

STAND. COM. REP. NO.

270

Honolulu, Hawaii

FEB 14 2007

RE: S.B. No. 939  
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. 939 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION  
ACT, 1920, AS AMENDED,"

begs leave to report as follows:

The purpose of this measure is to encourage and assist Native  
Hawaiian homestead owners and residents to participate in the  
strengthening and developing the community in which they live, by  
establishing a Hawaiian Home Lands Community Development Fund with  
revenue-sharing from commercial development projects to be used  
for community and cultural programming in Hawaiian homestead  
communities.

Testimony in support of this measure was submitted by the  
State Council of Hawaiian Homestead Associations, the Council for  
Native Hawaiian Advancement, the Wai'anae Valley Homestead  
Community Association, the Waianae Kai Hawaiian Homestead  
Association, the Nanakuli Hawaiian Homestead Community  
Association, the Ahupua'a of Maui, and one individual. Testimony  
in opposition to this measure was submitted by the Department of  
Hawaiian Home Lands.

The intent of the Hawaiian Homes Commission Act of 1920, as  
amended, is to return lands to the Native Hawaiians and allow them  
to participate in building their own communities, which observe  
their culture and way of life. The growth of Hawaiian homestead  
communities leads to the development of skills and expertise,

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which are needed for self-governance and self-determination. Native Hawaiian homestead community organizations have a mission to improve the conditions of their communities, however, a majority of these associations lack the expertise and resources to implement programs and services that would improve the life conditions in the homestead communities.

Commercial development of Hawaiian Home Lands can be an important tool in the administration of the Hawaiian Home Lands Trust. Your Committee finds that setting aside a percentage of the revenues earned into a Hawaiian Home Lands Community Development Fund will provide funding for community development efforts and cultural programming. Your Committee believes that establishing a community development fund fulfills the intent of this measure, which is to encourage and assist Native Hawaiian homestead owners and residents to participate in the strengthening and development their homestead communities.

Your Committee has a concern that establishing the Hawaiian Home Lands Community Development Fund is creating a special fund under the Hawaiian Homes Commission Act of 1920, and believes that this concern merits further discussion by the Committee on Ways and Means.

Your Committee has amended this measure by adding language that declares any amendments made to the Hawaii Homes Commission Act of 1920 be severable.

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. 939, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 939, 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**

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|--|--|--------------------------|-------------------------|----------|
| Bill / Resolution No.:*<br><i>S.B. 939</i>   | Committee Referral:<br><i>WAH, WAM</i> | Date:<br><i>2/9/07</i>   |                         |          |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |  |                          |                         |          |
| The Recommendation is:<br><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                        |                         |          |
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| <b>TOTAL</b>   | <i>4</i>                               | <i>1</i>                 | <i>0</i>                | <i>0</i> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |  |                          |                         |          |
| Chair's or Designee's Signature: <i>JUM</i>  |  |                          |                         |          |
| Distribution:  | Original<br>File with Committee Report | Yellow<br>Clerk's Office | Pink<br>Drafting Agency |          |

\*Only one measure per Record of Votes