

STAND. COM. REP. NO. 1195

Honolulu, Hawaii

March 25, 2009

RE: S.B. No. 995
S.D. 2
H.D. 2

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

Sir:

Your Committees on Water, Land, & Ocean Resources and
Judiciary, to which was referred S.B. No. 995, S.D. 2, H.D. 1,
entitled:

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

beg leave to report as follows:

The purpose of this bill is to resolve the claims relating to
the portion of income and proceeds from the public trust lands
owing to the Office of Hawaiian Affairs (OHA) between November 7,
1978, and July 1, 2009.

Specifically, this bill calls for a two-step transfer of
lands valued at \$200,000,000 to OHA in satisfaction of the claims.
For the first step, this bill transfers to OHA certain parcels in
Kakaako Makai valued at \$92,719,415, subject to OHA's right to
reject any or all parcels after performing due diligence. The
second step envisions conveyance in 2010 of parcels to OHA valued
at \$107,280,585.

OHA testified in support of this bill with amendments. The
Office of the Attorney General opposed this bill. Several
concerned individuals submitted comments.

Your Committees have amended this bill by:

SB995 HD2 HSCR WLO-JUD HMS 2009-3295



- (1) Clarifying that the time period of the claims addressed by this bill runs from November 7, 1978, and July 1, 2008;
- (2) Clarifying that the valuation of the Kakaako Makai parcels proposed to be conveyed by this bill is the tax assessed value established during tax year 2007-2008;
- (3) Deleting the exemption of TMK 2-1-058:41 and 2-1-058:110 from the parcels proposed to be conveyed;
- (4) Deleting the requirement to transfer the management and control of the conveyed parcels to a sovereign native Hawaiian entity upon its recognition by the United States and the State; and
- (5) Making technical, nonsubstantive changes for style, clarity, and consistency.

Your Committees recognize that this bill deals only with past claims of OHA up to July 1, 2008, and does not represent a global settlement of the issue. Your Committees encourage OHA and the Administration to continue negotiations to resolve all claims pursuant to this issue and respectfully request that the Conference Committee in considering this bill include any settlement reached by the parties as to future payments. In addition, your Committees recognize that in the negotiations between OHA and the Administration to date, the parcels proposed to be conveyed by this bill are the parcels agreed upon by the parties. Accordingly, your Committees encourage the conferees to respect this agreement and refrain from including other parcels in this measure.

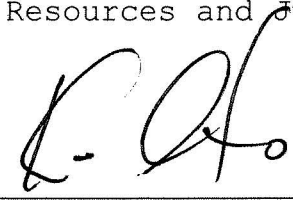
As affirmed by the records of votes of the members of your Committees on Water, Land, & Ocean Resources and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 995, S.D. 2, H.D. 1, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 995, S.D. 2, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committees on Water, Land, &
Ocean Resources and Judiciary,



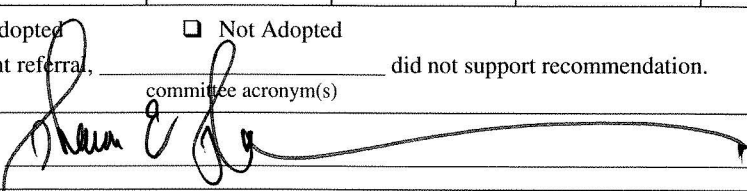
JON WIKI KARAMATSU, Chair



KEN ITO, Chair

State of Hawaii
House of Representatives
The Twenty-fifth Legislature

Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: SB 995, SD2, HD1		Committee Referral: HAW, WLO/JUD, FIN		Date: 3/23/09
<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)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	✓			
2. HAR, Sharon E. (VC)	✓			
3. CABANILLA, Rida	✓			
4. CHANG, Jerry L.	✓			
5. CHONG, Pono				✓
6. COFFMAN, Denny	✓			
7. HERKES, Robert N.	✓			
8. LEE, Chris	✓			
9. LUKE, Sylvia				✓
10. MORITA, Hermina M.	✓			
11. SAGUM, Roland D., III				✓
12. CHING, Corinne W.L.	✓			
13. THIELEN, Cynthia	✓			
TOTAL (13)	10			3
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: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

