

STAND. COM. REP. NO. 3376

Honolulu, Hawaii

**MAR 24 2022**

RE: H.B. No. 2288  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committees on Higher Education and Hawaiian Affairs, to which was referred H.B. No. 2288, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO LAND,"

beg leave to report as follows:

The purpose and intent of this measure is to transfer the parcel of land designated as tax map key: (1) 3-2-030-002-0000-000 to the Department of Hawaiian Home Lands.

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands, Kūpuna for the Mo'opuna, and one individual. Your Committees received testimony in opposition to this measure from the University of Hawai'i System. Your Committees received comments on this measure from the Department of the Attorney General and Kaulana 'āina a Mahiku A'o Mai.

Your Committees find that the Oahu Island Plan was developed to provide recommendations for the future uses of lands on the island of Oahu to which the Department of Hawaiian Home Lands holds title to meet beneficiary and department needs over the next twenty years. As the Oahu Island Plan identified a land shortage and a large number of applicants seeking homesteading opportunities on Oahu, acquisition of new lands is necessary to award homesteads to all Oahu applicants.



However, your Committees note the testimony of the Attorney General regarding the land identified as tax map key: (1) 3-2-030-002-0000-000. As the land is currently held as a fee-simple parcel by the University of Hawaii, a quasi-independent state agency with exclusive jurisdiction over its internal affairs under the Hawaii State Constitution, the transfer of University land must obtain approval by the Board of Regents of the University of Hawaii. However, University lands may be taken under eminent domain so long as the University is paid just compensation for the taking.

Your Committees also note the testimony of the Department of Hawaiian Home Lands regarding plans for the parcel currently held by the University of Hawaii. To address the decades-long waitlist for land administered by the Department of Hawaiian Home Lands, the department intends to utilize the land for multi-generational or rental units by maximizing the allowable density under residential zoning in the City and County of Honolulu. Therefore, your Committees believe that an amicable agreement should be reached to obtain the land from the University of Hawaii for use by the Department of Hawaiian Home Lands for housing.

Your Committees have amended this measure by inserting an appropriation in an unspecified amount to be expended by the Department of Hawaiian Home Lands for the purposes of this measure.

As affirmed by the records of votes of the members of your Committees on Higher Education and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2288, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2288, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committees on Higher Education  
and Hawaiian Affairs,



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MAILE S.L. SHIMABUKURO, Chair



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DONNA MERCADO KIM, Chair





The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Hawaiian Affairs**  
**HWN**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2288 HD2	HRE/HWN, WAM	3/17/22		
<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
SHIMABUKURO, Maile S.L. (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
ACASIO, Laura	/			
IHARA, Jr., Les	/	X		
FEVELLA, Kurt	/			
<b>TOTAL</b>	4	1	—	—
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes