

STAND. COM. REP. NO. 1478

Honolulu, Hawaii

Aj06 , 2009

RE: H.C.R. No. 183
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred
H.C.R. No. 183 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND
NATURAL RESOURCES TO REFRAIN FROM SELLING, EXCHANGING, OR
OTHERWISE ALIENATING LANDS IN THE PUBLIC LAND TRUST,"

begs leave to report as follows:

The purpose of this concurrent resolution is to preserve the
corpus of the public lands trust to allow a fair and just
settlement of native Hawaiian claims to the ceded lands, by
requesting the Board of Land and Natural Resources to refrain from
selling, exchanging, or otherwise alienating land in the public
land trust until those claims are resolved.

Several concerned individuals supported this measure.
Hawaiian Political Action Council of Hawaii supported this measure
with amendments. The Office of Hawaiian Affairs (OHA) supported
the intent of this measure. The Department of the Attorney
General, Department of Land and Natural Resources, and several
concerned individuals commented on this measure.

Your Committee has amended this concurrent resolution by:

- (1) As requested by OHA, removing references to the
alienation of lands to ensure that transfers between
government agencies do not fall under this measure;



- (2) Adding a reference to Act 359, Session Laws of Hawaii 1993, in which the Hawaii Legislature recognized that the overthrow was illegal and Hawaii was annexed to the United States without the consent of or compensation to the indigenous people of Hawaii or their sovereign government;
- (3) Expanding the reference to lands in the public land trust to include crown lands, government lands, lands identified in section 5 of the Admission Act, and lands held by the Hawaiian Kingdom as of 1893;
- (4) Amending the title to read: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO REFRAIN FROM SELLING OR EXCHANGING LANDS IN THE PUBLIC LAND TRUST"; and
- (5) Making technical, nonsubstantive amendments for consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 183, as amended herein, and recommends that it be referred to the Committees on Water, Land, & Ocean Resources and Judiciary in the form attached hereto as H.C.R. No. 183, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Hawaiian Affairs,



MELE CARROLL, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 1478

Record of Votes of the Committee on Hawaiian Affairs

Bill/Resolution No.: HCR 183	Committee Referral: HAW, WLO/JUD, FIN	Date: 4-1-2009		
<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)				
HAW Members	Ayes	Ayes (WR)	Nays	Excused
1. CARROLL, Mele (C)	✓			
2. SHIMABUKURO, Maile S.L. (VC)	✓			
3. BELATTI, Della Au	✓			
4. BERTRAM, Joe, III				✓
5. BROWER, Tom	✓			
6. MIZUNO, John M.	✓			
7. NISHIMOTO, Scott Y.	✓			
8. YAMANE, Ryan I.				✓
9. WARD, Gene		✓		
TOTAL (9)	6	1		2
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: <u>Mele Carroll</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				