

JAN 27 2016

A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

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

1 SECTION 1. The legislature finds that article XII, section
2 1, of the state constitution requires the legislature to make
3 sufficient sums available for the following purposes:

4 (1) Development of home, agriculture, farm and ranch lots;

5 (2) Home, agriculture, aquaculture, farm and ranch loans;

6 (3) Rehabilitation projects to include, but not limited
7 to, educational, economic, political, social and
8 cultural processes by which the general welfare and
9 conditions of native Hawaiians are thereby improved;

10 and

11 (4) The administration and operating budget of the

12 department of Hawaiian home lands,

13 by appropriating funds in the manner provided by law.

14 The legislature further finds that the supreme court of
15 Hawaii has determined that what constitutes "sufficient sums"
16 for the department of Hawaiian home lands' administrative and
17 operating expenses "is justiciable and not barred as a political



1 question." *Nelson v. Hawaiian Homes Comm'n*, 127 Hawaii 185,
2 206, 277 P.3d 279, 300 (2012). This decision allowed the Nelson
3 plaintiffs to proceed with a lawsuit against the State for
4 failing to provide sufficient funding for the department of
5 Hawaiian home lands' administrative and operating expenses.

6 The legislature further finds that on November 27, 2015,
7 the circuit court of the first circuit of the State of Hawaii
8 issued its Findings of Fact, Conclusions of Law, and Order in
9 *Nelson v. Hawaiian Homes Comm'n*, Civil No. 07-1-1663-083. The
10 circuit court found that since 1978, the legislature has not
11 appropriated enough general funds to pay for the department of
12 Hawaiian home lands' administrative and operating expenses. The
13 circuit court noted that the legislature appropriated \$9,632,000
14 in general funds to the department of Hawaiian home lands for
15 administrative and operating expenses for fiscal year 2015-2016,
16 which was less than the department's request for \$28,478,966 in
17 general funds. The court determined that the department of
18 Hawaiian home lands "suffers from a lack of funding..., which
19 adversely affects beneficiaries of the Hawaiian Home Lands
20 Trust," and declared that the legislature is constitutionally
21 obligated to appropriate "more than \$28 million for fiscal year



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1 2015-16" in general funds for the department of Hawaiian home
2 lands' administrative and operating budget.

3 The purpose of this Act is to ensure the legislature
4 fulfills its responsibility under article XII, section 1, of the
5 state constitution by appropriating sufficient general funds for
6 the administration and operating expenses of the department of
7 Hawaiian home lands for fiscal year 2016-2017.

8 The legislature intends that the appropriation in this Act
9 be made in addition to the appropriations made to the department
10 of Hawaiian home lands in Act 119, Session Laws of Hawaii 2015.

11 SECTION 2. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$28,000,000 or so
13 much thereof as may be necessary for fiscal year 2016-2017 for
14 the administrative and operating expenses of the department of
15 Hawaiian home lands.

16 The sum appropriated shall be expended by the department of
17 Hawaiian home lands for the purposes of this Act.

18 SECTION 3. This Act shall take effect on July 1, 2016.

19

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S.B. NO. 3029

Report Title:

Department of Hawaiian Home Lands; Administrative and Operating Expenses; Appropriation

Description:

Ensures the legislature fulfills its responsibility under article XII, section 1, of the state constitution by appropriating sufficient general funds for the administration and operating expenses of the department of Hawaiian home lands for fiscal year 2016-2017.

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