
A BILL FOR AN ACT

RELATING TO INCREASING THE AMOUNT OF INTERIM REVENUE TO BE
TRANSFERRED TO THE OFFICE OF HAWAIIAN AFFAIRS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that one of the purposes
2 of Act 178, Session Laws of Hawaii 2006, was to provide "interim
3 measures to ensure that an adequate amount of income and
4 proceeds is made available to the office of Hawaiian affairs
5 from the pro rata portion of the public land trust, for the
6 betterment" of native Hawaiians. Section 2 of Act 178, Session
7 Laws of Hawaii 2006, sets the income and proceeds from the pro
8 rata portion of the public land trust, established under article
9 XII, section 6, of the state constitution, at \$15,100,000 for
10 expenditure by the office of Hawaiian affairs for each fiscal
11 year beginning with fiscal year 2005-2006. In addition, section
12 3 of Act 178, Session Laws of Hawaii 2006, requires departments
13 or agencies that collect receipts from the lands within the
14 public land trust to determine and transfer to the office of
15 Hawaiian affairs a portion of their receipts from the use of
16 lands within the public land trust and collected during each



1 fiscal quarter, as is necessary to ensure that a total of
2 \$3,775,000 of revenues generated by the public land trust is
3 transferred to the office of Hawaiian affairs.

4 The legislature further finds that the amounts provided to
5 the office of Hawaiian affairs have remained the same nearly ten
6 years later, while the fiscal year 2013-2014 receipts indicate
7 that the revenues collected by the departments and agencies
8 outpace the amount set by Act 178, Session Laws of Hawaii 2006.

9 The legislature also finds that the issues previously
10 addressed in Act, 178, Session Laws of Hawaii 2006, should be
11 codified in the Hawaii Revised Statutes.

12 The purpose of this Act is to increase the total and
13 quarterly amounts of interim revenue the office of Hawaiian
14 affairs receives as its pro rata portion of public land trust
15 income and proceeds.

16 SECTION 2. Section 10-13.3, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[~~§~~10-13.3~~]~~ **Interim revenue.** (a) Notwithstanding the
19 definition of revenue contained in this chapter and the
20 provisions of section 10-13.5, and notwithstanding any claimed
21 invalidity of Act 304, Session Laws of Hawaii 1990, the income



1 and proceeds from the pro rata portion of the public land trust
2 under article XII, section 6 of the state constitution for
3 expenditure by the office of Hawaiian affairs for the betterment
4 of the conditions of native Hawaiians for each [of] fiscal year
5 [~~1997-1998 and fiscal year 1998-1999 shall be \$15,100,000.~~],
6 beginning with fiscal year 2015-2016, shall be \$18,000,000.

7 (b) Notwithstanding any other provision of this chapter or
8 the requirements of Executive Order No. 03-03, beginning with
9 fiscal year 2015-2016, the departments of agriculture,
10 accounting and general services, business, economic development,
11 and tourism, education, land and natural resources, and
12 transportation (for its harbors division), and any other
13 department or agency that collects receipts from the lands
14 within the public land trust, shall determine and transfer to
15 the office of Hawaiian affairs a portion of their receipts for
16 the use of lands within the public land trust collected during
17 each fiscal quarter as is necessary to ensure that a total of
18 \$4,500,000 of revenues generated by the public land trust is
19 transferred to the office of Hawaiian affairs, within thirty
20 days of the close of each fiscal quarter; provided that for
21 fiscal year 2015-2016, the departments shall have until thirty



1 days after the close of the fiscal year to transfer to the
2 office of Hawaiian affairs a total of \$18,000,000 from their
3 receipts for the use of lands within the public land trust that
4 is collected during fiscal year 2015-2016, by the procedures set
5 out in Executive Order No. 03-03 and this section.

6 The governor is expressly authorized to fix the amounts
7 each agency shall transfer to the office of Hawaiian affairs in
8 each quarter by executive order to implement the provisions of
9 this section.

10 (c) Not later than January 1 of each year, the department
11 of land and natural resources, with the cooperation of the
12 department of budget and finance and any other state department
13 or agency that uses or manages public lands, shall provide an
14 accounting, for the prior fiscal year, of all receipts from
15 lands described in section 5(f) of the Admission Act. With
16 respect to each receipt, the department of land and natural
17 resources shall identify:

18 (1) The total gross amount;

19 (2) The amount transferred to the office of Hawaiian
20 affairs;

21 (3) The amount retained by the State;



1 (4) The account or fund in which the amount specified in
2 paragraph (3) was transferred or deposited;

3 (5) The parcel of land subject to section 5(f) of the
4 Admission Act that generated the receipt, whether by
5 tax map key number, department of land and natural
6 resources inventory number, or other recognizable
7 description; and

8 (6) The state department or agency that received the total
9 gross amount identified in paragraph (1).

10 The accounting shall also indicate whether any parcel of land
11 described in section 5(f) of the Admission Act was sold or
12 exchanged in the prior fiscal year and, if so, the amount of
13 consideration that the State received for the respective parcel.

14 The department of land and natural resources shall consult
15 with the office of Hawaiian Affairs in determining the method in
16 which the accounting shall be conducted.

17 (d) Nothing in this section shall resolve or settle, or be
18 deemed to acknowledge the existence of, the claims of native
19 Hawaiians to the income and proceeds of a pro rata portion of
20 the public land trust under article XII, section 6, of the state
21 constitution."



1 SECTION 3. Act 178, Session Laws of Hawaii 2006, is
2 repealed.

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 2015.

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H.B. NO. 1434

Report Title:

OHA; Public Land Trust

Description:

Increases the amount of interim revenue to be transferred to OHA for a pro rata portion of the public land trust pursuant to article XII, section 6, of the state constitution.

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