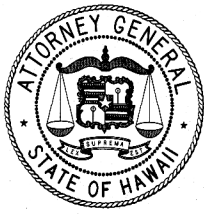


HCR 188 LATE Testimony



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:

H.C.R. NO. 188, H.D. 1, REQUESTING THE ESTABLISHMENT OF THE PUBLIC LAND TRUST REVENUES NEGOTIATING COMMITTEE.

BEFORE THE:

SENATE COMMITTEE ON HAWAIIAN AFFAIRS

DATE: Friday, April 15, 2016

TIME: 1:15 p.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Charleen M. Aina, Deputy Attorney General

Chair Shimabukuro and Members of the Committee:

The Department of the Attorney General supports adoption of H.C.R. No. 188, H.D. 1.

This resolution requests that a negotiating committee consisting of the President of the Senate, the Speaker of the House, the Governor, and the Chairperson of the Office of Hawaiian Affairs (OHA)'s Board of Trustees, or their designees, engage in discussions for the purpose of resolving the matter of the income and proceeds from the public land trust OHA receives. The resolution also requests that the Committee submit a status report to the Legislature twenty days prior to the 2017 Regular Session, and a final report twenty days prior to the 2018 Regular Session.

Ten years ago, the Legislature established \$15.1 million as the portion of income and proceeds from the public land trust lands that state agencies responsible for the use and management of the public land trust lands are to transfer to OHA on a quarterly basis. As this resolution notes, the process and the amount fixed as OHA's share by Act 178 was not the Legislature's last word on OHA's annual share.

Informed, thoughtful, and complete discussions are critical to establishing a permanent mechanism for OHA to receive a portion of the income and proceeds from the public land trust lands, and the Department of the Attorney General supports passage of this resolution to further that effort. We note, however, that resolutions do not have the force and effect of law, and thus cannot establish a state agency or entity. Given this, we suggest the resolution be revised to urge that the Senate President, Speaker of the House, Governor, and Chair of OHA's Board of

Trustees organize themselves or their designees into the Public Land Trust Revenues Negotiating Committee, for the purpose of devising and recommending a permanent mechanism for the Legislature to consider adopting, to provide OHA with a portion of the income and proceeds from the public land trust lands annually, pursuant to Article XII, Section 6 of the State Constitution.

We also ask that the fourth recital of the resolution describing Act 15, Session Laws of Hawaii 2012, be revised to replace the phrase “past-due amounts owed to” with the phrase “claims of” on page 1, line 26.

Thank you for the opportunity to testify.



Association of Hawaiian Civic Clubs

P. O. Box 1135
Honolulu, Hawai`i 96807

SENATE COMMITTEE ON HAWAIIAN AFFAIRS

HCR 188 Requesting the establishment of a Public Land Trust Revenues Negotiating Committee

Friday, 4/15/16; 1:15 – 2:45; Room 016

Aloha Madam Chair Shimabukuro, vice chair English and members of the Senate Committee on Hawaiian Affairs.

I am Annelle Amaral, president of the Association of Hawaiian Civic Clubs, an organization formed in 1918 as an advocacy group on behalf of the Native Hawaiian people. I am here to support this measure that will establish a negotiating committee to determine a revenue share from the public land trust to the Office of Hawaiian Affairs.

The Board of Directors of the Association of Hawaiian Civic Clubs held a quarterly meeting on January 15, 2016 which included the presidents and board members of the councils in each county of Hawaii as well as the council representing sixteen states on the continent. Representatives from the Office of Hawaiian Affairs appeared before the AHCC Board to discuss the OHA legislative measures to be introduced in the 2016 legislative session.

After some discussion the AHCC board agreed to support legislation that would provide OHA with a fair share of the Public Trust Land revenues. OHA's share of the PTL revenues go toward a wide range of support programs, services and initiatives that include but are not limited to health, education, housing, culture and general community wellness. Projects and programs of the AHCC and some of our individual clubs have been beneficiaries of OHA grants.

This legislation will establish a public land trust revenues negotiating committee to sort out what has become a complicated issue of payment, overpayment, shortfalls and repayments. We sincerely hope that the committee suggested in HCR 188 to consist of: the Senate president (or designee), Speaker of the House (or designee),

Governor of Hawaii (or designee) and the Chairperson of the Office of Hawaiian Affairs (or designee) will be able to fairly resolve the matter of PLT annual income and proceeds to OHA.

We would like to offer an amendment to the bill that would require transparency when the negotiating committee meets and a pre-meeting agenda published just as with any other board or commission.

Thank you for the opportunity to testify on this concurrent resolution that is of extreme importance to the continued betterment of conditions of the indigenous people of Hawaii.

Contact: Jalna.keala2@hawaiiantel.net