



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879  
HONOLULU, HAWAII 96805

March 28, 2013

The Honorable Rhea S. Suh  
Assistant Secretary for Policy Management and Budget  
U.S. Department of the Interior  
1849 C Street, N.W.  
Mail Stop 3543  
Washington, D.C. 20240

Dear Ms. Suh:

Section 4 of the Hawaii Admission Act provides that the Hawaiian Homes Commission Act (HHCA) shall be adopted as a provision of the Constitution of the State of Hawaii. It further provides that with certain exceptions, the HHCA thereafter shall be amended by the State "only with the consent of the United States" (73 Stat. 5). Section 204 of the Hawaiian Homes Lands Recovery Act (P. L. 104-42) outlines the procedure to be followed by the State of Hawaii and the USDOT for the approval of these amendments.

In accordance with this procedure, we are transmitting Act 187 (2010) that amends the HHCA passed by the 2010 Hawaii State Legislature and approved by the Governor. The amendments are accompanied by the following documents:

1. A copy of the proposed amendment;
2. A description of the change proposed by the amendment;
3. A description of why the change proposed to be made by the amendment advances the interests of the beneficiaries;
4. An opinion regarding whether the proposed amendment requires the approval of Congress;

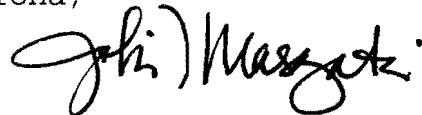
Assistant Secretary Suh  
March 28 , 2013  
Page 2 of 2

5. Testimony or correspondence from the Director of the Department of Hawaiian Home Lands, Hawaiian Homes Commissioners, and Homestead Associations, in support or opposition of the proposed amendment;
6. An analysis of the proposed amendment by the Department of Hawaiian Home Lands and the Hawaiian Homes Commission;
7. Documentation of number of hearings held on the measure, all testimony provided at each hearing, votes on amendments, and copies of committee reports; and
8. A summary of any outreach or consultations conducted with the beneficiaries regarding the proposed amendment.

It is the opinion of the State of Hawaii Attorney General that this amendment does not require the consent of Congress as it falls within one of the enumerated exceptions provided for under Section 4 of the Hawaii Admission Act. Please note that Act 175 (2012) repeals certain portions of Act 187 (2010). The opinion and supporting documents for Act 175 were sent to your office in October 2012.

We appreciate your review and appropriate action on this amendment. Please contact me, or the DHHL Policy & Program Analyst, Ms. Dre Kalili at (808) 620-9486, should you have any questions or need additional documentation on this amendment.

Aloha,



Jobie M. K. Masagatani, Chairman  
Hawaiian Homes Commission

Enc.

NEIL ABERCROMBIE  
GOVERNOR



DAVID M. LOUIE  
ATTORNEY GENERAL

RUSSELL A. SUZUKI  
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March 1, 2013

Jobie M. K. Masagatani  
Chairman Designate  
Hawaiian Homes Commission  
91-5420 Kapolei Parkway  
Kapolei, Hawaii 96707

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Attorney-Client Communication and  
Attorney Work-Product**

Re: United States Consent to Act 187, 2010 Hawaii Session Laws

Dear Ms. Masagatani:

This letter responds to your request that our office provide an opinion as to whether Act 187, 2010 Hawaii Sessions Laws 608, requires the consent of the United States. Act 187 accomplishes the following: (1) amends Hawaii Revised Statutes (“HRS”) §§ 37-40 and 103D-309 to allow the Department of Hawaiian Home Lands (“DHHL”) to commence housing and other projects without having the full amount of the costs on hand, with a sunset provision of two years; (2) requires DHHL to establish a beneficiary consultation process to be used prior to the disposition of available lands for commercial or multipurpose projects; (3) authorizes DHHL to extend the term of a commercial or multipurpose lease once for no more than twenty years; (4) requires DHHL to adopt and publish a written policy to evaluate requests for such extensions by October 31, 2010; and (5) requires that fifteen percent of revenues received as a result of any extension of a commercial or multipurpose lease be deposited into the Native Hawaiian Rehabilitation Fund.<sup>1</sup>

