

JAN 25 2023

A BILL FOR AN ACT

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.

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

1 SECTION 1. The purpose of this Act is to clarify the
2 purpose of the working group established by Act 226, Session
3 Laws of Hawaii 2022, by specifying that the working group shall
4 be a temporary public land trust working group and will be
5 placed within the office of the governor for administrative
6 purposes only. The working group shall have the sole, special
7 purpose of compiling a definitive inventory of the lands that
8 comprise the public land trust described in section 4, and
9 referred to in section 6, of article XII of the state
10 constitution. The legislature intends that this inventory will
11 be the basis for future legislation to determine the income and
12 proceeds from the pro rata portion of the public land trust
13 under article XII, section 6, of the state constitution for
14 expenditure by the office of Hawaiian affairs for the betterment
15 of the conditions of native Hawaiians.

16 SECTION 2. Act 226, Session Laws of Hawaii 2022, is
17 amended by amending section 3 to read as follows:



1 "SECTION 3. (a) There is established in the office of the
2 governor for administrative purposes only a temporary public
3 land trust working group [~~to~~

4 ~~(1) Account for~~] that shall have the special purpose of
5 compiling an inventory of all [~~ceded~~] lands in the
6 public land trust [~~inventory,~~

7 ~~(2) Account for all income and proceeds from the public~~
8 ~~land trust; and~~

9 ~~(3) Subsequently determine the twenty per cent pro rata~~
10 ~~share of income and proceeds from the public land~~
11 ~~trust due annually to the office of Hawaiian affairs~~
12 ~~for the betterment of the conditions of Native~~
13 ~~Hawaiians].~~ The working group shall use its
14 reasonable best efforts to complete the inventory
15 within twenty-four months of the effective date of
16 Act _____, Session Laws of Hawaii 2023.

17 (b) The working group shall [~~be comprised of~~] comprise six
18 members, [~~three~~] one of whom [~~three~~] shall be appointed by the
19 governor, one of whom shall be appointed by the speaker of the
20 house of representatives, one of whom shall be appointed by the



1 president of the senate, and three of whom shall be appointed by
2 the office of Hawaiian affairs board of trustees.

3 ~~[(e) The working group, with the cooperation of any~~
4 ~~department or agency that uses, manages, or receives income,~~
5 ~~proceeds, or any other funds derived from the public land trust,~~
6 ~~shall prepare and submit a report of its findings and~~
7 ~~recommendations, including any proposed legislation and the~~
8 ~~amount it determines for the annual amount of the twenty per~~
9 ~~cent pro rata share of income and proceeds from the public land~~
10 ~~trust, to the legislature.~~

11 ~~(d) The office of Hawaiian affairs shall provide any~~
12 ~~necessary administrative support, including preparation of the~~
13 ~~report required by subsection (e), to the working group.]~~

14 (c) All state agencies shall identify and provide full
15 cooperation and access to information requested by the working
16 group regarding all lands under the agency's ownership or
17 control, whether the land is owned by the agency in fee or set
18 aside by executive order, to the extent required by the working
19 group to fulfill its purpose of identifying all lands in the
20 public land trust inventory.



1 (d) The office of Hawaiian affairs shall provide the
2 working group with a comprehensive list of all parcels of land
3 that the office of Hawaiian affairs believes:

4 (1) Are required to be included in the public land trust
5 inventory; and

6 (2) Constitute crown lands that should be included in the
7 public land trust inventory.

8 (e) The members of the working group shall appoint,
9 without regard to chapters 76 and 89, Hawaii Revised Statutes,
10 an executive director who shall serve at the pleasure of the
11 working group. The executive director shall oversee the day-to-
12 day operations of the working group and perform other functions
13 as directed by the working group, including procuring any
14 professional and other services necessary to complete the
15 inventory of the public land trust. The executive director's
16 salary shall be determined by the working group.

17 (f) The working group may employ, without regard to
18 chapters 76 and 89, Hawaii Revised Statutes, and at its pleasure
19 dismiss, other persons whom the working group deems necessary
20 for the performance of its functions. The working group may fix



1 the compensation of any persons employed pursuant to this
2 subsection.

3 (g) The working group shall submit an annual report on the
4 progress of its work to the legislature no later than twenty
5 days prior to the convening of each regular session. The
6 working group shall further submit interim progress reports to
7 the legislature, office of Hawaiian affairs, and governor by the
8 close of each fiscal quarter."

9 SECTION 3. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so
11 much thereof as may be necessary for fiscal year 2023-2024 and
12 the same sum or so much thereof as may be necessary for fiscal
13 year 2024-2025 to carry out the purposes of this Act, including
14 the hiring of necessary staff, purchasing of equipment, and
15 procurement of professional and other services.

16 The sums appropriated shall be expended by the office of
17 the governor for the purposes of this Act.

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval;
2 provided that section 3 shall take effect on July 1, 2023.

3

INTRODUCED BY: 



S.B. NO. 1235

Report Title:

OHA; Temporary Public Land Trust Working Group; Office of the Governor; Public Land Trust Inventory; Appropriation

Description:

Clarifies that the working group established by Act 226, SLH 2022, is a temporary public land trust working group within the Office of the Governor for administrative purposes only. Provides that the working group's sole purpose shall be to compile a definitive inventory of public land trust lands. Amends the composition of the working group and authorizes the working group to hire staff. Appropriates moneys.

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

