

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2771
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Health, to which was referred S.B. No. 2771 entitled:

"A BILL FOR AN ACT RELATING TO KALAUPAPA,"

beg leave to report as follows:

The purpose of this measure is to provide a mechanism for the future consolidation of land ownership and management of Kalawao County.

Specifically, when there is no longer any person receiving care for Hansen's disease living in Kalaupapa, this measure:

- (1) Transfers ownership and management of Kalawao County from the Department of Health and the Department of Land and Natural Resources to the Department of Hawaiian Home Lands;
- (2) Authorizes the Department of Hawaiian Home Lands to accept the transfer, provided that the Department of Hawaiian Home Lands transfers that land to the native Hawaiian sovereign entity upon its recognition; and
- (3) Prohibits Maui County from applying its zoning authority in Kalawao County.

Three state agencies submitted comments on this measure. Written testimony presented to the Committees may be reviewed on the Legislature's website.



Your Committees recognize that the National Park Service has undertaken a planning process involving the Kalaupapa residents for a future management plan of the Kalaupapa National Historical Park. Your Committees further recognize that the Attorney General is concerned about the effect this measure may have on existing cooperative agreements between the Department of Transportation, the Department of Health, the Department of Land and Natural Resources, and the Department of Hawaiian Home Lands, and the National Park Service. However, your Committees find that a mechanism for future consolidation may ease relations between the State and the National Park Service, by consolidating the number of agencies that the National Park Service must enter into agreements with. Additionally, the varying interests of Kalawao County may be better served by having consolidated leadership for the entire area. Your Committees hope that the Attorney General can provide more specific guidance regarding the effect of this measure on existing cooperative agreements, and remind interested stakeholders that the transfer provisions of this measure will not take effect unless there is no longer any person receiving care for Hansen's disease living in Kalaupapa. Thus, your Committees believe that this measure would not disrupt or interfere with the current status of Kalaupapa.

Your Committees have amended this measure by:

- (1) Changing the effective date to July 1, 2050 to facilitate further discussion; and
- (2) Making technical, nonsubstantive changes for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2771, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2771, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committees on Water, Land,
Agriculture, and Hawaiian
Affairs and Health,



DAVID Y. IGE, Chair



CLAYTON HEE, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WTL

Bill / Resolution No.:* SB 2771	Committee Referral: WTL/HTH	Date: 2/22/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	/			
TOKUDA, Jill N. (VC)				/
BUNDA, Robert	/			
FUKUNAGA, Carol	/			
KOKUBUN, Russell S.	/			
TAKAMINE, Dwight Y.				/
HEMMINGS, Fred				/
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Russell S. Fohr</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Health
HTH

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<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
GREEN, M.D., Josh (VC)	✓			
BAKER, Rosalyn H.				✓
ESPERO, Will		✓		
NISHIHARA, Clarence K.	✓			
HEMMINGS, Fred				✓
TOTAL	3	1	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; margin-top: 10px;"><i>Josh Green</i></div>				
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