
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~~] the duties, and exercise



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

3 (e) The department shall administer the Hawaiian Homes
4 Commission Act of 1920 as set forth in the [~~Constitution of the~~
5 ~~State~~] Hawaii constitution 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 amount shall not be deducted from the pro rata portion
11 distributed to the office of Hawaiian affairs pursuant to
12 section 10-3.

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



1 The governor may fix the amount that each department or agency
2 is required to transfer to the department of Hawaiian home lands
3 in each fiscal quarter by executive order to implement the
4 provisions of this section.

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

9 (i) As used in this section:

10 "Public land trust" has the same meaning as in section
11 10-3(1).

12 "Revenue" means all proceeds, fees, charges, rents, or
13 other income, or any portion thereof, derived from any sale,
14 lease, license, permit, or other similar proprietary
15 disposition, permitted use, or activity that is situated upon
16 and results from the actual use of lands comprising the public
17 land trust, including any penalties or levies exacted as a
18 result of a violation of the terms of any proprietary
19 disposition. "Revenue" does not include any income, proceeds,
20 fees, charges, or other moneys derived through the exercise of
21 sovereign functions and powers including:

22 (1) Taxes;



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

20 SECTION 2. Statutory material to be repealed is bracketed.
21 New statutory material is underscored.



1 SECTION 3. This Act shall take effect on July 1, 2011.

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INTRODUCED BY:

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JAN 20 2011



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.

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