

STAND. COM. REP. NO.

1131

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 1235
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 1235, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS,"

begs leave to report as follows:

The purpose and intent of this measure is to facilitate the calculation of the twenty percent pro rata share of income and proceeds from the public land trust due annually to the Office of Hawaiian Affairs for the betterment of the conditions of Native Hawaiians.

Specifically, the measure:

- (1) Provides that the working group established pursuant to Act 226, Session Laws of Hawaii 2022:
 - (A) Shall be a temporary Public Land Trust Working Group;
 - (B) Shall be established in the Office of the Governor, and for administrative purposes only;
 - (C) Shall have the primary special purpose of compiling an inventory of all ceded lands in the public land trust;



- (D) Shall use its reasonable best efforts to complete the inventory within twenty-four months of the effective date of the measure;
 - (E) Shall include one member appointed by the Speaker of the House of Representatives and one member appointed by the President of the Senate;
 - (F) Shall appoint an Executive Director to oversee the day-to-day operations of the working group and perform other functions as directed by the working group;
 - (G) May employ certain persons that the working group deems necessary for the performance of the working group's functions; and
 - (H) Shall submit annual reports to the Legislature and quarterly reports to the Legislature, Office of Hawaiian Affairs, and Governor;
- (2) Requires all state agencies to provide certain information to the working group, to the extent required by the working group to fulfill its purpose of identifying all lands in the public land trust inventory;
 - (3) Requires the Office of Hawaiian Affairs to provide the working group with a comprehensive list of certain parcels of land; and
 - (4) Appropriates unspecified moneys to the Office of the Governor to carry out the purposes of the measure.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee recognizes the importance of the public land trust described in section 4, and referred to in section 6, of article XII of the Hawaii State Constitution. Accordingly, your Committee believes that the compilation of a definitive inventory of those lands should be the sole purpose of a new working group.



Your Committee has amended this measure by:

- (1) Providing that the temporary public land trust working group shall:
 - (A) Have the special purpose of compiling an inventory of all lands in the public land trust and, once an inventory is completed, establishing a valuation of the lands in the inventory; and
 - (B) Terminate on an unspecified date;
- (2) Inserting \$65,000,000 in general fund appropriations for fiscal years 2023-2024 and 2024-2025 for certain repairs within parcels conveyed to the Office of Hawaiian Affairs pursuant to Act 15, Session Laws of Hawaii 2012;
- (3) Inserting new provisions relating to Office of Hawaiian Affairs development projects within the Kakaako Community Development District makai area, which:
 - (A) Require the Office of Hawaiian Affairs to prepare a programmatic environmental impact statement for those projects; and
 - (B) Appropriate \$6,000,000 in general funds for fiscal years 2023-2024 for the foregoing purpose;
- (4) Inserting a \$13,000,000 general fund appropriation for fiscal year 2023-2024 for architectural and engineering design, water supply, and other construction costs for the development of Kukaniloko;
- (5) Inserting a severability clause;
- (6) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (7) Making technical nonsubstantive amendments for 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. 1235, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1235, S.D. 2.

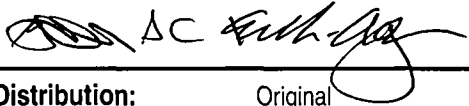
Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,


DONOVAN M. DELA CRUZ, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SBI235 SD1	Committee Referral: HWN, WAM	Date: 2/28/23		
<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		
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	12	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