

STAND. COM. REP. NO.

1219

Honolulu, Hawaii

APR 08 2011

RE: H.B. No. 377  
H.D. 2  
S.D. 2

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 377, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC LANDS,"

begs leave to report as follows:

The purpose and intent of this measure is to, among other things:

- (1) Provide state lease preferences for the reconstruction, restoration, repair, or use of Hawaiian fishponds;
- (2) Exempt the Hawaii Marine Laboratory Refuge from obtaining state and county permits, including permits under chapter 205A, Hawaii Revised Statutes, for the repair and maintenance of its facilities on Coconut Island;
- (3) Require the Department of Land and Natural Resources to establish a public land trust information system;
- (4) Require all state agencies to report to the Department of Land and Natural Resources by August 1, 2011, each parcel of land to which the agency holds title and the disposition of each parcel to which the agency holds title or is acquiring title; and



- (5) Appropriate funds to create and maintain a public land trust inventory database.

Your Committee received testimony in support of this measure from the Hawai'i Institute of Marine Biology at the University of Hawai'i at Manoa, Kuli'ou'ou/Kalani Iki Neighborhood Board No. 2, Maunalua Fishpond Heritage Center, Aha Kiole Advisory Committee, and a Professor of Geophysics from the University of Hawai'i at Manoa. Your Committee received comments on this measure from the Department of the Attorney General, Department of Land and Natural Resources, and Office of Hawaiian Affairs.

Your Committee finds that there are concerns that certain language in part III of this measure may be erroneously interpreted to imply that the State is not currently fulfilling its responsibilities under section 5(f) of the Admission Act and article XII, section 4, of the Hawaii State Constitution. There is also concern that this language may be interpreted to erroneously imply that the Office of Hawaiian Affairs has not received what the Legislature has determined is its portion of the receipts from ceded lands under article XII, section 6, of the Hawaii State Constitution.

Accordingly, your Committee has amended this measure by:

- (1) Removing part III of this measure which, among other things, would have required the Department of Land and Natural Resources to establish a public land trust information system; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 377, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 377, H.D. 2, S.D. 2.



1219

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,




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CLAYTON HEE, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 377, HD2, SD1	HWN/WLH, JDL	3/31/11		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	5			
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes