

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 Moku-puni Council O Kauai; Sovereign Moku-puni Council O Maui; Sovereign Council O Oahu; Sovereign Moku-puni 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.



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,



GILBERT KEITH-AGARAN, Chair