Section 4 of the Admission Act requires the consent of the United States for any amendment to the Hawaiian Homes Commission Act, 1920, as amended (“HHCA”), unless such amendment falls within several enumerated exceptions. Section 4 provides:

As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of said State, as provided in section 7, subsection (b) of this Act, subject to amendment or repeal only with the consent of the United States, and in no other manner: Provided, That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, section 206 and 212, and other

<sup>1</sup> A copy of Act 187 is attached to this letter for your reference.

provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for State legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment, whether made in the constitution or in the manner required for State legislation, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the “available lands”, as defined by said Act, shall be used only in carrying out the provisions of said Act. (Emphasis added).

As discussed below, it is our opinion that Act 187 does not require the consent of the United States.

First, the pilot program created by Part I of Act 187 is an amendment to HRS §§ 37-40 and 103D-309 allowing DHHL to commence housing and other projects without having the full amount of the costs on hand, as required by state law. No portion of the HHCA was amended for the creation of the pilot program.<sup>2</sup> Accordingly, consent of the United States is not required for this portion of Act 187.

Second, Act 187 creates a new section of the HHCA (now known as § 228) that requires DHHL to establish a beneficiary consultation process to be used prior to the disposition of available lands for commercial or multipurpose projects. The Admission Act explicitly allows amendments relating to the “administration” of the HHCA to be made in the state constitution, or in the manner required for state legislation, without the consent of the United States. Act 187’s provision requiring DHHL to establish a beneficiary consultation process changes the procedure followed by DHHL in administering HHCA §§ 204 and 220.5 (relating to commercial leases and development agreements with private entities). The provision does not substantively change the method by which DHHL leases available lands for commercial purposes and clearly relates to the administration of the HHCA. Accordingly, consent of the United States is not required for this portion of Act 187.

Third, Act 187 authorizes DHHL to extend the term of any commercial lease once for no more than twenty years. While the HHCA itself does not contain any provisions limiting the term of a commercial lease, HHCA § 204(a)(2) requires DHHL to dispose of available lands for non-homesteading purposes pursuant to the provisions of Chapter 171, HRS relating to the leasing of other state lands. HRS § 171-36 restricts non-residential lease terms to a maximum of 65 years. Act 187 simply allows DHHL to extend a commercial lease for an additional twenty year period beyond the maximum contained in Chapter 171, HRS, and does not change any of

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<sup>2</sup> Act 175, 2012 Haw. Sess. Laws 612, extended the sunset date of this provision to June 30, 2015. For the same reason given above, the extension of the sunset date does not require the consent of the United States.

Jobie M.K. Masagatani

March 1, 2013

Page 3

the provisions of the HHCA. Accordingly, consent of the United States is not required for this portion of Act 187.

Fourth, Act 187 requires DHHL to adopt and publish a written policy to evaluate any request for an extension of a lease for a commercial or multipurpose project by October 31, 2010. Like the provision requiring DHHL to establish a beneficiary consultation policy prior to disposing of lands for commercial purposes, this provision clearly relates to the "administration" of the HHCA in that it only affects the method by which DHHL administers its existing commercial leases. Accordingly, consent of the United States is not required for this portion of Act 187.

Fifth, Act 187 amends § 213(i) of the HHCA by requiring that fifteen percent of revenues received as a result of any extension of a commercial or multipurpose lease of available lands be deposited into the Native Hawaiian Rehabilitation Fund. Prior to the enactment of Act 187, all revenues received from commercial lease rents were deposited into the Hawaiian Home Administration Account. The Admission Act explicitly provides that amendments to HHCA § 213 may be made without the consent of the United States, provided that those amendments do not reduce or impair the Hawaiian Home Loan Fund, Hawaiian Home Operating Fund, or Hawaiian Home Development Fund. Act 187 redirects certain commercial lease revenues from the Hawaiian Home Administration Account to the Native Hawaiian Rehabilitation Fund. Under the terms of the HHCA, provisions relating to both of these funds may be amended without the consent the United States.<sup>3</sup> Accordingly, consent of the United States is not required for this portion of Act 187.

Since § 4 of the Admission Act does not require the consent of the United States for the amendments set forth in Act 187, no further action is necessary. The provisions of Act 187 were effective as of July 1, 2012.

Sincerely yours,



Matthew S. Dvonch  
Deputy Attorney General

APPROVED:



David M. Louie  
Attorney General

Enclosure

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<sup>3</sup> In any event, this provision of Act 187 was repealed by Act 175, Haw. Sess. Laws 612. All commercial lease revenues are now deposited into the Hawaiian Home Administration Account.

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From: Department of Hawaiian Home Lands  
P.O. Box 1879  
Honolulu, HI 96805

**TO:** The Honorable Rhea Suh  
Assistant Secretary for Policy Management  
and Budget  
U.S. Department of the Interior  
1849 C Street, N.W.  
Mail Stop 3543  
Washington, D.C. 20240

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on JUL 2 2010

HOUSE OF REPRESENTATIVES  
TWENTY-FIFTH LEGISLATURE, 2009  
STATE OF HAWAII

**ACT 187**

**H.B. NO.**

1015  
H.D. 1  
S.D. 2  
C.D. 1

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## A BILL FOR AN ACT

RELATING TO OBLIGATIONS OF THE DEPARTMENT OF HAWAIIAN HOME LANDS  
TRUST FUND.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 PART I

2 SECTION 1. The purpose of this part is to establish a two-  
3 year pilot project to enable the department of Hawaiian home  
4 lands to begin housing and other projects without having the  
5 full amount of the cost of the projects on hand at the start of  
6 the project.

7 SECTION 2. Section 37-40, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "§37-40 Exceptions; trust funds. Except as to  
10 administrative expenditures, and except as otherwise provided by  
11 law, expenditures from trust funds may be made by any department  
12 or establishment without appropriation or allotment; provided  
13 that no expenditure shall be made from and no obligation shall  
14 be incurred against any trust fund in excess of the amount  
15 standing to the credit of the fund or for any purpose for which  
16 the fund may not lawfully be expended[-], except that  
17 obligations in excess of the amount standing to the credit of

HB1015 CD1 HMS 2010-3387



1 any trust fund established under the Hawaiian Homes Commission  
2 Act, 1920, as amended, may be incurred, subject to conditions  
3 that the director of finance believes to be reasonably  
4 necessary, when the director of finance determines that:

5 (1) Moneys to pay the obligation made in excess of the  
6 amount standing to the credit of the trust fund are  
7 expected to be received by the trust fund within a  
8 reasonable time period; and

9 (2) With the approval of the governor, such action is in  
10 the best interests of the State and will not impede or  
11 hamper the financial obligations of the State.

12 No suit for damages, including an action for breach of  
13 trust under chapter 673 or any other law, may be brought against  
14 the State, the department of Hawaiian home lands, the Hawaiian  
15 homes commission, the governor, the director of finance, or any  
16 other state agency or official for relying or refusing to rely  
17 on this section to permit expenditures in excess of the amount  
18 standing to the credit of the trust fund established under the  
19 Hawaiian Homes Commission Act, 1920, as amended.

20 Nothing in sections 37-31 to 37-41 shall require any trust  
21 fund established pursuant to law be reappropriated annually."





