
A BILL FOR AN ACT

RELATING TO THE PUBLIC LAND TRUST.

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

1 SECTION 1. The legislature finds that article XII of the
2 Hawaii State Constitution recognizes Native Hawaiians as
3 beneficiaries of the public land trust and establishes the
4 office of Hawaiian affairs to manage and administer the pro rata
5 share of income and proceeds derived from the public land trust
6 for the betterment of the conditions of Native Hawaiians.

7 The legislature further finds that the State has a
8 constitutional and fiduciary obligation to ensure that twenty
9 per cent of all income and proceeds derived from the public land
10 trust are transferred to the office of Hawaiian affairs. The
11 legislature has taken steps in recent years to advance this
12 obligation, including through the enactment of Act 226, Session
13 Laws of Hawaii 2022, which increased the interim annual transfer
14 to the office of Hawaiian affairs and established the public
15 land trust working group to develop recommendations regarding
16 the calculation and administration of public land trust
17 revenues.



1 The legislature also finds that Native Hawaiian-serving
2 programs have experienced increased demand due to economic
3 instability, rising costs of living, natural disasters, and
4 reductions and uncertainty in federal funding, including funding
5 streams historically associated with diversity, equity, and
6 inclusion initiatives. As federal programs have been reduced,
7 delayed, or disrupted, the office of Hawaiian affairs has played
8 an increasingly critical role in bridging gaps, including
9 supporting Native Hawaiian families during periods of federal
10 government shutdowns and other federal funding interruptions.

11 The legislature additionally finds that the office of
12 Hawaiian affairs has demonstrated its capacity to responsibly
13 deploy resources in coordination with federal, state, county,
14 and community partners, and that temporarily increasing the cap
15 on public land trust distributions will allow the office of
16 Hawaiian affairs to continue providing stability and support to
17 Native Hawaiian communities during a period of transition at the
18 federal level.

19 The legislature further finds that the public land trust
20 working group is currently engaged in its statutory
21 responsibilities to review public land trust inventories,



1 revenues, accounting practices, and governance structures, and
2 that allowing additional time for this work to be completed will
3 support the development of durable, long-term solutions
4 consistent with the State's trust obligations.

5 Therefore, the purpose of this Act is to provide stability
6 and capacity for Native Hawaiian-serving programs during a
7 period of federal funding uncertainty by temporarily increasing
8 the total amount of public land trust revenues transferred to
9 the office of Hawaiian affairs, while reaffirming the State's
10 constitutional obligation to the twenty per cent pro rata share
11 and with a repeal date that allows the legislature to consider
12 future recommendations of the public land trust working group.

13 SECTION 2. (a) Notwithstanding any law to the contrary,
14 the annual amount transferred from the public land trust to the
15 office of Hawaiian affairs for the betterment of the conditions
16 of Native Hawaiians shall not be less than the amount necessary
17 to satisfy the twenty per cent pro rata share required under
18 article XII, section 6, of the Hawaii State Constitution.

19 (b) Notwithstanding Act 226, Session Laws of Hawaii 2022,
20 for fiscal years beginning July 1, 2026, through June 30, 2028,
21 the total annual amount transferred to the office of Hawaiian



1 affairs from the public land trust shall be increased to
2 \$, or such greater amount as may be necessary to
3 effectuate the twenty per cent pro rata share required by the
4 Hawaii State Constitution.

5 (c) The increase authorized under subsection (b) shall be
6 temporary and shall not be construed to limit, reduce, or waive
7 the State's constitutional trust obligations beyond the repeal
8 date established by section 3 of this Act.

9 SECTION 3. This Act shall take effect on July 1, 3000, and
10 shall be repealed on June 30, 2028.



Report Title:

OHA; Public Land Trust; Temporary Increase in Funding

Description:

Temporarily increases the total amount of public land trust revenues transferred to the Office of Hawaiian Affairs, while reaffirming the State's obligation to the twenty per cent pro rata share pursuant to the Hawaii State Constitution. Repeals 6/30/2028. Effective 7/1/3000. (HD1)

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