

JAN 25 2006

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# 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: 

By Request



SB 2427

**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.