1 SECTION 3. Section 103D-309, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) Contracts awarded pursuant to section 103D-302,  
4 103D-303, or 103D-306, shall neither be binding nor have any  
5 force and effect of law unless the comptroller, the director of  
6 finance of a county, or the respective chief financial officers  
7 of the department of education, the judiciary, or the  
8 legislative branches of the State or county, as the case may be,  
9 endorses thereon a certificate that there is an appropriation or  
10 balance of an appropriation over and above all outstanding  
11 contracts, sufficient to cover the amount required by the  
12 contract; provided that if the contract is a multi-term  
13 contract, the comptroller, director of finance, or chief  
14 financial officer shall only be required to certify that there  
15 is an appropriation or balance of an appropriation over and  
16 above all outstanding contracts, that is sufficient to cover the  
17 amount required to be paid under the contract during the fiscal  
18 year or remaining portion of the fiscal year of each term of the  
19 multi-year contract; provided further that the administrator of  
20 the state procurement office shall attest in writing to any  
21 recommendation or solicitations. This section shall not apply



1 to any contract under which the total amount to be paid to the  
2 contractor cannot be accurately estimated at the time the  
3 contract is to be awarded, or to any contract for which  
4 consideration is in kind or forbearance, or to any contract  
5 awarded pursuant to section 103D-306 that is a one-time payment  
6 through a purchase order[-], or to any contractual obligation  
7 approved by the governor under section 37-40."

8 SECTION 4. The department of Hawaiian home lands shall  
9 submit an interim report to the legislature no later than twenty  
10 days prior to the convening of the regular session of 2011 and a  
11 final report to the legislature no later than twenty days prior  
12 to the convening of the regular session of 2012, including in  
13 the interim and final reports:

- 14 (1) The number of instances and extent of obligations it  
15 has incurred in excess of the amount standing to the  
16 credit of each trust fund established under the  
17 Hawaiian Homes Commission Act, 1920, as amended,  
18 pursuant to the provisions of this part;
- 19 (2) The name, location, and description of any housing  
20 projects, including the number and types of housing  
21 units, and the projected delivery date of the units in



1 each project, that have benefitted from the  
2 obligations incurred in paragraph 1; and  
3 (3) Any other information that it may deem to be relevant;  
4 during the period from the effective date of this Act to, and  
5 including, the date of the filing of the interim and final  
6 reports required by this section.

7 PART II

8 SECTION 5. Pursuant to section 101, Hawaiian Homes  
9 Commission Act, 1920, as amended, the Hawaiian home lands are  
10 intended to establish "a permanent land base for the benefit and  
11 use of native Hawaiians, upon which they may live, farm, ranch,  
12 and otherwise engage in commercial or industrial or any other  
13 activities as authorized in this Act." The legislature finds  
14 that commercial and multipurpose projects authorized under this  
15 part to raise funds to enable the department of Hawaiian home  
16 lands to operate and build the infrastructure necessary for the  
17 native Hawaiian beneficiaries to make the homestead lands their  
18 home, are well-intentioned. However, while these revenue-  
19 raising commercial and multipurpose projects benefit the native  
20 Hawaiian beneficiaries indirectly, there are times when  
21 commercial and multipurpose projects result in short- and long-



1 term negative consequences for the beneficiaries that are not  
2 adequately addressed.

3 The legislature finds that setting aside a portion of those  
4 commercial and multipurpose project revenues to be used for the  
5 benefit of native Hawaiian beneficiaries, beneficiary-controlled  
6 organizations, and homestead community associations is  
7 consistent with the purpose and intent of the Hawaiian Homes  
8 Commission Act, 1920, as amended, and will aid in ensuring that  
9 native Hawaiian beneficiaries, either directly or through native  
10 Hawaiian community organizations, such as beneficiary-controlled  
11 organizations, and homestead community associations, benefit  
12 from these commercial and multipurpose projects.

13 The purpose of this part is to:

- 14 (1) Direct the department of Hawaiian home lands to  
15 establish a process for consulting with beneficiaries  
16 prior to awarding leases for commercial and  
17 multipurpose projects;
- 18 (2) Authorize the extension of commercial and multipurpose  
19 project leases to make improvements to the property;
- 20 (3) Set aside fifteen per cent of all lease revenues from  
21 extensions of commercial and multipurpose project



1 leases to be deposited into the native Hawaiian  
2 rehabilitation fund to be used for the benefit of  
3 native Hawaiian beneficiaries, beneficiary-controlled  
4 organizations, and homestead community associations;

5 (4) Establish reporting requirements regarding leases of  
6 Hawaiian home lands for commercial and multipurpose  
7 projects; and

8 (5) Establish reporting requirements regarding the  
9 expenditures of the native Hawaiian rehabilitation  
10 fund.

