

STAND. COM. REP. NO. 2710

Honolulu, Hawaii

MAR 02 2012

RE: S.B. No. 2783

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.B. No. 2783 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Resolve all claims the Office of Hawaiian Affairs has asserted or raised, or could assert or raise, relating to the Office of Hawaiian Affairs' portion of income and proceeds from public land trust lands from November 7, 1978, up to and including June 30, 2012; and
- (2) Fulfill constitutional obligations to native Hawaiians by providing fee simple title to certain parcels of land situated in Kakaako makai to the Office of Hawaiian Affairs.

Your Committee received testimony in support of this measure from the Office of the Governor; the Department of the Attorney General; the Department of Hawaiian Home Lands; the Office of Hawaiian Affairs; the Kalihi Palama Hawaiian Civic Club; the O'ahu Council Association of Hawaiian Civic Clubs; the Native Hawaiian Chamber of Commerce; the Ko'olau Foundation; Kako'o 'Oiwī; the Ko'olaupoko Hawaiian Civic Club; the Association of Hawaiian Civic Clubs; and the Council for Native Hawaiian Advancement. Testimony in opposition to this measure was submitted by the Center for



Hawaiian Sovereignty Studies; the 'Ilio'ulaokalani Coalition; and four private individuals.

Your Committees find that this measure proposes to transfer approximately \$200,000,000 worth of land located in Kakaako makai to the Office of Hawaiian Affairs as a settlement of the Office of Hawaiian Affairs' longstanding claims to income and proceeds from the ceded lands. The property identified in this measure is virtually contiguous, suited for master planning, and located in an area of Honolulu that is already experiencing significant redevelopment. Your Committees recognize the value of these properties and believe that property values could be enhanced by certain entitlements that, while not specifically provided for in this measure, could be obtained at a future date.

The Office of Hawaiian Affairs, Governor, and Attorney General agree that certain disputes relating to the Office of Hawaiian Affairs' portion of ceded land receipts from the period November 7, 1978, through June 30, 2012, need to be resolved. This measure was drafted jointly by the Attorney General and the Office of Hawaiian Affairs, and introduced in the Legislature at the request of the Governor.

Your Committees find that resolution of the decades-long dispute that has plagued state government and the Office of Hawaiian Affairs will have a positive impact on the Office of Hawaiian Affairs' beneficiaries and state government. The lands identified in this measure will provide a revenue stream to fund the Office of Hawaiian Affairs' services to its beneficiaries, while creating jobs and funding valuable programs in every corner of the State.

Your Committees further find that this measure is replete with significance for the people of Hawaii's host culture. In the future, transfer of the management and control of the Kakaako makai lands identified in this measure to the sovereign native Hawaiian entity, upon its recognition by the United States, may be appropriate. This measure not only impacts native Hawaiians in the immediate future, but also opens doorways to future reconciliation between the State and the native Hawaiian people.

However, your Committee on Judiciary and Labor notes its concerns regarding this measure. Your Committee believes that this measure does not represent a final settlement of all of the longstanding ceded land claims, nor does it encompass all ceded



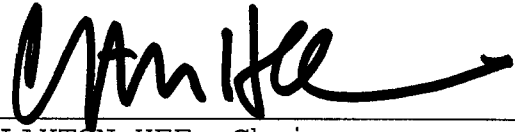
land parcels within the lands identified as the Kakaako makai area. Furthermore, your Committee has concerns about the fairness of this proposed settlement and whether this measure fully reflects a joint resolution between the State and the Office of Hawaiian Affairs' beneficiaries. As such, your Committee on Judiciary and Labor encourages further meaningful discussion as this measure moves through the legislative process.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2783 and recommend that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Labor and Ways and Means,



DAVID Y. IGE, Chair



CLAYTON HEE, Chair





The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2783	HWN/WLH, JDL/WAM	3-2-12		
<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 checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
ESPERO, Will	✓			
FUKUNAGA, Carol				✓
KIM, Donna Mercado				✓
KAHELE, Gilbert	✓			
KOUCHI, Ronald D.	✓			
RYAN, Pohai	✓			
TOKUDA, Jill N.	✓			
WAKAI, Glenn	✓			
SLOM, Sam			✓	
<b>TOTAL</b>	11	0	1	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution:      Original                  Yellow                  Pink                  Goldenrod File with Committee Report      Clerk's Office      Drafting Agency      Committee File Copy				

\*Only one measure per Record of Votes