

STAND. COM. REP. NO.

3445

Honolulu, Hawaii

APR 04 2008

RE: H.B. No. 2704
H.D. 2
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 2704, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HA'IKU VALLEY,"

begs leave to report as follows:

The purpose of this measure is to preserve and protect the historic and cultural resources of Ha'iku Valley on the island of Oahu.

More specifically, the measure:

1. Establishes the Ha'iku Valley Cultural Preserve Commission to manage the Ha'iku Valley Cultural Preserve;
2. Specifies the exclusive uses of the Ha'iku Valley Cultural Preserve;
3. Authorizes the Office of Planning and the Department of the Attorney General, after consultation with the Ha'iku Valley Cultural Preserve Commission, to initiate the conveyance of all of the Ha'iku Valley Cultural Preserve in fee simple to the Office of Hawaiian Affairs; and
4. Appropriates funds for the Office of Hawaiian Affairs to acquire the Ha'iku Valley Cultural Preserve.



The Department of Land and Natural Resources, Department of Transportation, Office of Hawaiian Affairs, Kamehameha Schools, Koolau Foundation, and one individual submitted testimony in support of this measure.

Your Committee finds that Ha'iku Valley on the island of Oahu has historic and cultural importance to the native people of Hawaii. The area is renowned for its archaeological and other historic and cultural sites, such as lo'i, sacred sites, and burial sites, and for the presence of native and endangered flora and fauna. Your Committee further finds that this measure provides a means to address Ha'iku Valley's unique challenges and preserves in perpetuity its historic and cultural resources for the people of Hawaii.

Upon further consideration, your Committee has amended this measure by:

1. Substituting reference to the Office of Hawaiian Affairs for the Department of Land and Natural Resources to clarify (in § -9 of section 2 of the measure) that the Ha'iku Valley Cultural Preserve Commission is authorized to set, charge, and collect administrative fines, or bring legal action to recover administrative costs of the commission or the Office of Hawaiian Affairs;
2. Clarifying in section 3 of the measure that it is the Ha'iku Valley Cultural Preserve, not the Ha'iku Valley Cultural Preserve Commission, that is being conveyed;
3. Directing the Department of Land and Natural Resources and any other department with an interest in lands within the Ha'iku Valley Cultural Preserve, with oversight from the Office of Planning and the Department of the Attorney General, to deed to the Office of Hawaiian Affairs the lands within the Ha'iku Valley Cultural Preserve;
4. Directing the Governor to set aside the lands within the Ha'iku Valley Cultural Preserve;
5. Adding a saving clause; and



6. Changing the effective date of the measure to upon approval; provided that section 5 of the Act shall take effect on July 1, 2008.

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 is in accord with the intent and purpose of H.B. No. 2704, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2704, H.D. 2, S.D. 1.

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



ROSALYN H. BAKER, Chair



