

Committee on Beneficiary Advocacy and Empowerment

Trustee Kaleihikina Akaka, *Chair*Trustee Keola Lindsey, *Vice Chair**Members*

Trustee Leina'ala Ahu Isa, At-Large

Trustee Dan Ahuna, Kaua'i / Ni'ihau

Trustee Keli'i Akina, At-Large

Trustee Luana Alapa, Moloka'i / Lāna'i

Trustee Carmen Hulu Lindsey, Maui

Trustee Brendon Kalei'aina Lee, At-Large

Trustee John Waihe'e IV, At-Large



**STATE OF HAWAII'  
OFFICE OF HAWAIIAN AFFAIRS**

**MEETING OF THE  
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**

**DATE:** Monday, December 27, 2021**TIME:** 10:00 a.m.**PLACE:** Virtual MeetingViewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR

Listen by phone: (213) 338-8477,

Webinar ID: 871 8872 4510

**Due to the threat of COVID-19, Governor Ige issued the Emergency Proclamation Related to COVID-19, dated November 29, 2021 that suspends parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.**

**The OHA Board of Trustees and its Standing Committees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listen by phone: (213) 338-8477, Webinar ID: 871 8872 4510**

**AGENDA**

- I. Call to Order
- II. Public Testimony on Items Listed on the Agenda\* (Please see page 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)
- III. New Business
  - A. Action Item BAE #21-07: Public Land Trust Bill, 2022 Legislature
- IV. Executive Session†
  - A. Consultation with Board Counsel Robert G. Klein, Sherry P. Broder, Esq and Interim General Counsel Everett Ohta re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to the Public Land Trust and associated legislation, pursuant to HRS§92-5(a)(4)
- V. Announcements
- VI. Adjournment

If you require an auxiliary aid or accommodation due to a disability, please contact Everett Ohta at telephone number (808) 594-1988 or by email at: [everetto@oha.org](mailto:everetto@oha.org) no later than three (3) business days prior to the date of the meeting.

Meeting materials will be available to the public on Wednesday, December 22, 2021 and posted to



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OHA's website at: [www.oha.org/bae](http://www.oha.org/bae)

In the event that the livestream public broadcast is interrupted and cannot be restored, the meeting may continue as audio-only through the phone and Webinar ID provided at the beginning of this agenda.

†Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

‡ Notice: This portion of the meeting will be closed pursuant to HRS § 92-5.

**\* Public Testimony on Items Listed on the Agenda must be limited to matters listed on the meeting agenda.**

Hawai'i Revised Statutes, Chapter 92, Public Agency Meetings and Records, prohibits Board members from discussing or taking action on matters not listed on the meeting agenda.

Testimony can be provided to the OHA Board of Trustees either as: (1) written testimony emailed at least 24 hours prior to the scheduled meeting, or (2) live, oral testimony online during the virtual meeting.

(1) Persons wishing to provide written testimony on items listed on the agenda should submit testimony via email to [BOTmeetings@oha.org](mailto:BOTmeetings@oha.org) at least 24 hours prior to the scheduled meeting. Any testimony received after this deadline will be late testimony and will be distributed to the Board members after the scheduled meeting. Due to COVID- 19, please do not fax, mail, or hand-deliver written testimony

(2) Persons wishing to provide oral testimony online during the virtual meeting must first register at: [https://us06web.zoom.us/webinar/register/WN\\_4PwGpLWqQzijW5eG7Gx6tA](https://us06web.zoom.us/webinar/register/WN_4PwGpLWqQzijW5eG7Gx6tA)

You need to register if you would like to orally testify. Once you have completed your registration, a confirmation email will be sent to you with a link to join the virtual meeting, along with further instructions on how to provide oral testimony during the virtual meeting. The registration page will close during the Public Testimony or Community Concerns agenda item. Oral testimony by telephone/landline will not be accepted at this time.

To provide oral testimony online, you will need:

- (1) a computer or mobile device to connect to the virtual meeting;
- (2) internet access; and
- (3) a microphone to provide oral testimony.

Oral testimony online will be limited to five (5) minutes. Once your oral testimony is completed, you will be asked to disconnect from the meeting. If you do not sign off on your own, support staff will



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remove you from the Zoom meeting. You can continue to view the remainder of the meeting on the livestream or by telephone, as provided at the beginning of this agenda.

Please visit OHA's website for more detailed information on how to submit Public Testimony OR Community Concerns at: <https://www.oha.org/how-to-submit-testimony-for-oha-bot-meetings/>

A handwritten signature in blue ink, reading "Kaleihikina Akaka".

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Trustee Kaleihikina Akaka, Chair  
Committee on Beneficiary Advocacy and Empowerment

**12/21/2021**

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Date

Committee on Beneficiary Advocacy and Empowerment

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## ACTION ITEM

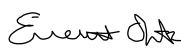
### Committee on Beneficiary Advocacy and Empowerment December 27, 2021

BAE #21-07


#### Action Item Issue: Public Land Trust Bill, 2022 Legislature

Prepared by:  Dec 22, 2021  
Na'unanikina'u Kamali'i  
Ka Pou Kihi Kū, Chief Advocate Date

Reviewed by:  Dec 23, 2021  
Casey Brown  
Ka Pou Nui, Chief Operating Officer Date

Reviewed by:  Dec 23, 2021  
Everett Ohta  
Ka Paepae Puka Kūikawā, Interim General Counsel Date

Reviewed by:  Dec 23, 2021  
Sylvia M. Hussey, Ed.D.  
Ka Pouhana, Chief Executive Officer Date

Reviewed by:  Dec 23, 2021  
Kaleihikina Akaka  
Luna Ho'omalua o ke Kōmike BAE  
Chair, Committee on Beneficiary Advocacy and Empowerment Date

**I. Proposed Action**

Approve the submission of the Public Land Trust Bill (PLT) to the 2022 Legislature as OHA-1, that addresses the: 1) Federal Trust responsibilities to Indigenous People; 2) 1959 Admissions Act and the conditions of the new State of Hawai'i to hold lands in public trust; 3) Purposes of such public land trust, including the betterment of the conditions of native Hawaiians; 4) Roles and responsibilities of the Office of Hawaiian Affairs (OHA); 5) Current interim amount of \$15.1MM; 6) Existing amount of approximately \$29MM in the carry-forward trust holding account; 7) Projected accumulation (since 2012) of the difference between the interim PLT amount of \$15.1MM and the OHA's 20% pro-rata share of ceded land revenues; and 8) Accountability and reporting processes, at Attachment A.

**II. Issue**

Should the Board of Trustees ("BOT" or "Board"), approve, or not, the submission of the attached Public Land Trust Bill to the 2022 Legislature as OHA-1, that addresses the: 1) Federal Trust responsibilities to Indigenous People; 2) 1959 Admissions Act and the conditions of the new State of Hawai'i to hold lands in public trust; 3) Purposes of such land trust, including the betterment of the conditions of native Hawaiians; 4) Roles and responsibilities of the Office of Hawaiian Affairs (OHA); 5) Current interim amount of \$15.1MM; 6) Existing amount of approximately \$29MM in the carry-forward trust holding account; 7) Projected accumulation (since 2012) of the difference between the interim PLT amount of \$15.1MM and the OHA's 20% pro-rata share of ceded land revenues; and 8) accountability and reporting processes.

**III. Discussion**

Based on Administration's further discussion, analyses and considerations, the attached Public Land Trust bill is recommended at this time to:

1. **Highlight the Federal Trust Responsibility to Native Hawaiians via the Implementation of the Admission Act.** Native Hawaiians are owed the same trust responsibility as any other Native American group. To meet this obligation, Congress enacted programs and policies to promote education, health, housing, and a variety of other federal programs that support Native Hawaiian self-determination. Similar to American Indians and Alaska Natives, Native Hawaiians have never relinquished our right to self-determination despite the United States' involvement in the illegal overthrow of Queen Lili'uokalani in 1893 and the dismantling of our government.

Over 150 Acts of Congress consistently and expressly acknowledge or recognize a special political and trust relationship to Native Hawaiians based on our status as the Indigenous, once-sovereign people of Hawai'i. Among these laws specifically benefitting Native Hawaiians are the Hawaiian Homes Commission Act, 1920, 42 Stat. 108 (1921); the Native Hawaiian Education Act, 20 U.S.C. § 7511; the Native Hawaiian Health Care Improvement Act, 42 U.S.C. ch. 122; and the Hawaiian Homelands Homeownership Act codified in the Native American Housing Assistance and Self Determination Act, Title VIII, 25 U.S.C. § 4221.

As a result of the 1959 Admission Act, certain “ceded” lands transferred to the state upon or after statehood [or acquired in exchange for such lands] subject to Public Land Trust (NOT HHCA lands, NOT lands retained by the federal government, NOT lands transferred to the Territory before statehood). The Admission Act Section 5—Public Land Trust Lands must be administered for five (5) purposes: public schools/public education, **betterment of the conditions of native Hawaiians**, farm and home ownership, making of public improvements, lands for public use. After “statehood”, PLT revenues almost exclusively used for education.<sup>1</sup>

Act 178, Session Laws of Hawaii 2006, was subsequently enacted with a stated purpose of providing “interim measures to ensure that an adequate amount of income and proceeds is made available to the office of Hawaiian affairs from the pro rata portion of the public land trust, for the betterment of the conditions of native Hawaiians. Act 178 required, “[Until] further action is taken by the legislature for this purpose, the income and proceeds from the pro rata portion of the public land trust under article XII, section 6, of the state constitution for expenditure by the office of Hawaiian affairs for the betterment of the conditions of native Hawaiians for each fiscal beginning with fiscal year 2005-2006 shall be \$15,100,000.”

2. **Roles and Responsibilities of the Office of Hawaiian Affairs, In Addressing Native Hawaiian Needs via the Annual 20% Pro-Rata Share Amount.** Addressing the needs of the aboriginal class of people of Hawai‘i<sup>2</sup>, is the fundamental purpose of the Office of Hawaiian Affairs (OHA), which have been spotlighted, exacerbated and magnified due to COVID-19 and its variants in all sectors—education, health, housing and socio economic—impacting Native Hawaiian ‘ohana, mo‘omeheu and ‘āina. Data indicates Native Hawaiians’ disproportionate representation in certain health and socio-economic conditions make them more vulnerable to the impacts of COVID-19 and the financial crisis it is causing. For example, Native Hawaiians have a greater prevalence of pre-existing medical conditions, including coronary heart disease, diabetes, and lung disease, that are known to put individuals at greater risk of serious illness resulting from COVID-19.

Moreover, Native Hawaiians are at greater risk for suffering financial hardship, including loss of employment and eviction, from the economic impacts from the coronavirus pandemic. Native Hawaiians have fewer financial resources to weather financial emergencies due to their lower per capita income (\$25,590) compared to the overall state population (\$35,255); and their lower median household income

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<sup>1</sup> Board Meeting PLT Presentation, October 7, 2021

<sup>2</sup> **[§10-1]** Declaration of purpose. (a) The people of the State of Hawai‘i and the United States of America as set forth and approved in the Admission Act, **established a public trust** which includes among other responsibilities, betterment of conditions for Native Hawaiians. The people of the State of Hawai‘i reaffirmed their solemn trust obligation and responsibility to native Hawaiians and furthermore declared in the state constitution that there be an office of Hawaiian affairs **to address the needs of the aboriginal class of people of Hawaii**. (b) It shall be the duty and responsibility of all state departments and instrumentalities of state government providing services and programs which affect native Hawaiians and Hawaiians to actively work toward the goals of this chapter and to cooperate with and assist wherever possible the office of Hawaiian affairs. [emphasis added]

(\$75,708) compared to the overall state population (\$80,212). Furthermore, 12.3% of all Native Hawaiians live in poverty, compared to 8.8% of the total state population. Finally, like other Hawai'i residents, many Native Hawaiians rely on the service and tourism industries to financially support their families—23.6% of working Native Hawaiians are employed in service occupations, which have been among the most impacted by the spread of COVID-19 and related business closures. With Native Hawaiians' disproportionately low homeownership rate and higher reliance on the rental housing market, these financial challenges place the Native Hawaiian community at higher risk of facing eviction actions over the coming months.

