

MAR 13 2013

SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO PROVIDE A REPORT TO THE LEGISLATURE REGARDING THE STATUS OF THE KA MAKANA ALII PROJECT AND ACT 187, SESSION LAWS OF HAWAII 2010.

1 WHEREAS, the State of Hawaii makes annual settlement
2 payments to the Hawaiian Home lands Trust Fund in the amount of
3 \$30,000,000 each year pursuant to Act 14, Special Session Laws
4 of Hawaii 1995, for the resolution of controversies at law and
5 in equity arising out of the management, administration,
6 supervision, or disposition by the State of any Hawaiian home
7 lands; and

8
9 WHEREAS, the State's obligation to make the settlement
10 payments pursuant to Act 14, Special Session Laws of Hawaii
11 1995, will cease in 2015; and

12
13 WHEREAS, Act 187, Session Laws of Hawaii 2010, as amended
14 by Act 175, Session Laws of Hawaii 2012, authorized the
15 Department of Hawaiian Home Lands, until June 30, 2015, to make
16 one-time extensions of up to twenty years of commercial or
17 multipurpose project leases to make improvements to the leased
18 property, with all of the lease revenues deposited into the
19 Hawaiian home administration account for the administrative
20 expenses of the Department; and

21
22 WHEREAS, the Department of Hawaiian Home Lands has been
23 negotiating with DeBartolo Development, LLC, to build Ka Makana
24 Alii, a large shopping mall, which may require an extended
25 commercial lease; and

26
27 WHEREAS, the Land Use Commission recently issued its
28 decision and order, findings of fact, and conclusions of law
29 regarding the reclassification of Hawaiian home lands for the Ka
30 Makana Alii project; and

31
32 WHEREAS, neither the Department of Hawaiian Home Lands nor
33 DeBartolo Development, LLC, have provided updates to the



1 Legislature regarding the status of the Ka Makana Alii project;
2 now, therefore,

3
4 BE IT RESOLVED by the Senate of the Twenty-seventh
5 Legislature of the State of Hawaii, Regular Session of 2013,
6 that the Department of Hawaiian Home Lands, in consultation with
7 DeBartolo Development, LLC, is requested to provide a written
8 report to the Legislature on the Ka Makana Alii project,
9 including:

- 10 (1) The status of the project;
- 11 (2) Any anticipated new partners for the project;
- 12 (3) The projected revenue stream for the project;
- 13 (4) The projected timeline for the project; and
- 14 (5) The terms of the development agreement or any other
15 agreement with DeBartolo Development, LLC, that
16 relates to the project and whether the parties to any
17 such agreement are in compliance with its terms; and
18

19 BE IT FURTHER RESOLVED that the Department of Hawaiian Home
20 Lands is also requested to include in its report:

- 21 (1) An update on the status and effect of Act 187, Session
22 Laws of Hawaii 2010, as amended by Act 175, Session
23 Laws of Hawaii 2012;
- 24 (2) The applicability of Act 187 to the Ka Makana Alii
25 project; and
- 26 (3) Whether Act 187 should be extended or made permanent;
27 and

28 BE IT FURTHER RESOLVED that the Department of Hawaiian Home
29 Lands is requested to submit its findings and recommendations,
30 including any proposed legislation, to the Legislature no later
31 than six months following adjournment sine die of the 2013
32 Regular Session; and
33
34
35
36
37
38
39
40
41
42



1 BE IT FURTHER RESOLVED that certified copies of this
2 Resolution be transmitted to the Chairperson of the Hawaiian
3 Homes Commission and the President and Chief Operating Officer
4 of DeBartolo Development, LLC.

5
6
7

OFFERED BY:



