Honolulu, Hawaii

February 12 , 2016

RE: H.B. No. 1655 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committees on Ocean, Marine Resources, & Hawaiian Affairs and Water & Land, to which was referred H.B. No. 1655 entitled:

"A BILL FOR AN ACT RELATING TO INCREASING THE PAYMENT AMOUNT FOR THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF THE PUBLIC LAND TRUST,"

beg leave to report as follows:

The purpose of this measure is to establish a means to fulfil the State's constitutional and statutory obligation to provide the Office of Hawaiian Affairs with a 20 percent share of revenues derived from ceded lands, which the Office of Hawaiian Affairs is charged to expend for the betterment of the conditions of native Hawaiians and to give effect to the right of native Hawaiians to benefit from the public land trust. To achieve that purpose, this measure:

- (1) Removes caps on annual and quarterly public land trust revenues that are paid to the Office of Hawaiian Affairs;
- (2) Returns to the Office of Hawaiian Affairs funds from purported past overpayments maintained in the carry-forward trust account by the Department of Budget and Finance pursuant to Executive Order 06-06; and
- (3) Establishes a Public Land Trust Negotiating Committee composed of members representing the Legislature, the

Governor's administration, and the Office of Hawaiian Affairs to resolve the matter of the amount of the income and proceeds of the public land trust that shall be paid annually to the Office of Hawaiian Affairs.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Kahoʻolawe Island Reserve Commission, Kalihi Palama Hawaiian Civic Club, KAFarmers Hui, Koʻolaupoko Hawaiian Civic Club, Kai Loa, Inc., Kamehameha Schools, and several individuals. Your Committees received testimony in opposition to this measure from Keaukaha Community Association, Center for Hawaiian Sovereignty Studies, Hoʻomana Pono, LLC, and one individual. The Department of the Attorney General, University of Hawaiʻi, Association of Hawaiian Civic Clubs, Ka Lahui Hawaiʻi, and one individual submitted comments.

Your Committees note that this measure is intended to serve as an interim means of providing the Office of Hawaiian Affairs with its constitutionally and statutorily mandated revenue in the short term while simultaneously establishing a process to bring lasting resolution to the matter of the amount of income and proceeds from the public land trust to which the Office of Hawaiian Affairs is entitled.

Your Committees have amended this measure by:

- (1) Changing its effective date to December 24, 2088, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments.

As affirmed by the records of votes of the members of your Committees on Ocean, Marine Resources, & Hawaiian Affairs and Water & Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1655, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1655, H.D. 1, and be referred to your Committee on Judiciary.

STAND. COM. REP. NO. **268**-16 Page 3

Respectfully submitted on behalf of the members of the Committees on Ocean, Marine Resources, & Hawaiian Affairs and Water & Land,

RYAN I YAMANE, Chair

KANIELA ING, CHair

State of Hawaii House of Representatives The Twenty-eighth Legislature

HSCR 268-16

Record of Votes of the Committee on Ocean, Marine Resources, & Hawaiian Affairs

Bill/Resolution No: H/S 1655 OMH /WAL _ SUD, FIW 2 - O - O The committee is reconsidering its previous decision on the measure. The recommendation is to: Pass, cumrended (as is) Ayes Ayes (WR) Nays Excused 1. ING, Kaniela (C) 2. LOWEN, Nicole E. (VC) 3. CULLEN, Ty J.K. 4. EVANS, Cindy 5. LEE, Chris 6. NISHIMOTO, Scott Y. 7. SAY, Calvin K.Y. 8. YAMANE, Ryan I. 9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: Adopted If joint referral, committee serroryru(s) Vice Chair's or designee's signature: Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO	Bill/Resolution No.: Committee	ee Referral:	Date	: , ,				
The committee is reconsidering its previous decision on the measure. The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Pass short form bill with HD to recommit for future public hearing (recommit) OMH Members Ayes Ayes (WR) Nays Excused I. ING, Kaniela (C) LOWEN, Nicole E. (VC) CULLEN, Ty J.K. LEF, Chris NISHIMOTO, Scott Y. SAY, Calvin K.Y. SAY, Calvin K.Y. NAMANE, Ryan I. POUHA, Feki TOTAL (10) The recommendation is: Adopted If joint referral, Committee scronym(s) Vice Chair's or designee's signaturs: Will Adopted Committee scronym(s) Committee scronym(s) Committee scronym(s)	HB 1655 OMH/WAL, JUD, FW 2-10-16							
OMH Members Ayes Ayes (WR) Nays Excused 1. ING, Kaniela (C) 2. LOWEN, Nicole E. (VC) 3. CULLEN, Ty J.K. 4. EVANS, Cindy 5. LEE, Chris 6. NISHIMOTO, Scott Y. 7. SAY, Calvin K.Y. 8. YAMANE, Ryan I. 9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: DAdopted If joint referral, committee acronym(s) Vice Chair's or designee's signature: Wice Chair's Ayes (WR) Nays Excused Ayes (WR) Nays Excused Ayes (WR) Nays Excused Ayes (WR) Nays Excused In just committee acronymite or a support recommendation. Says (WR) Nays Excused Ayes (WR) Nays Excused In just committee acronymite	☐ The committee is reconsidering its previous decision on the measure.							
OMH Members Ayes (WR) Nays Excused 1. ING, Kaniela (C) 2. LOWEN, Nicole E. (VC) 3. CULLEN, Ty J.K. 4. EVANS, Cindy 5. LEE, Chris 6. NISHIMOTO, Scott Y. 7. SAY, Calvin K.Y. 8. YAMANE, Ryan I. 9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: Adopted If joint referral, committee acronym(s) Vice Chair's or designee's signature: With Q C. How Men								
1. ING, Kaniela (C) 2. LOWEN, Nicole E. (VC) 3. CULLEN, Ty J.K. 4. EVANS, Cindy 5. LEE, Chris 6. NISHIMOTO, Scott Y. 7. SAY, Calvin K.Y. 8. YAMANE, Ryan I. 9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: Adopted If joint referral, committee acronym(s) Vice Chair's or designee's signature: Will O C. Howard.	Pass short form bill with HD to recommit for future public hearing (recommit)							
2. LOWEN, Nicole E. (VC) 3. CULLEN, Ty J.K. 4. EVANS, Cindy 5. LEE, Chris 6. NISHIMOTO, Scott Y. 7. SAY, Calvin K.Y. 8. YAMANE, Ryan I. 9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: Adopted If joint referral,	OMH Members	Ayes	Ayes (WR)	Nays	Excused			
3. CULLEN, Ty J.K. 4. EVANS, Cindy 5. LEE, Chris 6. NISHIMOTO, Scott Y. 7. SAY, Calvin K.Y. 8. YAMANE, Ryan I. 9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: Adopted If joint referral, committee acronym(s) Vice Chair's or designee's signatura: Much C. Lower Committee acronym(s)	1. ING, Kaniela (C)	✓						
3. CULLEN, Ty J.K. 4. EVANS, Cindy 5. LEE, Chris 6. NISHIMOTO, Scott Y. 7. SAY, Calvin K.Y. 8. YAMANE, Ryan I. 9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: Adopted If joint referral, committee acronym(s) Vice Chair's or designee's signatura: Much C. Lower Committee acronym(s)					,			
4. EVANS, Cindy 5. LEE, Chris 6. NISHIMOTO, Scott Y. 7. SAY, Calvin K.Y. 8. YAMANE, Ryan I. 9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: Adopted If joint referral, committee acronym(s) Vice Chair's or designee's signature: Mildle E. James Committee acronym(s)	2. LOWEN, Nicole E. (VC)							
4. EVANS, Cindy 5. LEE, Chris 6. NISHIMOTO, Scott Y. 7. SAY, Calvin K.Y. 8. YAMANE, Ryan I. 9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: Adopted If joint referral, committee acronym(s) Vice Chair's or designee's signature: Mildle E. James Committee acronym(s)								
5. LEE, Chris 6. NISHIMOTO, Scott Y. 7. SAY, Calvin K.Y. 8. YAMANE, Ryan I. 9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: If Adopted Not Adopted did not support recommendation. Vice Chair's or designee's signature: Mild C. Howard.	3. CULLEN, Ty J.K.		¥ C					
5. LEE, Chris 6. NISHIMOTO, Scott Y. 7. SAY, Calvin K.Y. 8. YAMANE, Ryan I. 9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: If Adopted Not Adopted did not support recommendation. Vice Chair's or designee's signature: Mild C. Howard.	4 FVANS Cindy							
6. NISHIMOTO, Scott Y. 7. SAY, Calvin K.Y. 8. YAMANE, Ryan I. 9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: Adopted If joint referral, committee acronym(s) Vice Chair's or designee's signature: Mild C. Lower	4. DVAIIS, Ollay							
7. SAY, Calvin K.Y. 8. YAMANE, Ryan I. 9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: Adopted If joint referral, committee acronym(s) Vice Chair's or designee's signature: Will Committee acronym(s)	5. LEE, Chris	/			,			
7. SAY, Calvin K.Y. 8. YAMANE, Ryan I. 9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: Adopted If joint referral,								
8. YAMANE, Ryan I. 9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: Adopted If joint referral,	6. NISHIMOTO, Scott Y.				/			
8. YAMANE, Ryan I. 9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: Adopted If joint referral,	7 CAN CALL WAY	Į.						
9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: Adopted Not Adopted did not support recommendation. committee acronym(s) Vice Chair's or designee's signaturé: Michael South Committee acronym(s)	7. SAY, Calvin K.Y.							
9. POUHA, Feki 10. THIELEN, Cynthia TOTAL (10) The recommendation is: Adopted Not Adopted did not support recommendation. committee acronym(s) Vice Chair's or designee's signaturé: Michael South Committee acronym(s)	8 VAMANE Ryan I							
TOTAL (10) The recommendation is: Adopted If joint referral, committee acronym(s) Vice Chair's or designee's signature: Muscle Chair Support recommendation.	o. Immediation							
TOTAL (10) The recommendation is: Adopted If joint referral, committee acronym(s) Vice Chair's or designee's signature: Mill C. Lower Adopted One Adopted did not support recommendation.	9. POUHA, Feki							
TOTAL (10) The recommendation is: Adopted If joint referral, committee acronym(s) Vice Chair's or designee's signature: Mill C. Lower Adopted One Adopted did not support recommendation.			1					
The recommendation is: Adopted Not Adopted did not support recommendation. committee acronym(s) Vice Chair's or designee's signature: Will Committee acronym(s)	10. THIELEN, Cynthia							
The recommendation is: Adopted Not Adopted did not support recommendation. committee acronym(s) Vice Chair's or designee's signature: Will Committee acronym(s)								
The recommendation is: Adopted Not Adopted did not support recommendation. committee acronym(s) Vice Chair's or designee's signature: Will Committee acronym(s)								
The recommendation is: Adopted Not Adopted did not support recommendation. committee acronym(s) Vice Chair's or designee's signature: Will Committee acronym(s)								
The recommendation is: Adopted Not Adopted did not support recommendation. committee acronym(s) Vice Chair's or designee's signature: Will Committee acronym(s)								
The recommendation is: Adopted Not Adopted did not support recommendation. committee acronym(s) Vice Chair's or designee's signature: Will Committee acronym(s)								
The recommendation is: Adopted Not Adopted did not support recommendation. committee acronym(s) Vice Chair's or designee's signature: Will Committee acronym(s)								
The recommendation is: Adopted Not Adopted did not support recommendation. committee acronym(s) Vice Chair's or designee's signature: Will Committee acronym(s)		-	ſ	1				
If joint referral, did not support recommendation. committee acronym(s) Vice Chair's or designee's signature:	TOTAL (10)	1	D D	\bigcirc	3			
Vice Chair's or designee's signature: Wildle E. Lower								
	If joint referral, did not support recommendation. committee acronym(s)							
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO	Vice Chair's or designee's signature: Miss & E. Lower							

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: Com HB 1465	mittee Referral: 什人以みし、りんし、1	FIN Date:	2-10-	2016			
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)							
WAL Members	Ayes	Ayes (WR)	Nays	Excused			
1. YAMANE, Ryan I. (C)	V						
2. CULLEN, Ty J.K. (VC)							
3. EVANS, Cindy							
4. ING, Kaniela							
5. LEE, Chris							
6. LOWEN, Nicole E.							
7. NISHIMOTO, Scott Y.							
Tribulation of protect 1.							
8. SAY, Calvin K.Y.							
				•			
9. POUHA, Feki							
10. THIELEN, Cynthia							
100 Taxabban, Cynthia							
TOTAL (10)	7	Ø	Ø	3			
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)							
Vice Chair's or designee's signature:							
Distribution: Original (White) – Committee	Duplicate (Yellow) -	Chief Clerk's Office	Duplicate ((Pink) – HMSO			