

Honolulu, Hawaii

MAR 02 2018

RE: S.B. No. 2136
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2136, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to specify and appropriate an amount as the Office of Hawaiian Affairs' interim pro rata share of public land trust revenues.

Specifically, this measure:

- (1) Establishes an unspecified sum as the Office of Hawaiian Affairs' interim pro rata share of the public land trust revenues;
- (2) Requires departments that collect receipts from public land trust lands to transfer a portion of those receipts to the Office of Hawaiian Affairs;
- (3) Establishes a set amount that the collected receipts shall total, and procedures to account for any underpayment or overpayment;



- (4) Appropriates funds to account for underpayments for the use of public land trust lands for the period of July 1, 2012, to June 30, 2018; and
- (5) Establishes a Public Land Trust Revenues Committee to study and make recommendations regarding the annual amount of income and proceeds from the public land trust that the Office of Hawaiian Affairs shall receive annually.

Your Committee received written comments in support of this measure from the Office of Hawaiian Affairs; OCC Legislative Priorities Committee, Democratic Party of Hawaii; Ho`omanapono Political Action Committee; Society for Hawaiian Archaeology; Native Hawaiian Chamber of Commerce; Kanu o ka Aina; and eight individuals.

One individual submitted written comments in opposition to this measure.

Your Committee received written comments on this measure from the Office of the Governor; Department of Budget and Finance; Department of Agriculture; Department of Business, Economic Development, and Tourism; Department of Transportation; Department of Land and Natural Resources; University of Hawaii System; Department of the Attorney General; Agribusiness Development Corporation; Natural Energy Laboratory of Hawaii Authority; Hawaii Community Development Authority; and Common Cause Hawaii.

Your Committee finds that Act 178, Session Laws of Hawaii 2006, established a temporary amount of \$15,100,000 as the annual pro rata portion of income and proceeds from the public land trust under Article XII, section 6, of the Constitution of the State of Hawaii for expenditure by the Office of Hawaiian Affairs for the better of the conditions of Native Hawaiians. Your Committee believes that it is appropriate for the Legislature to revisit the issue of establishing a suitable amount or calculation of the pro rata portion of the public land trust for expenditure by the Office of Hawaiian Affairs.



Your Committee has amended this measure by:

- (1) Deleting all substantive sections of the measure except section 7, establishing the Public Land Trust Revenues Committee;
- (2) Codifying the establishment of the Public Land Trust Revenues Committee within the Hawaii Revised Statutes, due to the permanent nature of the entity;
- (3) Establishing the Public Land Trust Revenues Committee within the Department of Budget and Finance, instead of the Department of Land and Natural Resources;
- (4) Requiring the Public Land Trust Revenues Committee to study and make recommendations on the proposed amount of interim income and proceeds from the public land trust that the Office of Hawaiian Affairs shall receive annually;
- (5) Requiring the Public Land Trust Revenues Committee to submit its recommendations to the Legislature annually;
- (6) Making the Public Land Trust Revenues Committee subject to Chapter 92, Hawaii Revised Statutes, by deleting an exemption for the Committee;
- (7) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (8) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2136, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2136, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,




DONOVAN M. DELA CRUZ, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB2136, SDI	Committee Referral: HWN/WTL/JDC, WAM	Date: 2/28/18		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" 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)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani	X			
GALUTERIA, Brickwood	X			
HARIMOTO, Breene	X			
INOUYE, Lorraine R.	X			
KAHELE, Kaiali'i	X			
KIDANI, Michelle N.		X		
RIVIERE, Gil	X			
SHIMABUKURO, Maile S.L.	X			
WAKAI, Glenn	X			
TOTAL	10	1		
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