

JAN 27 2021

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# A BILL FOR AN ACT

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RELATING TO APPROPRIATIONS.

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

1       SECTION 1. The legislature finds that data from the 2017  
2 American Community Survey found that 11.3 per cent of native  
3 Hawaiian families in the State were living in poverty, compared  
4 to an overall rate of 7.4 per cent for all families. This data  
5 demonstrates that native Hawaiians are disproportionately  
6 affected by poverty and is consistent with other data showing a  
7 consistent trend of higher-than-average poverty rates among the  
8 State's native Hawaiian population.

9       The legislature further finds that there is an urgent need  
10 to provide workforce training opportunities for native Hawaiians  
11 with low or moderate incomes. This training would help to  
12 connect participants with high-demand, well-paying jobs whose  
13 wages can, within five years, exceed the State's self-  
14 sufficiency income standards.

15       The legislature further finds that article XII, section 4,  
16 of the state constitution provides that certain lands set aside  
17 to the State of Hawaii shall be held by the State as a public



1 trust for native Hawaiians and the general public. According to  
2 the section 5(f) of the Admission Act, the proceeds from the  
3 disposition of these lands shall be used for, among other  
4 purposes, the betterment of the conditions of native Hawaiians.

5 Accordingly, the purpose of this Act is to transfer a  
6 portion of receipts from the public land trust to the office of  
7 community services to provide grants to certain organizations  
8 that provide workforce training and related services to native  
9 Hawaiians.

10 SECTION 2. Chapter 371K, Hawaii Revised Statutes, is  
11 amended by adding a new section to be appropriately designated  
12 and to read as follows:

13 **"§371K- Workforce development grants for native**  
14 **Hawaiian-serving organizations.** (a) The office of community  
15 services shall establish a workforce development grant program  
16 that shall award grants to certain organizations that provide  
17 workforce development services to native Hawaiians. Grants  
18 shall be funded using moneys set aside for the program pursuant  
19 to section 10-13.3(b).



1        (b) The office of community services, by rules adopted  
2 pursuant to chapter 91, shall develop and implement a process to  
3 facilitate the award of grants pursuant to this section.

4        (c) To receive a grant pursuant to this section, a grantee  
5 shall:

6        (1) Be a community service organization serving native  
7 Hawaiians and whose activities principally benefit  
8 native Hawaiians;

9        (2) Focus on workforce development as its priority or as a  
10 primary program or service. For the purpose of this  
11 paragraph, workforce development includes programs  
12 that provide training for:

13        (A) Hard-to-fill and in-demand jobs within the State;  
14 and

15        (B) Emerging industries and high technology jobs  
16 within the State;

17        (3) Provide job placement services, job retention  
18 services, and opportunities for follow-up or  
19 continuing training;

20        (4) Have established relationships or partnerships with  
21 relevant industries; and



(5) Provide financial literacy services and associated follow-up services.

(d) The office of community services shall award grants pursuant to this section each fiscal year; provided that:

(1) The total value of grants awarded each fiscal year shall not exceed \$ ; and

(2) The office may establish a process for a grantee to request the renewal of a previously awarded grant.

(e) The office of community services shall submit a report to the legislature no later than twenty days prior to the convening of each regular session that includes:

(1) The amount of money received by the office pursuant to section 10-13.3(b);

(2) The total number of grants awarded;

(3) A summary of each grant awarded, including the amount of the grant, a description of services funded by the grant, and the number of native Hawaiians who benefitted from the grant; and

(4) The office's findings and recommendations, including any proposed legislation.



1        (f) For the purpose of this section, "native Hawaiian" has  
2 the same meaning as defined in section 201 of the Hawaiian Homes  
3 Commission Act, 1920."

4        SECTION 3. Section 10-13.3, Hawaii Revised Statutes, is  
5 amended to read as follows:

6        "~~10-13.3~~ **Interim revenue.** (a) Notwithstanding the  
7 definition of revenue contained in this chapter and the  
8 provisions of section 10-13.5, and notwithstanding any claimed  
9 invalidity of Act 304, Session Laws of Hawaii 1990, the income  
10 and proceeds from the pro rata portion of the public land trust  
11 under article XII, section 6 of the state constitution for  
12 expenditure by the office of Hawaiian affairs for the betterment  
13 of the conditions of native Hawaiians for each of fiscal year  
14 1997-1998 and fiscal year 1998-1999 shall be \$15,100,000.

15        (b) Any income from the revenues of the public land trust  
16 set aside in each fiscal year for transfer to the office of  
17 Hawaiian affairs pursuant to subsection (a) that is in excess  
18 \$15,100,000 may be appropriated and transferred to the office of  
19 community services to provide workforce grants for the  
20 betterment of the conditions of native Hawaiians, pursuant to  
21 section 371K-\_\_\_\_\_."



1       SECTION 4. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$                   or so  
3 much thereof as may be necessary for fiscal year 2021-2022 and  
4 the same sum or so much thereof as may be necessary for fiscal  
5 year 2022-2023 to carry about the purposes of sections 10-  
6 13.3(b) and 371K-     , Hawaii Revised Statutes.

7       The sums appropriated shall be expended by the office of  
8 community services for the purposes of this Act.

9       SECTION 5. Notwithstanding any law to the contrary, the  
10 moneys appropriated by and expended pursuant to this Act shall  
11 be:

12       (1) In addition to any moneys appropriated and transmitted  
13           to the office of Hawaiian affairs pursuant to section  
14           10-13.3, Hawaii Revised Statutes; and

15       (2) Credited in favor of the State toward any future  
16           settlement that may be executed between the State and  
17           the office of Hawaiian affairs to retire any past  
18           revenue due and owing to the office of Hawaiian  
19           affairs from the State pursuant to the State's  
20           obligation under the Admission Act, article XII of the  
21           state constitution, and chapter 10, Hawaii Revised



1 Statutes, to provide the office of Hawaiian affairs  
2 with a pro rata share of public land trust proceeds.

3 SECTION 6. Nothing in this Act shall resolve or settle, or  
4 be deemed to acknowledge the existence of, the claims of native  
5 Hawaiians to the income and proceeds of a pro rata portion of  
6 the public land trust under article XII, section 6, of the state  
7 constitution.

8 SECTION 7. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 8. This Act shall take effect on July 1, 2021.

11  
INTRODUCED BY: 



# S.B. NO. 1352

**Report Title:**

Native Hawaiians; DLIR; Office of Community Services; Workforce Development; Grants; Appropriation

**Description:**

Establishes a workforce development grant program within the office of community services of the department of labor and industrial relations, which shall award workforce development grants to organizations that provide workforce development services to native Hawaiians. Funds the grant program using revenues from the public land trust. Makes an appropriation.

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

