
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE XII, SECTION 6, OF THE
CONSTITUTION OF THE STATE OF HAWAII.

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

1 SECTION 1. The purpose of this Act is to propose an
2 amendment to article XII, section 6, of the Constitution of the
3 State of Hawaii to allow for the transfer of powers bestowed
4 upon and moneys owed to the office of Hawaiian affairs, as its
5 pro rata share of public land trust revenues, to the department
6 of Hawaiian home lands if an unappealable federal court decision
7 determines that the existence of the office of Hawaiian affairs
8 is in violation of the United States Constitution.

9 SECTION 2. Article 12, section 6, of the Constitution of
10 the State of Hawaii is amended to read as follows:

11 "**Section 6.** The board of trustees of the Office of
12 Hawaiian Affairs shall exercise power as provided by law: to
13 manage and administer the proceeds from the sale or other
14 disposition of the lands, natural resources, minerals and income
15 derived from whatever sources for native Hawaiians and
16 Hawaiians, including all income and proceeds from that pro rata
17 portion of the trust referred to in section 4 of this article



1 for native Hawaiians; to formulate policy relating to affairs of
2 native Hawaiians and Hawaiians; and to exercise control over
3 real and personal property set aside by state, federal or
4 private sources and transferred to the board for native
5 Hawaiians and Hawaiians. The board shall have the power to
6 exercise control over the Office of Hawaiian Affairs through its
7 executive officer, the administrator of the Office of Hawaiian
8 Affairs, who shall be appointed by the board[-]; provided that
9 if an unappealable federal court decision determines that the
10 existence of the Office of Hawaiian Affairs is in violation of
11 the United States Constitution, then the powers established and
12 proceeds, income, and revenue identified under this section
13 shall be transferred from the Office of Hawaiian Affairs to the
14 department of Hawaiian home lands as provided by law."

15 SECTION 3. The question to be printed on the ballot shall
16 be as follows:

17 "Shall the powers bestowed upon and moneys owed to the
18 office of Hawaiian affairs as its pro rata share of public
19 land trust revenues, be transferred to the department of
20 Hawaiian home lands if an unappealable federal court
21 decision determines that the existence of the office of



1 Hawaiian affairs is in violation of the United States
2 Constitution?"

3 SECTION 4. Constitutional material to be repealed is
4 bracketed and stricken. New constitutional material is
5 underscored.

6 SECTION 5. This amendment shall take effect upon
7 compliance with article XVII, section 3, of the Constitution of
8 the State of Hawaii.

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INTRODUCED BY:

Michael P. Kalubina

JAN 24 2006



HB2577

Report Title:

Office of Hawaiian Affairs; Department of Hawaiian Home Lands

Description:

Proposes a constitutional amendment that transfers the powers of the office of Hawaiian affairs and the moneys owed as its pro rata share of public land trust revenues to the department of Hawaiian home lands if an unappealable federal court decision determines that the existence of the office of Hawaiian affairs is in violation of the United States Constitution.

