

STAND. COM. REP. NO.

3125

Honolulu, Hawaii

MAR 30 2012

RE: S.C.R. No. 155

S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Water, Land, and Housing, to which was referred S.C.R. No. 155 entitled:

"SENATE CONCURRENT RESOLUTION URGING THE KAHO'OLAWE ISLAND RESERVE COMMISSION TO REQUIRE THE PROTECT KAHO'OLAWE 'OHANA THROUGH ITS NON-PROFIT CORPORATION AND FISCAL AGENT KOHEMALAMALAMA O KANALOA TO OBTAIN LIABILITY AND PROPERTY DAMAGE INSURANCE,"

begs leave to report as follows:

The purpose and intent of this measure is to affirm the need to protect the Kaho'olawe Island Reserve by urging the Kaho'olawe Island Reserve Commission to require the Protect Kaho'olawe 'Ohana through Kohe Malamalama O Kanaloa to obtain liability and property damage insurance and indemnify the State from claims arising from actions of Protect Kaho'olawe 'Ohana and Kohe Malamalama O Kanaloa.

Your Committee received testimony in opposition to this measure from Kohe Malamalama O Kanaloa/Protect Kaho'olawe Fund and three individuals. Your Committee received comments on this measure from four individuals.

Your Committee finds it imperative to ensure that safeguards are in place to protect the State from potential liability. Your Committee notes that it is not the intent of this measure to duplicate existing safeguards but rather to enhance them. Further, your Committee understands the concerns of all parties



involved and would like to assure those parties that this measure is not intended to prevent access to the Kaho'olawe Island Reserve.

Your Committee has amended this measure by:

- (1) Broadening the language to require each stewardship program, regardless of whether the program is a Hawaiian stewardship program, conducting activities on the Kaho'olawe Island Reserve to obtain liability and property damage insurance and list the State as an additional insured;
- (2) Changing the title to accurately reflect the purpose of the measure;
- (3) Deleting language that urges the Kaho'olawe Island Reserve Commission to require Protect Kaho'olawe 'Ohana through Kohe Malamalama O Kanaloa to indemnify the State; and
- (4) Making technical, nonsubstantive amendments for the purposes of consistency and clarity.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Housing that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 155, as amended herein, and recommends that it be referred to the Committee on Ways and Means, in the form attached hereto as S.C.R. No. 155, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, and
Housing,

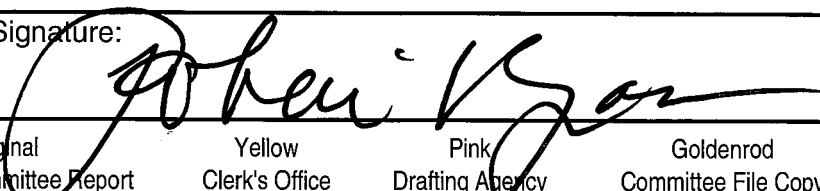


DONOVAN M. DELA CRUZ, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Water, Land and Housing
WLH

Bill / Resolution No.:*	Committee Referral:	Date:		
SQR165	WLH, WAM	3/27/12		
<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
DELA CRUZ, Donovan M. (C)	✓			
SOLOMON, Malama (VC)				✓
FUKUNAGA, Carol				✓
RYAN, Pohai	✓			
SHIMABUKURO, Maile		✓		
TOKUDA, Jill N.	✓			
SLOM, Sam				✓
TOTAL	3	1		3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes