
A BILL FOR AN ACT

RELATING TO THE PUBLIC LAND TRUST.

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

1 SECTION 1. Section 171-18, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§171-18 Public land trust[-]; accounting of revenues.**

4 (a) All funds derived from the sale or lease or other
5 disposition of public lands shall be appropriated by the laws of
6 the State; provided that all proceeds and income from the sale,
7 lease, or other disposition of lands ceded to the United States
8 by the Republic of Hawaii under the joint resolution of
9 annexation, approved July 7, 1898 (30 Stat. 750), or acquired in
10 exchange for lands so ceded, and returned to the State of Hawaii
11 by virtue of section 5(b) of the Act of March 18, 1959 (73 Stat.
12 6), and all proceeds and income from the sale, lease or other
13 disposition of lands retained by the United States under
14 sections 5(c) and 5(d) of the Act and later conveyed to the
15 State under section 5(e) shall be held as a public trust for the
16 support of the public schools and other public educational
17 institutions, for the betterment of the conditions of native
18 Hawaiians as defined in the Hawaiian Homes Commission Act, 1920,



1 as amended, for the development of farm and home ownership on as
2 widespread a basis as possible, for the making of public
3 improvements, and for the provision of lands for public use.

4 (b) Not later than twenty days prior to the convening of
5 each regular legislative session, the governor shall provide to
6 the legislature and the office of Hawaiian affairs an accounting
7 of all revenues of, and certain other information relating to,
8 the public land trust for the most recent state fiscal year
9 preceding the session. The written report, for each state
10 department and agency, shall:

11 (1) List each parcel of public land and describe its size
12 in acreage or square feet and whether it is developed
13 or undeveloped;

14 (2) Break down these parcels between trust and non-trust
15 lands and by ceded and non-ceded lands;

16 (3) Identify the revenues generated by each parcel of
17 trust land, non-trust land, ceded land, and non-ceded
18 land;

19 (4) For each parcel, describe the formula that was used to
20 determine the portion of revenue receipts to be
21 transmitted to the office of Hawaiian affairs, and
22 explain any instances in which the formula was



1 modified or not applied, including but not limited to
2 explaining why the revenues of trust lands of certain
3 departments and agencies were not transferred to the
4 office of Hawaiian affairs; and

5 (5) Disclose all sales and exchanges of lands in the
6 public land trust.

7 (c) Prior to preparing each fiscal year's accounting
8 report, the governor's office shall consult with the office of
9 Hawaiian affairs to agree upon standards for the report format
10 and content that ensure that the office of Hawaiian affairs can
11 determine the basis for each department's and agency's
12 calculation of the revenues transmitted to the office of
13 Hawaiian affairs. The governor's office shall establish a
14 procedure for the office of Hawaiian affairs to discuss with the
15 relevant department or agency any issues that arise as a result
16 of such an accounting.

17 (d) The office of Hawaiian affairs and any of its
18 contractors may examine, inspect, and audit all state records
19 relating to public land trust revenues to ensure that the annual
20 accountings submitted under subsection (b) of this section are
21 accurate, complete, and reliable."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

Calvin Ky. Day
BY REQUEST

JAN 23 2006



Report Title:

Office of Hawaiian Affairs; Public Land Trust Revenues; Report

Description:

Provides that twenty days prior to the convening of each legislative session, the governor shall provide to the legislature and the office of Hawaiian affairs an accounting of all revenues of, and certain other information relating to, the public land trust for the most recent fiscal year preceding the session. Requires that the report be for each state department and agency.

