

STAND. COM. REP. NO. 1085

Honolulu, Hawaii

March 20, 2009

RE: S.B. No. 995  
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. 995, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN  
AFFAIRS,"

begs leave to report as follows:

The purpose of this bill is to make progress toward  
satisfying the State's constitutional obligation to provide the  
Office of Hawaiian Affairs (OHA) with a pro rata portion of the  
income and proceeds from lands in the public lands trust for the  
period from November 7, 1978, to July 1, 2009, by:

- (1) Determining the dollar amount owed OHA for that time  
period;
- (2) In partial satisfaction of that obligation, conveying in  
fee simple to OHA, certain lands in Kakaako Makai,  
bordered by Kalihi Stream and Moanalua Stream, and on  
Mauna Kea, as well as Kahana Valley and Beach Park, La  
Mariana and submerged lands, Heeia meadowlands, and  
state-owned fishponds statewide;
- (3) Authorizing OHA to reject any of the properties to be  
conveyed, by the later of October 1, 2009, or six months  
after the State has provided OHA access to documents and

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property necessary for a due diligence investigation of the property by OHA;

- (4) Requiring the lands to be held by OHA in the public trust and transferred to the sovereign native Hawaiian entity upon its recognition by the United States and the State; and
- (5) Exempting lands conveyed under this bill from the definition of "public lands" in Chapter 171, Hawaii Revised Statutes, and from the Kakaako Community Development District.

Historic Hawaii Foundation and several concerned individuals testified in support of this bill. OHA supported the intent of this measure. The Koolaupoko Hawaiian Civic Club and the Association of Hawaiian Civic Clubs also supported this bill with amendments. The Department of the Attorney General, Friends of Kewalo Basin Park Association, Hawaiian Political Action Council of Hawaii, and a concerned individual opposed this measure. The Department of Land and Natural Resources, KAHEA, and a concerned individual offered comments.

Your Committee understands that properties to be conveyed to OHA are to be used for commercial development to generate funds for programs benefitting Hawaiians and native Hawaiians, and that OHA has expended funds on due diligence with regard to the Kakaako property. However, OHA has not examined the other properties proposed to be conveyed by this bill, and unlike the Kakaako property, these properties have not been the subject of public hearings.

Accordingly, your Committee has amended this bill by:

- (1) Deleting the conveyance of all parcels to OHA except those in Kakaako Makai;
- (2) Inserting \$200,000,000 as the amount owed by the State to OHA for the period between November 7, 1978, and July 1, 2009; and
- (3) Making technical, nonsubstantive amendments for consistency 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 is in accord with the intent and purpose of S.B. No. 995, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 995, 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,



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MELE CARROLL, Chair



State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

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**Record of Votes of the Committee on Hawaiian Affairs**

<b>Bill/Resolution No.:</b> SB 995 SD2	<b>Committee Referral:</b> HAW, WLO/JUD, FW	<b>Date:</b> 3-18-2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <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		✓		
<b>TOTAL (9)</b>	6	1	0	2
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				