

STAND. COM. REP. NO.

1620

Honolulu, Hawaii

Ag-19, 2009

RE: S.B. No. 638
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 Water, Land, & Ocean Resources, to which
was referred S.B. No. 638, S.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this bill is to address the issues confronting
the development of a living park in Kahana Valley, Oahu.

Specifically, this measure:

- (1) Establishes a two-year moratorium on the eviction of any
person who at the time of enactment of this measure:
 - (A) Resides in Kahana Valley state park;
 - (B) Has participated in interpretive programs for the
Kahana Valley state park; and
 - (C) Has:
 - (i) Continuously lived there since 1987; or
 - (ii) Held a long-term lease or permit to reside
there;

and

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- (2) Establishes a planning council to assist in the development and implementation of a master plan for Kahana Valley state park.

Your Committee received testimony in support of this bill from the Office of Hawaiian Affairs and ten individuals. The Department of Land and natural Resources and the Attorney General submitted comments.

Your Committee finds that the State condemned Kahana Valley in 1965 and, in 1970, determined to develop a living cultural park that would allow certain qualified persons to reside within and contribute to the operation of the living cultural park by participating in interpretive programs offered there. However, delays in the implementation of the living park plan and determining who is qualified to live in and participate in the living park have resulted in unfortunate evictions of certain persons residing in Kahana Valley. While a moratorium on the eviction of persons residing in Kahana Valley state park is in effect, the Department of Land and Natural Resources should be authorized and encouraged to negotiate and enter into long-term residential leases with qualified persons in state parks.

Your Committee further finds that the living park plan remains of value and should be expeditiously implemented; however, any master plan for the development of the living park would benefit from input from persons who are now living in the state park and are contributing to the interpretive programs there.

Accordingly, your Committee has amended this measure by:

- (1) Authorizing the Board of Land and Natural Resources to continue negotiating and entering into long-term residential leases with qualified persons to contribute to interpretive programs in state parks; and
- (2) Making technical nonsubstantive changes for purposes of style and clarity.

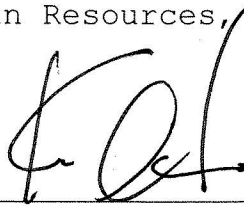
Finally, your Committee has further amended this measure by adding a new part to this measure containing the substance of provisions contained in H.B. No. 949, H.D. 1, previously heard by your Committee, relating to authorizing the Department of Hawaiian Home Lands (DHHL) to negotiate and enter into project development agreements and long-term commercial leases for terms not exceeding



99 years. As amended, this bill also provides that at the termination of the lease, the prior lessee may be extended, as a provision of the initial lease, a right of first refusal to extend the lease subject to the terms of any public auction, so long as the prior lessee matches the highest lease rental bid offered during the public auction. Further, as part of this process, DHHL may enter into consultations with the beneficiaries of the home lands trust on any such commercial lease.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 638, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 638, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, &
Ocean Resources,



KEN ITO, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 1620

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

Bill/Resolution No.: SB 638, SD2	Committee Referral: WLO	Date: 4/3/09		
<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)	11			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				