

Honolulu, Hawaii
February 11, 2014

RE: H.B. No. 1689
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committees on Water & Land and Ocean, Marine Resources,
& Hawaiian Affairs, to which were referred H.B. No. 1689, H.D. 1,
entitled:

"A BILL FOR AN ACT RELATING TO MAUNA KEA,"

beg leave to report as follows:

The purpose of this measure is to help ensure that the
allotment of ceded land revenues collected from Mauna Kea lands is
appropriate by requiring:

- (1) That the calculation of the pro rata share of ceded land revenues for the lease of Mauna Kea lands be based upon the fair market value of using the lands or facilities and programs related to the lands instead of on actual receipts collected;
- (2) The transfer of twenty percent of lease revenues derived from Mauna Kea lands calculated based on the fair market cash value instead of actual receipts into the Mauna Kea Lands Management Special Fund and subsequently to the public land trust fund under specified conditions for expenditure by the Office of Hawaiian Affairs; and
- (3) A report to the Legislature from the Board of Regents of the University of Hawaii on its fair market rent calculations and fund transfers for use of Mauna Kea lands.



The Department of the Attorney General and University of Hawaii provided comments on this measure.

Your Committees have amended this measure by:

- (1) Specifying that the Board of Regents' report shall contain:
 - (A) The fair market value-based rents it calculated based upon the fair market value of the use of each parcel of Mauna Kea land; and
 - (B) The amounts transferred to the Office of Hawaiian Affairs for use of Mauna Kea lands pursuant to Act 178, Session Laws of Hawaii 2006, expressed as a percentage of both actual receipts and of calculated fair market value-based rent;
- (2) Amending procedures for the transfer of ceded land revenues for the use of Mauna Kea lands to the Office of Hawaiian Affairs to conform to the requirements of Act 178, Session Laws of Hawaii 2006, and related implementing orders;
- (3) Requiring the deposit of revenues collected from the use of Mauna Kea lands into the Mauna Kea Lands Management Special Fund;
- (4) Requiring calculation of the amount of ceded land revenues transferred to the Office of Hawaiian Affairs based on the fair market value of use of the land rather than on actual receipts collected; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Water & Land and Ocean, Marine Resources, & Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1689, H.D. 1, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.B. No. 1689, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committees on Water & Land and
Ocean, Marine Resources, &
Hawaiian Affairs,

F. P. Culh for
FAYE P. HANOHANO, Chair

Cindy Evans
CINDY EVANS, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HJR 551-14

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: HB 1689, HD 1	Committee Referral: HED, WAL/OMH, FIN	Date: 2-12-14		
<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)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. EVANS, Cindy (C)	✓			
2. LOWEN, Nicole E. (VC)	✓			
3. CULLEN, Ty J.K.	✓			
4. HANOHANO, Faye P.	✓			
5. KAWAKAMI, Derek S.K.	✓			
6. LEE, Chris	✓			
7. SAY, Calvin K.Y.	✓			
8. NISHIMOTO, Scott Y.	✓			
9. FALE, Richard Lee				✓
10. THIELEN, Cynthia	✓			
TOTAL (10)	9			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Nicole E. Lowen</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

State of Hawaii
House of Representatives
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HSCR 551-14

Record of Votes of the Committee on Ocean, Marine Resources, & Hawaiian Affairs

Bill/Resolution No.: HB 1689, HD1	Committee Referral: HED, WAL/OMH, FIN	Date: 2-12-2014		
<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)				
OMH Members	Ayes	Ayes (WR)	Nays	Excused
1. HANOHANO, Faye P. (C)	✓			
2. CULLEN, Ty J.K. (VC)	✓			
3. EVANS, Cindy	✓			
4. KAWAKAMI, Derek S.K.	✓			
5. LEE, Chris	✓			
6. LOWEN, Nicole E.	✓			
7. SAY, Calvin K.Y.	✓			
8. NISHIMOTO, Scott Y.	✓			
9. FALE, Richard Lee				✓
TOTAL (9)	8	Ø	Ø	/
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u></u>				
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