

---

---

## A BILL FOR AN ACT

RELATING TO THE PUBLIC TRUST LAND.

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

1           SECTION 1. The legislature finds that, for almost a  
2 century, state and federal law has mandated that twenty per cent  
3 of all proceeds and income from the sale, lease, or other  
4 disposition of public trust lands, or ceded lands, shall be held  
5 as a public trust for the betterment of the conditions of native  
6 Hawaiians.

7           The legislature further finds that, in 1976, a brave group  
8 of native Hawaiians across the pae'aina came together to raise  
9 awareness about the natural and cultural resources of the island  
10 of Kaho'olawe. This movement would significantly impact the  
11 revival of Hawaiian culture and political activity across Hawai'i  
12 and directly influence a wide range of benefits that Hawaiians  
13 continue to enjoy today, including by influencing the  
14 establishment of the office of Hawaiian affairs.

15           The legislature finds that since its return to the State in  
16 1993, the resources and waters of Kaho'olawe have been held in  
17 trust as part of the public land trust; provided that the State



1 shall transfer management and control of the island and its  
2 waters to the sovereign native Hawaiian entity upon its  
3 recognition by the United States and the State of Hawai'i.

4 The legislature finds that Kaho'olawe island reserve is used  
5 solely and exclusively for the following purposes:

6 (1) Preservation and practice of all rights customarily  
7 and traditionally exercised by native Hawaiians for  
8 cultural, spiritual, and subsistence purposes;

9 (2) Preservation and protection of its archaeological,  
10 historical, and environmental resources;

11 (3) Rehabilitation, revegetation, habitat restoration, and  
12 preservation; and

13 (4) Education.

14 The legislature finds that the uses of Kaho'olawe island  
15 reserve are consistent with the authorized uses of public land  
16 trust revenues as set forth in section 171-18, Hawaii Revised  
17 Statutes.

18 The purpose of this Act is to facilitate the continuing  
19 preservation, restoration, and appropriate use of the Kaho'olawe  
20 island reserve by authorizing the chairperson of the board of  
21 land and natural resources to transfer funds from the department



1 of land and natural resources' public land trust accounts to the  
2 Kaho'olawe rehabilitation trust fund and authorizing the office  
3 of Hawaiian affairs to expend a portion of its public land trust  
4 revenues for purposes consistent with those of the Kaho'olawe  
5 rehabilitation trust fund.

6 SECTION 2. Chapter 6K, Hawaii Revised Statutes, is amended  
7 by adding a new section to be appropriately designated and to  
8 read as follows:

9 **"§6K- Appropriations from public land trust accounts.**

10 The chairperson of the board of land and natural resources may  
11 transfer funds from the department of land and natural  
12 resources' public land trust accounts set aside pursuant to  
13 section 171-18 for the betterment of native Hawaiians to the  
14 Kaho'olawe rehabilitation trust fund. All transfers shall be  
15 approved and certified by the board of land and natural  
16 resources and shall not exceed a total of \$3,000,000 annually."

17 SECTION 3. Section 6K-9.5, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19 "(a) There is created in the state treasury a trust fund  
20 to be designated as the Kaho'olawe rehabilitation trust fund to



1 be administered by the department with the prior approval of the  
2 commission. Subject to Public Law 103-139, and this chapter:

3 (1) All moneys received from the federal government for  
4 the rehabilitation and environmental restoration of  
5 the island of Kaho'olawe or other purposes consistent  
6 with this chapter;

7 (2) Any moneys appropriated by the legislature to the  
8 trust fund;

9 (3) Any moneys received from grants, donations, or the  
10 proceeds from contributions; [~~and~~]

11 (4) The interest or return on investments earned from  
12 moneys in the trust fund[~~7~~]; and

13 (5) Any moneys transferred from the department of land and  
14 natural resources' public land trust accounts,

15 shall be deposited in the trust fund and shall be used to  
16 fulfill the purposes of this chapter."

17 SECTION 4. Section 10-13.5, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§10-13.5 Use of public land trust proceeds.** Twenty per  
20 cent of all funds derived from the public land trust, described  
21 in section 10-3, shall be expended by the office, as defined in



# H.B. NO. 622

1 section 10-2, for the purposes of this chapter[-] and for the  
2 purposes set forth in section 6K-9.5."

3 SECTION 5. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on July 1, 2017.

6

INTRODUCED BY:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

JAN 20 2017



# H.B. NO. 622

**Report Title:**

Kaho'olawe Rehabilitation Trust Fund; Public Land Trust; OHA

**Description:**

Authorizes the BLNR Chairperson to transfer public land trust funds to the Kaho'olawe Rehabilitation Trust Fund. Authorizes the Office of Hawaiian Affairs to expend public land trust funds for purposes consistent with those of the Kaho'olawe Rehabilitation Trust Fund.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