The Hawai'i Admission Act and the Hawai'i State Constitution established the Public Land Trust for the betterment of the conditions of native Hawaiians and for the general public. The Public Land Trust comprises over one million acres of former government and crown land of the Kingdom of Hawai'i, seized as part of the Kingdom's unlawful overthrow. The Hawai'i State Constitution entrusts OHA with the responsibility to manage and administer Public Land Trust funds set aside for Native Hawaiians, which state law reaffirms as 20 percent of all funds from the Trust. After decades of disagreement as to how to determine this 20 percent, in 2006, OHA and the state agreed **to an interim annual amount of \$15.1 million, to be transferred to OHA as a reflection of Native Hawaiians' Public Land Trust share, "until further action is taken by the legislature."**

In addition, OHA was created to manage "...all income and proceeds from that pro rata portion of the public land trust for native Hawaiians.." <sup>3</sup>

3. **Address the Projected Accumulation (since 2012<sup>4</sup>) of the Difference between the Interim PLT and the OHA's 20% Pro-Rata Share Amount.** Act 15, Session Laws of Hawai'i 2012, was enacted to address past-due amounts, which accumulated during the period between November 7, 1978, up to and including June 30, 2012, of income and proceeds from the public land trust owed to OHA by implementing an agreement between the State and OHA for the State to convey certain lands in Kaka'ako, O'ahu, to OHA valued at approximately \$200,000,000. Act did not, however, address the State's constitutional obligations relating to OHA's twenty percent pro rata share of the income and proceeds from the public land trust generated after June 30, 2012.

Since 2016, OHA has advocated for the interim annual amount of the Public Land Trust to be updated to better reflect Native Hawaiians' rightful pro rata share. Notably, a 2015-2016 financial review initiated by OHA found that the minimum amount of total gross receipts from sources that the office of Hawaiian affairs has historically claimed was approximately \$394,322,163 in the fiscal year 2015-2016. Twenty percent of this amount is approximately \$78,900,000.

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<sup>3</sup> 1978 Hawai'i Constitution, Article XII Sections 5 & 6

<sup>4</sup> In 2012, as part of [a settlement over longstanding claims for past-due revenue owed from the Public Land Trust](#), the State of Hawaii conveyed to OHA, approximately 30 acres of largely waterfront properties in Kaka'ako Makai. The \$200 million land value represents Native Hawaiians' share of revenues from the state's use of lands in the Public Land Trust.

<b>Annual Amount</b>	<b>2013 – 2022 (10 Years)</b>	<b>Extended Amount</b>	<b>Description</b>
\$78,900,000 Quarterly Amount = \$19,725,000	10	\$789,000,000	Annual and accumulated amount based on 2016-2016 OHA initiated financial review
(\$15,100,000) Quarterly Amount = \$3,775,000	10	(\$151,000,000)	Act 178, Session Laws of Hawaii 2006, interim annual amount and accumulated amount
\$63,800,000	10	\$638,000,000	Annual and accumulated difference

**Table 1. – Accumulation Table**

4. **Release of the Accumulated Carry-Forward Trust Holding Account.** Act 178 authorized the Governor “to fix the amounts each agency shall transfer to the office of Hawaiian affairs in each quarter by executive order to implement the provisions of this section.”<sup>5</sup> Through Executive Order 06-06, Governor Linda Lingle established a process whereby agencies that collect receipts for the use of public land trust land must “determine if: (1) any federal or state law precludes any portion of the receipt from being used to better the conditions of native Hawaiians; or (2) the transfer of any portion of the receipt will cause the department or agency to renege on any pre-existing pledge, rate covenant, or other pre-existing obligation to holders of revenue bonds or other indebtedness of the State, department, or agency,” and if use of a receipt is not so limited, to “determine OHA’s share of the receipt by calculating the ceded/non-ceded fraction for the parcel that generated the receipt by area (square feet or acres), multiplying the receipt by the ceded/non-ceded fraction, and multiplying that result by 20% or any alternative percentage the Governor specifies.” The resulting amount is then to be transferred to OHA quarterly. “If the total amount of receipts transferred to OHA exceeds the \$3,775,000,” the Director of Finance or designee shall “notify OHA and request that OHA deposit the overpayment by journal voucher into the carry-forward trust holding account the Director establishes for that purpose[.]”

Refer to Attachments B and C for Executive Order 06-06 and the Carry-Forward Trust Holding Account Schedule as of Q1 ending 9/30/2021, FY22, for details and the accumulated amount of approximately \$29MM, respectively.

