189	Committee Referral: PSM, WLH, FIN	Date: 03-13-08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
PSM Members	Ayes	Ayes (WR)	Nays	Excused
1. EVANS, Cindy (C)	✓			
2. HAR, Sharon E. (VC)	✓			
3. LEE, Marilyn B.	✓			
4. LUKE, Sylvia	✓			
5. McKELVEY, Angus L.K.	✓			
6. NAKASONE, Bob				✓
7. NISHIMOTO, Scott Y.	✓			<del>✓</del>
8. SONSON, Alex M.	✓			
9. SOUKI, Joseph M.				✓
10. TAKAMINE, Dwight Y.	✓			
11. TAKUMI, Roy M.	✓			
12. FINNEGAN, Lynn				✓
13. PINE, Kymerly Marcos		✓		
TOTAL (13)	9	1		3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not 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				