STAND. COM. REP. NO. (272 -12

Honolulu, Hawaii March 23, 2012

RE: S.B. No. 2783

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2783 entitled:

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

begs leave to report as follows:

The purpose of this measure is to effectively and responsibly meet the State's constitutional obligation to give effect to the right of native Hawaiians to benefit from the ceded lands trust by conveying certain public lands in Kakaako, Oahu, to the Office of Hawaiian Affairs, with respect to their share of the income and proceeds from the public land trust lands from November 7, 1978, to June 30, 2012.

The Governor; Office of Hawaiian Affairs; Department of Hawaiian Home Lands; Attorney General; Native Hawaiian Chamber of Commerce; PBR HAWAII & ASSOCIATES, INC.; Association of Hawaiian Civic Clubs; General Contractors Association of Hawaii; Kakaako Makai Community Planning Advisory Council; Sovereign Councils of the Hawaiian Homelands Assembly; Sovereign Mokupuni Council O Kauai; Sovereign Mokupuni Council O Maui; Sovereign Council O Oahu; Sovereign Mokupuni Council O Molokai; Waianae Kai Homestead Community Association; Waiehu Kou IV Homestead Association; Kewalo Hawaiian Homestead Community Association; and several concerned individuals supported the measure. The Center for Hawaiian Sovereignty Studies opposed the measure.



STAND. COM. REP. NO. 1272-12 Page 2

Your Committee finds that the State is constitutionally obligated to provide a pro rata portion of public land trust revenues to the activities of the Office of Hawaiian Affairs. However, at least a portion of this obligation has been disputed since 1978. In an attempt to resolve this dispute, the Governor's Administration began discussions with the Office of Hawaiian Affairs last year. This measure embodies the historic agreement that resulted from those discussions.

Your Committee notes, however, that the resolution of this important issue is ultimately under the Legislature's jurisdiction. As such, your Committee concurs with the solution put forth by the Administration to transfer approximately \$200 million worth of land in Kaka'ako Makai to the Office of Hawaiian , Affairs to right this decades-old wrong.

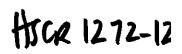
As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2783 and recommends that it be referred to the Committee on Finance.

> Respectfully submitted on behalf of the members of the Committee on Judiciary,

Chair



State of Hawaii House of Representatives The Twenty-sixth Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: Committee Referral: Date:				
Bill/Resolution No.:Committee Referral:Date:5B 2783WLO/HAW, JUD, FIN3 /20 /12				
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: 🎾 Pass, unamended (as is) 🗆 Pass, with amendments (HD) 📮 Hold				
Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)				
2. RHOADS, Karl (VC)	~		· · · · ·	
3. BROWER, Tom		-		
4. CABANILLA, Rida T.R.				
5. CARROLL, Mele	/			
6. COFFMAN, Denny			, , , , , , , , , , , , , , , , , , , 	
7. HERKES, Robert N.				
8. ITO, Ken				
9. LUKE, Sylvia			· · ·	
10. McKELVEY, Angus L.K.	/			
11. SOUKI, Joseph M.				
12. TSUJI, Clift				
13. FONTAINE, George R.			- 600	
14. MARUMOTO, Barbara C.	/			
15. THIELEN, Cynthia				
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TOTAL (15)	12	0	0	3
The recommendation is: Image: Adopted lif joint referral, did not support recommendation Committee acronym(s) did not support recommendation				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				