11 SECTION 6. The Hawaiian Homes Commission Act, 1920, as  
12 amended, is amended by adding a new section to be appropriately  
13 designated and to read as follows:

14 "§ Commercial and multipurpose project leases;  
15 extension of term. (a) Notwithstanding any law to the  
16 contrary, the procedures under this section shall apply to  
17 commercial and multipurpose projects under section 204 or 220.5,  
18 and shall be in addition to any other procedures required by  
19 law.

20 (b) Prior to the disposition of available land through a  
21 request for proposals for an initial lease for a commercial or



1 multipurpose project, the department shall consult with  
2 beneficiaries of the trust in the master planning of the  
3 available lands. The process of beneficiary consultation shall  
4 be as established by the department and shall:

5 (1) Engage beneficiaries and beneficiary-serving  
6 organizations;

7 (2) Provide for the timely dissemination of information  
8 about the proposed project and the gathering of input;  
9 and

10 (3) Allow for a reasonable time and reasonable access to  
11 relevant information for evaluation and consideration.

12 (c) Notwithstanding section 220.5(d)(1), the department  
13 may extend the term of a lease of Hawaiian home lands for  
14 commercial or multipurpose projects and with the approval by the  
15 department of a written agreement proposed by the lessee, or the  
16 lessee and developer, to:

17 (1) Make improvements to the leased property; or

18 (2) Obtain financing for the improvement of the leased  
19 lands.



1 The extension of the lease pursuant to this section shall be  
2 based upon the improvements made or to be made, shall be no  
3 longer than twenty years, and shall be granted only once.

4 (d) Before the written agreement is approved, the lessee,  
5 or the lessee and developer, shall submit to the department the  
6 plans and specifications for the proposed development. The  
7 department shall review the plans, specifications, and the  
8 written agreement and determine:

- 9 (1) Whether the development is of sufficient value and  
10 meets the priorities of the commission to justify an  
11 extension of the lease;
- 12 (2) The estimated time needed to complete the improvements  
13 and expected date of completion of the improvements;  
14 and
- 15 (3) The minimum revised annual rent based on the fair  
16 market value of the lands to be developed, as  
17 determined by an appraiser for the department, and  
18 percentage rent where gross receipts exceed a  
19 specified amount.

20 The commission shall adopt and publish a policy pursuant to  
21 chapter 91, Hawaii Revised Statutes, which shall be used to



1 evaluate any request for a lease extension, including the terms  
2 of the lease, prospective payments, and renegotiation, and shall  
3 be used by the commission for any final determination on a lease  
4 extension request.

5 (e) Upon the extension of a lease term pursuant to  
6 subsection (c), the department shall deposit fifteen per cent of  
7 all revenues generated from the lease from the time the lease  
8 extension is granted, into the native Hawaiian rehabilitation  
9 fund under section 213(i).

10 (f) The department shall submit an annual report to the  
11 legislature and the United States Department of the Interior, no  
12 later than twenty days prior to the convening of each regular  
13 session, beginning with the regular session of 2011, of all  
14 leases of available lands for commercial and multipurpose  
15 projects, including the following:

- 16 (1) The total number of leases;  
17 (2) Acreage of each lease;  
18 (3) Terms of each lease;  
19 (4) Whether the lessee is a beneficiary or beneficiary  
20 controlled organization; and





1        (5) Whether the lease was for retained available lands not  
2        required for leasing under section 207(a), and was  
3        negotiated with a native Hawaiian, or organization or  
4        association owned or controlled by native Hawaiians,  
5        under section 204(a)(2).

6        (g) As used in this section, "improvements" means any  
7        renovation, rehabilitation, reconstruction, or construction of  
8        the property, including minimum requirements for off-site and  
9        on-site improvements."

10       SECTION 7. Section 213, Hawaiian Homes Commission Act,  
11       1920, as amended, is amended by amending subsection (i) to read  
12       as follows:

13       "(i) Native Hawaiian rehabilitation fund. Pursuant to  
14       Article XII, Section 1, of the [State] Hawaii Constitution,  
15       thirty [~~percent~~] per cent of the state receipts, derived from  
16       lands previously cultivated as sugarcane lands under any other  
17       provision of law and from water licenses, and fifteen per cent  
18       of all revenues from lease agreements granted lease extensions  
19       pursuant to section \_\_\_\_\_, shall be deposited into this fund.

20       The department shall use this money for the rehabilitation of  
21       native Hawaiians, native Hawaiian families, and Hawaiian



1 homestead communities, which shall include the educational,  
2 economic, political, social, and cultural processes by which the  
3 general welfare and conditions of native Hawaiians are thereby  
4 improved and perpetuated.

5 The native Hawaiian rehabilitation fund shall be subject to  
6 the following conditions:

- 7 (1) All moneys received by the fund shall be deposited  
8 into the state treasury and kept separate and apart  
9 from all other moneys in the state treasury;
- 10 (2) The director of finance shall serve as a custodian of  
11 the fund. All payments from the fund shall be made by  
12 the director of finance only upon vouchers approved by  
13 the commission;
- 14 (3) The commission shall develop guidelines for the  
15 investment of moneys in the fund;
- 16 (4) The commission may invest and reinvest in investments  
17 authorized by chapter 88, Hawaii Revised Statutes.  
18 The commission may hold, purchase, sell, assign,  
19 transfer, or dispose of any securities and investments  
20 in which any of the moneys shall have been invested,  
21 as well as the proceeds of such investments; and



1 (5) The commission may pay out of any of the moneys held  
2 for investment, a reasonable amount to any person for  
3 supplying investment advisory or consultive services;  
4 and to meet such other costs incident to the prudent  
5 investment of moneys as the commission may approve.

6 Any payment of principal, interest, or other earnings  
7 arising out of the loan or investment of money from this fund  
8 shall be credited to and deposited into this fund.

9 Sections 214, 215, 216, and 217 shall not apply to  
10 administration of this fund. The department is authorized to  
11 adopt rules under chapter 91, Hawaii Revised Statutes, necessary  
12 to administer and carry out the purposes of this fund.

13 The department shall submit an annual report to the  
14 legislature and the United States Department of the Interior, no  
15 later than twenty days prior to the convening of each regular  
16 session of the legislature, beginning with the regular session  
17 of 2011, on expenditures from this fund that are derived from  
18 the amounts deposited from commercial and multipurpose project  
19 lease extensions pursuant to section (e), including the amount  
20 expended, the recipient of the moneys expended, and the purpose  
21 of the expenditure."



1 SECTION 8. The Hawaiian homes commission shall adopt and  
2 publish the policy described in section 6 of this Act pursuant  
3 to chapter 91, Hawaii Revised Statutes, to evaluate any request  
4 for a lease extension, including the terms of the lease,  
5 prospective payments, and renegotiation, and for any final  
6 determination on a lease extension request no later than October  
7 31, 2010.

8 SECTION 9. All lease revenues from commercial and  
9 multipurpose project leases collected by the department of  
10 Hawaiian home lands to which section , Hawaiian Homes  
11 Commission Act, 1920, as amended, applies shall be deposited  
12 into the Hawaiian home lands trust fund established under  
13 section 213.6, Hawaiian Homes Commission Act, 1920, as amended;  
14 provided that the department of Hawaiian home lands shall  
15 deposit fifteen per cent of those revenues that are derived from  
16 the amounts deposited from commercial and multipurpose project  
17 lease extensions pursuant to section (e), Hawaiian Homes  
18 Commission Act, 1920, as amended, into the native Hawaiian  
19 rehabilitation fund established under section 213(i), Hawaiian  
20 Homes Commission Act, 1920, as amended.