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<sup>5</sup> Act 178, SLH 2006, section 2

5. **Codify Reporting and Accountability Procedures re: the 20% Pro-Rata Share of the Public Land Trust to the OHA.** Historically, unreconciled understandings and definitions of PLT revenue basis (e.g., inclusion, exclusion) have impacted transparent and numerically accurate computations of PLT proceeds attributable. Therefore, an **annual accounting** led by the Department of Land and Natural Resources, with the cooperation of the Department of Budget and Finance and any other department or agency that collects receipts from lands within the public land trust responsibility should be codified. Such annual accounting would identify: the total gross amount of the receipt generated from the use of the public land trust, regardless of whether the receipt is subject to the office of Hawaiian affairs' pro rata share pursuant to section 10-13.5; amount of the receipt transferred to the office of Hawaiian affairs; amount of the receipt retained by the State; account or fund in which the amount specified was transferred or deposited; parcel of land subject to section 5(f) of the Admission Act that generated the receipt, whether by tax map key number, department of land and natural resources inventory number, or other recognizable description; department or agency that received that total gross amount identified; reason or reasons why the department or agency did not transfer the full twenty percent.

#### **IV. Reference Action Item**

Action Item BAE #21-06: 2022 OHA Legislative Package, approved by the Beneficiary Advocacy & Empowerment Committee on December 8, 2021; and ratified by the Board on December 9, 2021 stated:

##### **Action 1: OHA-1 Public Land Trust**

*Approve the drafting and submission of a Public Land Trust focused bill to the 2022 Legislature, that addresses the: 1) Current interim amount of \$15.1MM; 2) Existing amount of approximately \$29MM in the carry-forward trust holding account (as of Q1, 9/30/2021); 3) Projected accumulation (since 2012) of the difference between the interim PLT amount of \$15.1MM and the OHA's 20% pro-rata share of ceded land revenues; 4) Titling of the measure for strategic and clarifying reasons; and 5) Labeling of the measure as OHA-1 for tracking purposes.*

#### **IV. Recommended Action**

Approve the submission of the Public Land Trust Bill (PLT) to the 2022 Legislature as OHA-1, that addresses the: 1) Federal Trust responsibilities to Indigenous People; 2) 1959 Admissions Act and the conditions of the new State of Hawai'i to hold lands in public trust; 3) Purposes of such public land trust, including the betterment of the conditions of native Hawaiians; 4) Roles and responsibilities of the Office of Hawaiian Affairs (OHA); 5) Current interim amount of \$15.1MM; 6) Existing amount of approximately \$29MM in the carry-forward trust holding account; 7) Projected accumulation (since 2012) of the difference between the interim PLT amount of \$15.1MM and the OHA's 20% pro-rata share of ceded land revenues; and 8) Accountability and reporting processes, at Attachment A.

**V. Alternative Actions**

- A. Not approve the Public Land Trust Bill to the 2022 Legislature as OHA-1 at Attachment A; or
- B. Modify the Public Land Trust Bill to the 2022 Legislature as OHA-1 at Attachment A.

**VI. Funding**

No funding is required to submit the Public Land Trust Bill to the 2022 Legislature as OHA-1 at Attachment A.

**VII. Timeframe**

Immediate action is recommended upon Board approval to meet the December 30, 2021 legislative submission deadline.

**VIII. Attachments**

- A - Public Land Trust Bill, 2022 Legislature
- B – Executive Order 06-06
- C - Carry-Forward Trust Holding Account Schedule as of Q1 (9/30/2021), FY2022

THIRTY-FIRST LEGISLATURE, 2022  
STATE OF HAWAI'I

\_\_\_\_.B. NO.\_\_\_\_

# A BILL FOR AN ACT

RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA  
SHARE OF THE PUBLIC LAND TRUST.

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

1       SECTION 1. The Legislature finds that it must set right  
2   and fulfill its trust responsibilities to the Indigenous People  
3   of Hawai'i, consistent with governmental action across America  
4   to address injustices against Indigenous Peoples. It is  
5   incumbent upon the Legislature to enact legislation that upholds  
6   its trust responsibilities and duty of care to native Hawaiians  
7   to (1)account for all ceded lands in the public lands trust  
8   inventory, (2) account for all income and proceeds derived from  
9   the public land trust and (3) transfer the full twenty-percent  
10   pro rata share of income and proceeds from the public land trust  
11   annually to the Office of Hawaiian Affairs ("OHA") for the  
12   betterment of the conditions of native Hawaiians.

