

STAND. COM. REP. NO.

3363

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 1363

S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committees on Ways and Means and Judiciary, to which was referred S.B. No. 1363, 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,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Increase the Office of Hawaiian Affairs' annual share of the income and proceeds of the public land trust;
- (2) Transfer funds to the Office of Hawaiian Affairs the amounts received from the use of the public land trust that the Legislature has determined were underpaid in previous years;
- (3) Require the continued annual accounting of all receipts from lands described in section 5(f) of the Admission Act; and
- (4) Establish a Public Land Trust Revenues Committee to study and make recommendations every six years regarding the amount of the income and proceeds from the public land trust that the Office of Hawaiian Affairs shall receive annually.



Your Committees received written comments in support of this measure from the Office of Hawaiian Affairs, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, Association of Hawaiian Civic Clubs, Prince Kuhio Hawaiian Civic Club, Kamehameha Schools, Environmental Caucus of the Democratic Party of Hawaii, and forty-three individuals.

Your Committees received written comments in opposition to this measure from the Department of Land and Natural Resources, Center for Hawaiian Sovereignty Studies, and one individual.

Your Committees received written comments on this measure from the University of Hawaii and Department of Budget and Finance.

Your Committees find that the State is constitutionally required to provide adequate income and proceeds as the pro rata portion of the public land trust to assist native Hawaiians. Your Committees believe that it is appropriate for the State, the Office of Hawaiian Affairs, native Hawaiians, and other residents of Hawaii to ensure that appropriate payments are made.

Your Committees have amended this measure by:

- (1) Correcting a reference to the official short title of federal Public Law 105-66;
- (2) Establishing fiscal year 2020-2021 as the initial fiscal year in which the new annual pro rata portion of the public land trust shall apply;
- (3) Changing the appropriation of the measure to:
 - (A) Establish fiscal year 2020-2021 as the fiscal year in which the appropriated funds shall be available; and
 - (B) Extend to June 30, 2020, the time period for which certain amounts received from the use of lands in the public land trust shall be paid to the Office of Hawaiian Affairs;



- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1363, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1363, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Ways and Means
and Judiciary,

Karl Rhoads

KARL RHOADS, Chair

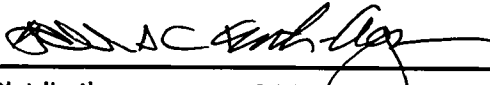
Donovan M. DeLa Cruz

DONOVAN M. DELA CRUZ, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>SB 1363, SD1</i>	<i>HWN/WTL, WAM/JDC</i>	<i>2/26/20</i>		
<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			
HARIMOTO, Breene				X
INOUYE, Lorraine R.				X
KAHELE, Kaiali'i				X
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.	X			
RIVIERE, Gil	X			
SHIMABUKURO, Maile S.L.				X
TANIGUCHI, Brian T.				X
FEVELLA, Kurt	X			
TOTAL	<i>8</i>			<i>5</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

