

- 1 (1) Three per cent of the general revenues of the State;
2 and
3 (2) Transient accommodations tax revenues allocated to the
4 Hawaii state dividend special fund pursuant to section
5 237D-6.5.

6 (b) Moneys in the Hawaii state dividend special fund shall
7 be used to issue a Hawaii state dividend fund payment on an
8 annual basis to each eligible individual.

9 § -3 **Administration; duties.** (a) The Hawaii state
10 dividend special fund shall be administered by the office of the
11 lieutenant governor.

12 (b) The lieutenant governor shall:

- 13 (1) Adopt rules pursuant to chapter 91 as the lieutenant
14 governor deems necessary for verifying the eligibility
15 of an individual for a Hawaii state dividend fund
16 payment;
17 (2) Prescribe and furnish an application form for claiming
18 a Hawaii state dividend fund payment; and
19 (3) Annually pay Hawaii state dividend fund payments from
20 the Hawaii state dividend special fund.



1 § -4 **Eligibility.** An individual is eligible to receive
2 one Hawaii state dividend fund payment each calendar year in an
3 amount to be determined by -6 if the individual:

4 (1) Applies for the Hawaii state dividend fund payment
5 within the application period and in the manner
6 prescribed by the lieutenant governor;

7 (2) Is a resident of the State on the date of application;

8 (3) Was a resident of the State for the entire qualifying
9 year and intends to remain a resident of the State
10 indefinitely at the time of application;

11 (4) Except as provided for in section -5, has not been
12 absent from the State for more than ninety cumulative
13 days during the qualifying year;

14 (5) Is over the age of eighteen; and

15 (6) Is not currently incarcerated.

16 § -5 **Allowable absences.** (a) An otherwise eligible
17 individual who is absent from the State for more than ninety
18 cumulative days during the qualifying year remains eligible for
19 a Hawaii state dividend fund payment if the individual was
20 absent because the individual was:

- 1 (1) Receiving a secondary or postsecondary education on a
2 full-time basis;
- 3 (2) Receiving vocational, professional, or other specific
4 education on a full-time basis for which a comparable
5 program is not reasonably available in the State;
- 6 (3) Serving on active duty as a member of the armed forces
7 of the United States;
- 8 (4) Serving under foreign or coastal articles of
9 employment aboard an oceangoing vessel of the United
10 States merchant marine;
- 11 (5) Receiving continuous medical treatment recommended by
12 a licensed physician or convalescing as recommended by
13 the physician who treated the illness if the treatment
14 or convalescence is not based on a need for climatic
15 change;
- 16 (6) Providing care for the individual's terminally ill
17 family member;
- 18 (7) Providing care for a parent, spouse, sibling, child,
19 or stepchild with a critical life-threatening illness
20 whose treatment plan, as recommended by the attending



- 1 physician, requires travel outside the State for
2 treatment at a medical specialty complex;
- 3 (8) Settling the estate of the individual's deceased
4 parent, spouse, sibling, child, or stepchild; provided
5 that the absence does not exceed two hundred twenty
6 cumulative days;
- 7 (9) Serving as a member of the United States Congress;
- 8 (10) Serving on the staff of a member of the United States
9 Congress representing this State;
- 10 (11) Serving as an employee of the State in a field office
11 or other location;
- 12 (12) Accompanying a minor who is absent pursuant to
13 paragraph (5);
- 14 (13) Accompanying another eligible individual who is absent
15 for a reason permitted under paragraph (1), (2), (5)
16 through (12), (16), or (17) as the spouse or disabled
17 dependent of the eligible individual;
- 18 (14) Serving as a volunteer in the federal peace corps
19 program;



- 1 (15) Training or competing as a member of the United States
2 Olympic team or a United States national team for an
3 Olympic sport;
- 4 (16) Participating for educational purposes in a student
5 fellowship sponsored by the United States Department
6 of Education or by the United States Department of
7 State;
- 8 (17) For any reason consistent with the individual's intent
9 to remain a resident of the State; provided that the
10 absence or cumulative absences do not exceed:
- 11 (A) One hundred eighty days in addition to any
12 absence or cumulative absences claimed under
13 paragraph (3) if the individual is not claiming
14 an absence under paragraph (1), (2), or (4)
15 through (16);
- 16 (B) One hundred twenty days in addition to any
17 absence or cumulative absences claimed under
18 paragraph (1), (2), or (3) if the individual is
19 not claiming an absence under paragraphs (4)
20 through (16) but is claiming an absence under
21 paragraph (1) or (2); or



1 (C) Forty-five days in addition to any absence or
2 cumulative absences claimed under paragraphs (1)
3 through (16) if the individual is claiming an
4 absence under paragraphs (4) through (16).

5 (b) An individual may not claim an allowable absence under
6 subsection(a) (1) through (16) unless the individual was a
7 resident of the State for at least six consecutive months
8 immediately before leaving the State.

9 (c) After an individual has been absent from the State for
10 more than one hundred eighty days in each of the five preceding
11 qualifying years, the office of the lieutenant governor shall
12 presume that the individual is no longer a state resident for
13 purposes of this chapter. The individual may rebut this
14 presumption by providing clear and convincing evidence to the
15 office of the lieutenant governor that:

16 (1) The individual was physically present in the State for
17 at least thirty cumulative days during the past five
18 qualifying years; and

19 (2) The individual is a resident of the State.



1 (d) To determine whether an individual intends to return
2 and remain in the State indefinitely, the lieutenant governor
3 shall consider all relevant factors, including:

4 (1) The length of time the individual was absent from the
5 State compared to the length of time the individual
6 was physically present in the State;

7 (2) The frequency and duration of voluntary return trips
8 to the State during the past five years;

9 (3) Whether the individual's intent to return to and
10 remain in the State is conditioned on future events
11 beyond the individual's control;

12 (4) The ties the individual has established with the State
13 or another jurisdiction, as demonstrated by:

14 (A) Maintenance of a home;

15 (B) Payment of resident taxes;

16 (C) Filing of a resident annual income tax return;

17 (D) Registration of a vehicle;

18 (E) Registration to vote and voting history;

19 (F) Acquisition of a driver's license, business
20 license, or professional license; and



1 (G) Receipt of benefits under a claim of residency in
2 the State or another jurisdiction; and

3 (5) The priority that the individual gave the State on an
4 employment assignment preference list, including a
5 list used by military personnel.

6 (e) For the purposes of this section, "family member"
7 means a person who is:

8 (1) Legally related to the individual through marriage or
9 guardianship; or

10 (2) The individual's sibling, parent, grandparent, son,
11 daughter, grandson, granddaughter, uncle, aunt, niece,
12 nephew, or first cousin.

13 § -6 Amount of dividend; notice. (a) By of
14 each dividend year, the lieutenant governor shall determine and
15 provide public notice of the value of each Hawaii state dividend
16 fund payment for that year by:

17 (1) Determining the total amount available in the Hawaii
18 state dividend special fund;

19 (2) Determining the number of individuals eligible to
20 receive a Hawaii state dividend fund payment for the
21 qualifying year; and



1 (3) Dividing the amount determined under paragraph (1) by
2 the number determined under paragraph (2).

3 (b) By of each dividend year, the lieutenant
4 governor shall provide written notice to those applicants who
5 are determined to be ineligible for a Hawaii state dividend fund
6 payment.

7 (c) By of each dividend year, every eligible
8 individual shall receive a Hawaii state dividend fund payment."

9 SECTION 2. Section 237D-6.5, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:

11 "(b) Except for the revenues collected pursuant to section
12 237D-2(e), revenues collected under this chapter shall be
13 distributed in the following priority, with the excess revenues
14 to be deposited into the general fund:

15 (1) \$1,500,000 shall be allocated to the Turtle Bay
16 conservation easement special fund beginning July 1,
17 2015, for the reimbursement to the state general fund
18 of debt service on reimbursable general obligation
19 bonds, including ongoing expenses related to the
20 issuance of the bonds, the proceeds of which were used
21 to acquire the conservation easement and other real



1 property interests in Turtle Bay, Oahu, for the
2 protection, preservation, and enhancement of natural
3 resources important to the State, until the bonds are
4 fully amortized;

5 (2) \$11,000,000 shall be allocated to the convention
6 center enterprise special fund established under
7 section 201B-8;

8 (3) An allocation shall be deposited into the tourism
9 emergency special fund, established in section 201B-
10 10, in a manner sufficient to maintain a fund balance
11 of \$5,000,000 in the tourism emergency special fund;
12 [and]

13 (4) \$3,000,000 shall be allocated to the special land and
14 development fund established under section 171-19;
15 provided that the allocation shall be expended in
16 accordance with the Hawaii tourism authority strategic
17 plan for:

18 (A) The protection, preservation, maintenance, and
19 enhancement of natural resources, including
20 beaches, important to the visitor industry;



1 (B) Planning, construction, and repair of facilities;
2 and

3 (C) Operation and maintenance costs of public lands,
4 including beaches, connected with enhancing the
5 visitor experience[=]; and

6 (5) One per cent shall be allocated to the Hawaii state
7 dividend special fund established under section -2.

8 All transient accommodations taxes shall be paid into the
9 state treasury each month within ten days after collection and
10 shall be kept by the state director of finance in special
11 accounts for distribution as provided in this subsection."

12 SECTION 3. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so
14 much thereof as may be necessary for fiscal year 2023-2024 and
15 the same sum or so much thereof as may be necessary for fiscal
16 year 2024-2025 for the purposes of this Act, including the
17 hiring of any personnel needed to carry out the purposes of this
18 Act.

19 The sums appropriated shall be expended by the office of
20 the lieutenant governor for the purposes of this Act.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2023;
4 provided that the initial application period shall begin on
5 January 1, .

6

INTRODUCED BY: 
JAN 20 2023

H.B. NO. 469

Report Title:

Hawaii State Dividend Special Fund; Establishment; Lieutenant Governor; Appropriation

Description:

Establishes a permanent Hawaii state dividend special fund to collect and disburse annual Hawaii state dividend fund payments. Appropriates funds.

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