13       The genesis and source of the State's public land trust  
14   responsibility to native Hawaiians are the historical events that  
15   led to the illegal overthrow of the Kingdom of Hawai'i; the  
16   transfer of approximately 1.8 million acres of crown, government,  
17   and public lands to the United States under the 1898 Joint

\_\_\_\_\_.B. NO. \_\_\_\_\_

1 Resolution of Annexation without the consent of and without  
2 compensation to the Native Hawaiian people or their sovereign  
3 government; the admission of Hawai`i as a state of the Union in  
4 1959, with the explicit trust responsibility and requirement in  
5 the Section 5(f) of the 1959 Admissions that one of the five  
6 purposes of the public land trust is that the income and proceeds  
7 from the public land trust are supposed to be used "for the  
8 betterment of the conditions of native Hawaiians"; and the 1978  
9 Constitutional Convention's recognition that native Hawaiians are  
10 one of the beneficiaries of the public land trust and the creation  
11 of OHA to manage and administer the specific allocation of "all  
12 income and proceeds from that pro rata portion of the [public land]  
13 trust for native Hawaiians (Article XII (6), Hawai`i State  
14 Constitution). The United States and the Courts have consistently  
15 affirmed the trust nature of the government and crown lands,  
16 including large tracts of ceded lands used for military or other  
17 purposes under federal control.

18 In 1959, as a condition of its admission into the Union, the  
19 State of Hawai`i agreed to hold certain lands granted to the State  
20 by the United States in a public trust, the public lands trust,  
21 for five purposes delineated in *section 5(f)* of the Admission Act,  
22 which provides in relevant part:

**.B. NO.**           

1           “The lands granted to the State of Hawaii by subsection (b)  
2 of this section and public lands retained by the United States  
3 under subsections (c) and (d) and later conveyed to the State under  
4 subsection (e), together with the proceeds from the sale or other  
5 disposition of any such lands and the income therefrom, shall be  
6 held by said State as a public trust [(1)] for the support of the  
7 public schools and [(2)] other educational institutions, [(3)] *for*  
8 *the betterment of the conditions of native Hawaiians, as defined*  
9 *in the Hawaiian Homes Commission Act, 1920, as amended,* [(4)] for  
10 the development of farm and home ownership on as widespread a basis  
11 as possible for the making of public improvements, and [(5)] for  
12 the provision of lands for public use.

13           Such lands, proceeds, and income shall be managed and disposed  
14 of for one or more of the foregoing purposes in such manner as the  
15 constitution and laws of this State may provide, and their use for  
16 any other object shall constitute a breach of trust for which suit  
17 may be brought by the United States.” (Emphasis added.)

18           In 1978, the people of Hawai`i affirmed the State’s trust  
19 obligation to native Hawaiians by ratifying constitutional  
20 amendments from the Constitutional Convention, including Article  
21 XII, sections 4, 5, and 6, which established OHA and charged it  
22 with managing income and proceeds from the public land trust for

.B. NO.           

1 the benefit of native Hawaiians. Article XVI, section 7 of the  
2 Hawai'i constitution required the State to enact legislation to  
3 comply with its trust obligations. Thus, in 1979, legislation,  
4 codified at Hawaii Revised Statutes ("HRS") chapter 10, set forth  
5 the purposes of OHA and described its duties of the trustees.

6 In September 1981, an initial land inventory by the Department  
7 of Land and Natural Resources ("DLNR") listed approximately  
8 1,271,652 acres, falling woefully short of its duty to provide a  
9 complete inventory of the public land trust lands. Additionally,  
10 the State Land Information Management System ("SLIMS") does not  
11 include all lands held by all state entities.

12 Act 273, Session Laws of Hawaii 1980, enacted HRS Section  
13 10-13.5 to implement the OHA's pro rata share and required that  
14 OHA receive "[t]wenty per cent of all funds derived from the public  
15 land trust." This legislative directive addressing the  
16 constitutional mandate has led to a series of lawsuits and  
17 legislative enactments concerning OHA's constitutional pro rata  
18 share of the public land trust. The State and OHA have labored to  
19 resolve the political question of the statutory pro-rata share of  
20 income and proceeds derived from the public lands trust, and  
21 payment to OHA.

**.B. NO.**           

1       Act 178, Session Laws of Hawai'i 2006, affirmed the State's  
2 trust obligation under Article XII, Section 6, of the state  
3 constitution to native Hawaiians by requiring that DNLR provide an  
4 annual accounting of revenue-generating public trust lands and the  
5 amounts derived from those lands to the legislature. The interim  
6 measure also set a fixed amount of \$15,100,000 from the pro rata  
7 share of the public land trust income and proceeds due to OHA for  
8 the betterment of the conditions of native Hawaiians until further  
9 action is taken by the legislature for this purpose.

10       Act 15, Session Laws of Hawai'i 2012, was enacted to address  
11 past-due amounts, which accumulated during the period between  
12 November 7, 1978, up to and including June 30, 2012, of income and  
13 proceeds from the public land trust owed to OHA by implementing an  
14 agreement between the State and OHA for the State to convey certain  
15 lands in Kaka'ako, O'ahu, to OHA valued at approximately  
16 \$200,000,000. Act 15 did not, however, address the State's  
17 constitutional obligations relating to OHA's twenty percent pro  
18 rata share of the income and proceeds from the public land trust  
19 generated after June 30, 2012. Notably, a 2015-16 financial review  
20 initiated by OHA found that the minimum amount of total gross  
21 receipts from sources that the office of Hawaiian affairs has  
22 historically claimed was approximately \$394,322,163 in the fiscal

.B. NO.           

1 year 2015-2016. Twenty per cent of this amount is approximately  
2 \$78,900,000.

3 The legislature finds that to uphold its constitutional trust  
4 obligation and duty to the Indigenous People of Hawai'i, it must  
5 enact another legislative measure in light of the information,  
6 data, and facts provided to the legislature by state agencies since  
7 the enactment of Act 178, Session Laws of Hawai'i 2006, more than  
8 a decade ago.

9 The purpose of this Act is to:

10 (1) Establish \$78,900,000 as the Office of Hawaiian Affairs'  
11 annual share of the income and proceeds of the public land  
12 trust beginning in fiscal year 2022-2023;

13 (2) Transfer to the Office of Hawaiian Affairs the sum of  
14 \$638,000,000 for income and proceeds due from the use of the  
15 public land trust lands between July 1, 2012, and June 30,  
16 2022, that was misallocated, underreported or underpaid to  
17 OHA; and

18 (3) Require the continued annual accounting of all receipts  
19 from lands described in section 5(f) of the Admission Act.

20 SECTION 2. [ANNUAL PAYMENTS DUE.] Notwithstanding the  
21 provisions of Act 178(Session Laws of Hawai'i 2006),except for  
22 Section 5 of Act 178, which this Act restates, without substantive

.B. NO.           

1 change, and until further action is taken by the legislature for  
2 this purpose, the income and proceeds from the pro rata portion of  
3 the public land trust under article XII, section 6 of the state  
4 constitution for expenditure by the Office of Hawaiian Affairs for  
5 the betterment of the conditions of native Hawaiians for each  
6 fiscal year beginning with fiscal year 2022-2023 shall be  
7 \$78,900,000, or present real value.

8       SECTION 3. [QUARTERLY PAYMENTS DUE.] Notwithstanding the  
9 provisions of Act 178 (Session Laws of Hawai'i 2006), except for  
10 Section 5 of Act 178, which this Act restates, without substantive  
11 change, beginning in fiscal year 2022-2023, departments, agencies  
12 or entities that collect receipts from public land trust lands,  
13 including but not limited to the University of Hawai'i, shall  
14 determine and transfer to OHA that portion of their receipts from  
15 the use, sale, lease, or other disposition of lands within the  
16 public land trust collected during each fiscal quarter, necessary  
17 to ensure that a total of \$19,725,000 of receipts generated by the  
18 public land trust is transferred to OHA within thirty days of the  
19 close of each fiscal quarter; provided that for fiscal year 2022-  
20 2023, the departments shall have until thirty days after the close  
21 of the fiscal year to transfer a total of \$19,725,000 from their  
22 receipts from the use, sale, or exchange of lands within the public

**.B. NO.**           

1 land trust collected during fiscal year 2022-2023, to OHA by the  
2 procedures set forth in this Act.

3 The governor is expressly authorized to fix the amounts each  
4 agency shall transfer to OHA in each quarter by executive order to  
5 implement the provisions of this section.