1 SECTION 10. The provisions of the amendments made by this  
2 part to the Hawaiian Homes Commission Act, 1920, as amended, are  
3 declared to be severable, and if any section, sentence, clause,  
4 or phrase, or the application thereof to any person or  
5 circumstances is held ineffective because there is a requirement  
6 of having the consent of the United States to take effect, then  
7 that portion only shall take effect upon the granting of consent  
8 by the United States and effectiveness of the remainder of these  
9 amendments or the application thereof shall not be affected.

10 PART III

11 SECTION 11. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 12. This Act shall take effect on July 1, 2010;  
14 provided that on June 30, 2012, part I of this Act shall be  
15 repealed and sections 37-40 and 103D-309(a), Hawaii Revised  
16 Statutes, shall be reenacted in the form in which they read on  
17 the day prior to the effective date of this Act.

APPROVED this 2 day of JUL , 2010



GOVERNOR OF THE STATE OF HAWAII



# Act 187 (2010) Chronology

- HB 2923 is introduced in the House of Representatives. This measure authorizes extensions of terms of leases managed by the Department of Land and Natural Resources and the Department of Hawaiian Home Lands.
- HB 2923 House Draft 1 does not include language that address leases managed by the Department of Land and Natural Resources.
- HB 2923 House Draft 2 includes technical amendments to the previous draft.
- HB 2923 House Draft 2 Senate Draft 1 includes several amendments proposed in testimony by Hawaiian Homes Commission Act beneficiaries.
- HB 2923 House Draft 2 Senate Draft 2 includes technical amendments to the previous draft.
- During the conference committee on April 26, 2010, the language of HB 2923 House Draft 2 Senate Draft 2 in its entirety is inserted into HB 1015. This is reflected in HB 1015 House Draft 1 Senate Draft 2 Conference Draft 1.
- HB 1015 House Draft 1 Senate Draft 2 Conference Draft 1 is passed by the House of Representatives and the Senate and is enrolled to the Governor. The bill is signed into law on July 2, 2010.

## 2010 Archives

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**HB2923 HD2 SD2** 

Measure Title: RELATING TO PUBLIC LANDS.

Report Title: Public Lands; Extension of Leases

Description: Establishes procedures for the department of Hawaiian home lands for purpose of determining the disposition of lands for commercial and multipurpose projects. Limits extension of leases to not longer than 20 years, to be granted only once. Specifies disposition of proceeds. Requires DHHL to submit annual report to legislature and the U.S. Dept. of Interior. Specifies 20 per cent of revenues generated from lease agreements and land use instruments to be deposited into the Native Hawaiian rehabilitation fund. Effective 7/1/50.

Companion:

Package: None

Current Referral: WLO/TCI, HAW, FIN

Introducer(s): ITO

<b>Sort by Date</b>	<b>Status</b>	<b>Text</b>
1/27/2010	H	Introduced and Passed First Reading
1/28/2010	H	Referred to WLO/TCI, FIN, referral sheet 9
1/29/2010	H	Bill scheduled to be heard by WLO/TCI on Monday, 02-01-10 10:30 am in House conference room 325.
2/1/2010	H	The committees on WLO recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 11 Ayes: Representative(s) Ito, Har, Cabanilla, Chang, Coffman, Herkes, Ching, Thielen; Ayes with reservations: Representative(s) C. Lee, Luke, Morita; Noes: none; and 2 Excused: Representative(s) Chong, Sagum.
2/1/2010	H	The committees on TCI recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 7 Ayes: Representative(s) Manahan, Tokioka, Choy, Evans, Tsuji, Marumoto; Ayes with reservations: Representative(s) Wakai; Noes: none; and 4 Excused: Representative(s) Berg, McKelvey, Takai, Wooley.
2/8/2010	H	Reported from WLO/TCI (Stand. Com. Rep. No. 165-10) as amended in HD 1, recommending passage on Second Reading and referral to FIN.
2/8/2010	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with none voting no (0) and Carroll, Magaoay, Sagum excused (3).
2/19/2010	H	Bill scheduled to be heard by FIN on Tuesday, 02-23-10 3:00PM in House conference room 308.
2/23/2010	H	The committees on FIN recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 16 Ayes: Representative(s) M. Oshiro, M. Lee, Aquino, Awana, Brower, Choy, Coffman, Har, Keith-Agaran, Nishimoto, Sagum, Tokioka, Wooley, Yamashita; Ayes with reservations: Representative(s) C. Lee, Finnegan; Noes: none; and 1 Excused: Representative(s) Ward.
2/26/2010	H	Reported from FIN (Stand. Com. Rep. No. 639-10) as amended in HD 2, recommending passage on Third Reading.
2/26/2010	H	Forty-eight (48) hours notice Tuesday, 03-02-10.
3/2/2010	H	Passed Third Reading as amended in HD 2 with Representative(s) Belatti, Berg, Hanohano, C. Lee, Luke, Morita, Saiki voting no (7) and none excused (0). Transmitted to Senate.
3/3/2010	S	Received from House (Hse. Com. No. 246).
3/3/2010	S	Passed First Reading.
3/3/2010	S	Referred to WTL, WAM.
3/12/2010	S	The committee(s) on WTL has scheduled a public hearing on 03-17-10 2:45PM in conference room 229.
3/17/2010	S	The committee(s) on WTL recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in WTL were as follows: 5 Aye(s): Senator(s) Hee, Tokuda, Bunda, Fukunaga, Kokubun; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) Takamine, Hemmings.
3/19/2010	S	Reported from WTL (Stand. Com. Rep. No. 2819) with recommendation of passage on Second Reading, as amended (SD 1) and referral to WAM.

3/19/2010 S Report adopted: Passed Second Reading as amended (SD 1) and referred to WAM

## All Versions of this Measure

## Testimony

## Hearing Notices

3/29/2010	S	The committee(s) on WAM will hold a public decision making on 03-31-10 9:30AM in conference room 211.
3/31/2010	S	The committee(s) on WAM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in WAM were as follows: 12 Aye(s): Kim, Tsutsul, Chun Oakland, English, Fukunaga, Galuteria, Hee, Hooser, Kidani, Kokubun, Tokuda, Hemmings; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.
4/1/2010	S	Reported from WAM (Stand. Com. Rep. No. 3038) with recommendation of passage on Third Reading, as amended (SD 2).
4/1/2010	S	48 Hrs. Notice 04-06-10.
4/6/2010	S	Report adopted; Passed Third Reading, as amended (SD 2). Ayes, 25; Aye(s) with reservations: none . Noes, 0 (none). Excused, 0 (none). Transmitted to House.
4/6/2010	H	Returned from Senate (Sen. Com. No. 483) in amended form (SD 2).
4/7/2010	H	House disagrees with Senate amendment (s).
4/8/2010	S	Received notice of disagreement (Hse. Com. No. 462).
4/8/2010	S	Senate Conferees appointed: Hee, Chair; Tsutsul, Co-Chair(s); Hemmings.
4/8/2010	H	Received notice of Senate conferees (Sen. Com. No. 535).
4/12/2010	H	House conferees appointed: Ito, Manahan, Carroll, Har Co-Chairs; Chang, Thielen.
4/12/2010	H	Re-referred to WLO/TCI, HAW, FIN, referral sheet 65
4/12/2010	S	Received notice of appointment of House conferees (Hse. Com. No. 558).
4/19/2010	H	Bill scheduled for Conference Committee Meeting on Tuesday, 04-20-10 2:00PM in conference room 224.
4/20/2010	H	Conference Committee Meeting will reconvene on Wednesday 04-21-10 3:30PM in conference room 224.
4/21/2010	H	Conference Committee Meeting will reconvene on Thursday 04-22-10 3:30PM in conference room 224.

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment

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## HB2923 HD2 SD2