

**clee1 - Lina**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 12:59 PM  
**To:** HAWtestimony  
**Cc:** publicpolicy@oha.org  
**Subject:** Testimony for HB2300 on 2/1/2012 8:30:00 AM  
**Attachments:** Testimony HB2300 public land trust revenue to DHHL HAW.pdf

Testimony for HAW 2/1/2012 8:30:00 AM HB2300

Conference room: 329  
Testifier position: Comments Only  
Testifier will be present: Yes  
Submitted by: Sterling Wong  
Organization: Office of Hawaiian Affairs  
E-mail: [publicpolicy@oha.org](mailto:publicpolicy@oha.org)  
Submitted on: 1/31/2012

Comments:



**HB2300**  
**RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS**  
House Committee on Hawaiian Affairs

February 1, 2012

8:30 a.m.

Room 329

The Office of Hawaiian Affairs (OHA) provides the following comments on HB2300, which would appropriate annually to the Department of Hawaiian Home Lands (DHHL) 5% of the annual revenue from the public land trust that is allocated to the State.

OHA strongly supports DHHL and its mission, and OHA recognizes that DHHL's historical lack of funding has hindered its ability to provide timely and adequate housing options to Native Hawaiians. To this end, OHA has entered into a commitment to make \$3 million per year available to DHHL for a period of 30 years and has provided funding for many DHHL projects over the years. OHA applauds the legislature's efforts to find creative ways to fund DHHL and its important mission to provide homes to the indigenous people of these islands.

We are concerned, however, that the language of the bill is ambiguous and unclear, and could lead to the same kind of confusion that has arisen in the past regarding OHA's pro rata share of the public land trust. Specifically, in 1980, the legislature passed section 10-13.5, Hawaii Revised Statutes, requiring that OHA receive 20 percent of "all funds derived from the public land trust." In 1990, the legislature used a definition of revenue that is similar to the definition of revenue in the present bill. The definition, which was later invalidated by the Hawai'i Supreme Court, placed OHA's pro rata portion in the center of decades of litigation. Similar issues could arise with respect to the present bill's method of determining the "annual revenue from the public land trust that is allocated to the State." Rather than rely upon a problematic formula, we recommend that a specific dollar amount be included in the bill.

In addition, we recommend that the following provision be added to Section 1, to further clarify the proposed appropriation:

Nothing in this section shall diminish the revenues owed to the office of Hawaiian affairs pursuant to Act 178, session laws of Hawaii 2006, or any other law providing for the office of Hawaiian affairs' pro rata portion of the public land trust, pursuant to article XII, section 6, of Hawaii's constitution.

Mahalo for the opportunity to testify on this important measure.

**cleef - Lina**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 1:22 PM  
**To:** HAWtestimony  
**Cc:** crystalkpaul@yahoo.com  
**Subject:** Testimony for HB2300 on 2/1/2012 8:30:00 AM

Testimony for HAW 2/1/2012 8:30:00 AM HB2300

Conference room: 329  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Crystal Kia Paul  
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Submitted on: 1/31/2012

Comments: