

STAND. COM. REP. NO. 1070

Honolulu, Hawaii

March 20, 2009

RE: S.B. No. 1085
S.D. 2
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
S.B. No. 1085, S.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this bill is to establish a procedure for
transfers of "public trust lands," as defined in section 171-18,
Hawaii Revised Statutes by:

- (1) Prohibiting the sale or transfer of public trust lands
until one of the following occurs:
 - (A) The claims of the native Hawaiian people to the
public trust lands are resolved;
 - (B) The Legislature adopts a concurrent resolution by
two-thirds vote of both houses finding that
reconciliation between the State and the native
Hawaiian people is no longer supported; or
 - (C) December 31, 2014;
- (2) Once one of the specified events occurs, allowing the
State to sell public trust lands where there is a
compelling State interest and no other alternative, and



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the transfer is approved by the Legislature by two-thirds vote of both houses;

- (3) Requiring the proceeds from the sale of public trust lands to be used to acquire lands to be held in the public trust; and
- (4) Exempting easements for public utilities and the government, remnants, and land exchanges from these prohibitions and procedures.

Kamehameha Schools, Kupuaina Coalition, the Koolaupoko Hawaiian Civic Club, the Waimea Hawaiian Homesteaders' Association, Inc., and many concerned individuals supported this bill. The Attorney General and a concerned individual opposed this bill. The Office of Hawaiian Affairs, Department of Land and Natural Resources, Association of Hawaiian Civic Clubs, and a concerned individual offered comments.

Your Committee has amended this bill by:

- (1) Making it effective upon its approval; and
- (2) Making technical, nonsubstantive revisions for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1085, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1085, S.D. 2, H.D. 1, and be referred to the Committees on Water, Land, & Ocean Resources and Judiciary.

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

HSCR1670

Record of Votes of the Committee on Hawaiian Affairs

Bill/Resolution No.: SB 1085 SD2	Committee Referral: HAW, WLO/JUD, FIN	Date: 3-18-2009		
<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	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				