

STAND. COM. REP. NO.

46

Honolulu, Hawaii

FEB 07 2007

RE: S.B. No. 1542
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.B. No. 1542 entitled:

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

begs leave to report as follows:

The purpose of this measure is to recognize the significance of ceded lands in Hawaii by prohibiting the Department of Land and Natural Resources from selling, exchanging, or otherwise alienating lands contained within the Public Land Trust without the consent of the Board of Trustees of the Office of Hawaiian Affairs.

Testimony in support of this measure was submitted by the Office of Hawaiian Affairs, the Native Hawaiian Legal Corporation, and a private individual. Testimony in opposition to this measure was submitted by the Department of Land and Natural Resources and the Department of the Attorney General.

The Board of Land and Natural Resources is responsible for managing the Public Land Trust. Pursuant to the Admission Act, the lands, proceeds, and income of the Public Land Trust must be managed and used for one or more of five trust purposes. The betterment of the conditions of Native Hawaiians is one of those purposes.

Your Committee heard testimony presented from the Department of Land and Natural Resources and the Department of the Attorney General that essentially objected to prohibiting the Board of Land

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and Natural Resources from selling, exchanging, or otherwise alienating ceded lands without the approval of the Board of Trustees of the Office of Hawaiian Affairs. Despite their reasons for objecting to this measure, your Committee finds that in lieu of a prior approval from the Office of Hawaiian Affairs, the Board of Land and Natural Resources should still be required to seek the approval from a government body prior to the sale or exchange of ceded lands to further ensure that the purposes of the Public Land Trust, especially with respect to the betterment of the conditions of Native Hawaiians, are observed and respected.

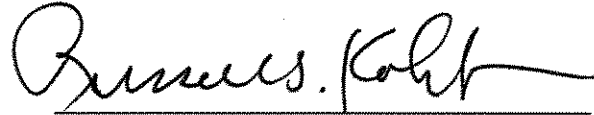
Accordingly, your Committee has amended this measure by:

- (1) Deleting language that requires the Board of Land and Natural Resources to obtain consent from the Board of Trustees of the Office of Hawaiian Affairs prior to the sale, exchange, or otherwise alienation of ceded land, and replacing it with specific language that requires the Board of Land and Natural Resources to:
 - (A) Obtain approval of the Legislature by at least two-thirds majority vote of the members of each house prior to the sale, exchange, or otherwise alienation of ceded land; and
 - (B) Submit a concurrent resolution with specific information on the land and the action proposed for introduction to the Legislature for its review prior to the sale, exchange, or alienation of ceded land; and
- (2) Making technical, nonsubstantive stylistic changes for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1542, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1542, 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,
Agriculture, and Hawaiian
Affairs,




RUSSELL S. KOKUBUN, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WAH

Bill / Resolution No.:* SB 1542	Committee Referral: WAH, WAM	Date: FEB. 2, 2007		
<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
KOKUBUN, Russell S. (C)	X			
TOKUDA, Jill N. (VC)	X			
FUKUNAGA, Carol	X			
HEE, Clayton	X			
SLOM, Sam				X
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-size: 2em; font-family: cursive;">  </div>				
Distribution:	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	

*Only one measure per Record of Votes