

STAND. COM. REP. NO. **2380**

Honolulu, Hawaii

FEB 17 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 Hawaiian Affairs and Water, Land, and Housing, 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 Committees received testimony in support of this measure from the Governor, Attorney General, Office of Hawaiian Affairs, a member of the Board of Trustees of the Office of Hawaiian Affairs, Department of Hawaiian Homelands, Kamehameha Schools, Association of Hawaiian Civic Clubs, Koolaupoko Hawaiian Civic Club, Oahu Council of the Association of Hawaiian Civic Clubs, South Kohala Hawaiian Civic Club, Na Lei Na'auao Native Hawaiian Charter Schools, Kanu O Ka Aina Learning Ohana, and ten individuals. Your Committees received testimony in opposition to this measure from one individual.



Your Committees find that the transfer of approximately \$200,000,000 worth of land located in Kakaako makai to the Office of Hawaiian Affairs constitutes a reasonable 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 attributes 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 may choose to work with the Hawaii Community Development Authority, the Public Land Development Corporation, or other entities to obtain entitlements, develop these ceded lands, or both.

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. The Office of Hawaiian Affairs testified in support of this measure, and testified that it is nearing completion of a comprehensive review of the property that this measure proposes to transfer.

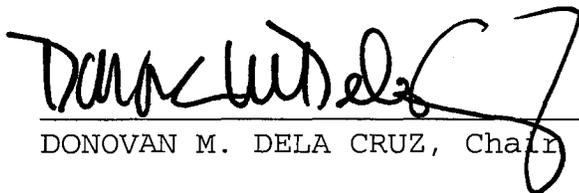
Your Committees find that resolution of the decades-long dispute that has plagued state government and the Office of Hawaiian Affairs will have a positive impact on the Office of Hawaiian Affairs' beneficiaries and state government. The lands identified in this measure will provide a revenue stream to 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.

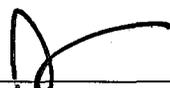


As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water, Land, and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2783 and recommend that it pass Second Reading and be referred to the Committees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

Respectfully submitted on behalf of the members of the Committees on Hawaiian Affairs and Water, Land, and Housing,



DONOVAN M. DELA CRUZ, Chair

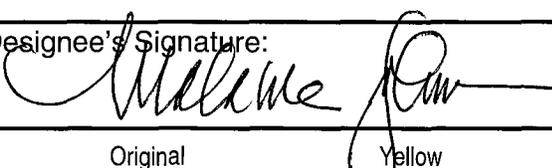


BRICKWOOD GALUTERIA, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Water, Land and Housing
WLH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2783	HWN/WLH, JDL/WAM	2/13/12		
<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
DELA CRUZ, Donovan M. (C)	✓			
SOLOMON, Malama (VC)	✓			
FUKUNAGA, Carol				✓
RYAN, Pohai	✓			
SHIMABUKURO, Maile	✓			
TOKUDA, Jill N.				✓
SLOM, Sam				✓
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes