
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. Section 26-17, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§26-17 Department of Hawaiian home lands. (a) The
4 department of Hawaiian home lands shall be headed by an
5 executive board to be known as the Hawaiian homes commission.

6 (b) The commission shall be composed of nine members. The
7 appointment, tenure, and removal of the members and the filling
8 of vacancies on the commission shall be in accordance with
9 section 26-34 and section 202(a) of the Hawaiian Homes
10 Commission Act of 1920, as amended. The governor shall appoint
11 the chairperson of the commission from among the members
12 thereof.

13 (c) The commission may delegate to the chairperson such
14 duties, powers, and authority, or so much thereof as may be
15 lawful or proper, for the performance of the functions vested in
16 the commission.

17 (d) The chairperson of the board shall serve in a full-
18 time capacity and shall perform such duties, and exercise such



1 powers and authority, or so much thereof as may be delegated to
2 the chairperson by the board.

3 (e) The department shall administer the Hawaiian Homes
4 Commission Act of 1920 as set forth in the Hawaii Constitution
5 [of the State] and by law.

6 (f) Five per cent of all revenue derived from the public
7 land trust shall be expended by the department for the
8 development of farm and home ownership on as widespread a basis
9 as possible, pursuant to section 171-18; provided that this
10 shall not be taken from the pro rata portion distributed to the
11 office of Hawaiian affairs under chapter 10.

12 (g) The departments of agriculture, accounting and general
13 services, business, economic development, and tourism,
14 education, land and natural resources, and transportation (for
15 its harbors division), and any other department or agency that
16 collects receipts from the lands within the public land trust,
17 shall determine and transfer to the department of Hawaiian home
18 lands five per cent of their receipts from the use of lands
19 within the public land trust collected during each fiscal
20 quarter, within thirty days of the close of each fiscal quarter;
21 provided that such transfer is not prohibited by federal law.

22 The governor is authorized to fix the amounts each agency shall



1 transfer to the department of Hawaiian home lands in each
2 quarter by executive order to implement the provisions of this
3 section.

4 (h) The functions and authority heretofore exercised by
5 the Hawaiian homes commission as heretofore constituted are
6 transferred to the department of Hawaiian home lands established
7 by this chapter.

8 (i) As used in this section:

9 "Public land trust" has the same meaning as in section 10-
10 3(1).

11 "Revenue" means all proceeds, fees, charges, rents, or
12 other income, or any portion thereof, derived from any sale,
13 lease, license, permit, or other similar proprietary
14 disposition, permitted use, or activity, that is situated upon
15 and results from the actual use of lands comprising the public
16 land trust, and including any penalties or levies exacted as a
17 result of a violation of the terms of any proprietary
18 disposition, but excluding any income, proceeds, fees, charges,
19 or other moneys derived through the exercise of sovereign
20 functions and powers including:

21 (1) Taxes;

22 (2) Regulatory or licensing fees;



- 1 (3) Fines, penalties, or levies;
- 2 (4) Registration fees;
- 3 (5) Moneys received by any public educational institution,
4 including the University of Hawaii, and the community
5 college system, from its educational programs and
6 ancillary services, such as tuition, registration
7 fees, meals, books, grants, or scholarships;
- 8 (6) Interagency and intra-agency administrative fees or
9 assessments;
- 10 (7) Moneys derived from or provided in support of penal
11 institutions and programs;
- 12 (8) Grants, carry-overs, and pass-throughs;
- 13 (9) Federal moneys, including federal-aid, grants,
14 subsidies, and contracts;
- 15 (10) Moneys collected from the sale or dissemination of
16 government publications; and
- 17 (11) Department of defense proceeds on state-improved
18 lands."

19 SECTION 2. New statutory material is underscored.

20 SECTION 3. This Act shall take effect on July 1, 2010.



Report Title:

Department of Hawaiian Home Lands; Public Land Trust Revenues

Description:

Provides that 5% of funds derived from the public land trust shall be expended by the department of Hawaiian home lands for development of farm and home ownership. (HB1971 HD1)

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