

Honolulu, Hawaii

FEB 03 2022

RE: S.B. No. 2021

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred
S.B. No. 2021 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,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require agencies that collect receipts for any disposition of the Public Land Trust to transfer to the Office of Hawaiian Affairs twenty percent of each receipt from the disposition on a quarterly basis;
- (2) Return to the Office of Hawaiian Affairs certain monies previously claimed as Public Land Trust overpayments to the office; and
- (3) Establish a Public Land Trust Revenues Negotiating Committee.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, University of Hawai'i System, and one individual. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources and the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from the Department of



Budget and Finance, Office of Information Practices, and the League of Women Voters of Hawaii.

Your Committee finds that existing law requires that twenty percent of the income and proceeds from the Public Land Trust go to the Office of Hawaiian Affairs to benefit the Native Hawaiian community. However, the definition of "income and proceeds" as well as the question of which lands are a part of the Public Land Trust have made the amount that the Office of Hawaiian Affairs should receive unclear.

This measure is an interim measure that returns to the Office of Hawaiian Affairs certain monies the Office of Hawaiian Affairs returned to the State under claims of overpayment, and ensures that claimed overpayments for fiscal years 2021-2022 and 2022-2023 do not have to be repaid to the State. Furthermore, any shortfalls in quarterly amounts paid to the Office of Hawaiian Affairs shall be rectified in a timely manner.

This measure also establishes a Public Land Trust Revenues Negotiating Committee to make recommendations to the Legislature for resolving the matter of how much income and proceeds from the Public Land Trust should be received by the Office of Hawaiian Affairs annually.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2021 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Hawaiian Affairs,



MAILE S.L. SHIMABUKURO, Chair



