

STAND. COM. REP. NO.

616

Honolulu, Hawaii

Feb 20, 2009

RE: H.B. No. 901

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.B. No. 901 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 progress toward satisfying requirements in Article XII, sections 4 and 6, of the Hawaii Constitution that a pro rata portion of the income and proceeds of the public lands trust be paid to the Office of Hawaiian Affairs (OHA).

This measure finds that from November 7, 1978, when these constitutional provisions were ratified, to July 1, 2008, OHA's pro rata portion is equivalent to \$200,000,000. This bill takes a step toward providing the \$200,000,000 by, among other things:

- (1) Directing that the fee simple interest in certain property on Oahu and Hawaii islands valued for 2008-2009 at \$127,203,140 be conveyed to OHA;
- (2) Taking these lands out of the administration of the Department of Land and Natural Resources and Hawaii Community Development Authority by exempting them from the definition of "public lands" in Chapter 171, Hawaii Revised Statutes, and excluding them from the Kakaako Community Development District, as applicable;

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- (3) Authorizing OHA to reject any or all of the properties to be conveyed, if unsuitable for OHA's uses, by written notice not later than October 1, 2009, or six months after the State provides access to state documents concerning the land and to the properties; and
- (4) Providing that property not rejected is to be conveyed to OHA within 30 days of the rejection-notification deadline.

The Office of Hawaiian Affairs, Hawaiian Civic Club of Honolulu, Trust for Public Land, Hawai'i Maoli, Ke Kula Ni'ihau O Kekaha, Historic Hawai'i Foundation, Kaumakapili Church, Ko'olau Foundation, Kai'Opua Canoe Club, Waimanalo Hawaiian Homes Association, I Ola Lahui Rural Hawai'i Behavioral Health Program, Wai'anae Maritime Academy, Native Hawaiian Hospitality Association, Catholic Charities Hawai'i, Goodwill Industries of Hawaii, Papahana Kuaola, Wai'anae Coast Early Childhood Services, Hope, Help & Healing Kauai, and numerous concerned individuals supported this bill. Ko'olaupoko Hawaiian Civic Club supported the bill with amendments. The Department of Hawaiian Home Lands supported the intent of this measure. The Hawaiian Political Action Council of Hawaii and several concerned individuals opposed this bill. The Department of the Attorney General and several individuals commented on this bill.

Your Committee finds that this bill is a statement of legislative policy in support of satisfying the State's constitutional obligation to provide OHA with a pro rata portion of the public land trust income and proceeds and is not the settlement itself. Further, this bill applies to these OHA claims and not to the claims of all native Hawaiians.

Public hearings on this measure were held on Maui, the Big Island, and Kauai. In response to concerns raised on the Big Island, your Committee has amended this measure by removing the property located on Hilo Banyan Drive from the list of properties to be conveyed to OHA.

In addition, your Committee has added a provision making clear the Legislature's intent that the land conveyed be held in trust by OHA and be transferred to the native Hawaiian nation upon its recognition by the United States and the State of Hawaii.



Technical, nonsubstantive amendments were also made for clarity, 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 H.B. No. 901, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 901, H.D. 1, and be referred to the Committee on Finance.

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

  
MELE CARROLL, Chair