6 SECTION 4. [QUARTERLY PAYMENT'S HOLDING ACCOUNT.] No later  
7 than twelve days after the close of each fiscal quarter, the  
8 director of finance or the director's designee shall determine the  
9 total amount of receipts transferred by any department or agency  
10 that collects receipts from the lands within the public land trust  
11 to OHA during the immediately prior fiscal quarter.

12 If the total amount of receipts transferred to OHA is less  
13 than \$19,725,000 in the immediately prior fiscal quarter, the  
14 director of finance or the director's designee shall:

15 (1) Make up the difference between \$19,725,000 and the  
16 amount of receipts transferred in the immediately prior fiscal  
17 quarter by transferring up to the entire amount on deposit in the  
18 carry-forward trust holding account established by the director of  
19 finance, pursuant to Executive Order 06-06 or this Act; or

20 (2) Make up the difference between \$19,725,000 and the  
21 amount of receipts transferred in the immediately prior fiscal  
22 quarter by establishing the additional amount of receipts that

.B. NO.           

1 each agency must transfer to OHA pursuant to section 3 of this  
2 Act.

3       If the total amount of receipts transferred to OHA is more  
4 than \$19,725,000 in the immediately prior fiscal quarter, the  
5 director of finance shall notify OHA and request that OHA transfer  
6 the amount in excess of \$19,725,000 into the carry-forward trust  
7 holding account established by the director of finance, pursuant  
8 to Executive Order 06-06 or this Act. This subsection shall not  
9 apply to a transfer of receipts at the close of fiscal year 2022-  
10 2023.

11       SECTION 5. [OBLIGATION RE PAST-DUE MONIES TO OHA.] There  
12 is appropriated out of the general revenues of the State of  
13 Hawai'i in the sum of \$638,000,000 for fiscal year 2021-2022,  
14 which includes trust funds transferred into the carry-forward  
15 trust holding account, totaling approximately \$29,060,008 at  
16 the end of Q1 fiscal year 2022, established by the director of  
17 finance, pursuant to executive order 06-06, to pay to OHA  
18 amounts received from the use of lands in the public land trust  
19 that the legislature has determined were misallocated,  
20 underreported or underpaid income and proceeds of the public  
21 land trust between July 1, 2012 through June 30, 2022.

\_\_\_\_\_.B. NO. \_\_\_\_\_

1       The sum appropriated shall be expended by the department of  
2 budget and finance.

3       The director of finance shall transfer the funds in the  
4 carry-forward trust holding account established by the director  
5 of finance to OHA.

6       SECTION 6. Any funds transferred pursuant to this Act shall  
7 be deemed income and proceeds from the public land trust, just as  
8 if the funds had been paid out of the income and proceeds from the  
9 public land trust pursuant to article XII, section 6, of the state  
10 constitution.

11       SECTION 7. This Act shall take effect on July 1, 2022.

12

13                                   INTRODUCED BY: \_\_\_\_\_

14

By Request

EXECUTIVE ORDER NO. 06 - 06

WHEREAS, Section 3 of Act 178, 2006 Session Laws of Hawaii, requires each agency of the State that "collects receipts from the lands within the public land trust" to determine and transfer a portion of those receipts as necessary to ensure that a total of \$3,775,000 is transferred to the Office of Hawaiian Affairs ("OHA") thirty days after the close of each fiscal quarter;

WHEREAS, Section 3 of Act 178 expressly authorizes the Governor to fix the exact amount each agency is to transfer to OHA on a quarterly basis, without regard for the provisions of chapter 10, Hawaii Revised Statutes, or the requirements of Executive Order No. 03-03;

WHEREAS, pending the Legislature's policy determinations regarding how best to give long-term "effect to the right of native Hawaiians to benefit from the ceded lands trust," OHA v. State, 96 Haw. 388, 401 (2001), it continues to be appropriate to rely upon the rationale and the procedures set out in Executive Order No. 03-03, for determining which receipts from the use of public land trust lands are to be transferred to the OHA on a quarterly basis, to satisfy the requirements of Section 3 of Act 178;

WHEREAS, because receipts for the use of lands are received in different amounts at varying intervals and frequency over the

course of a fiscal quarter or a fiscal year, the procedures set out in Executive Order No. 03-03 for segregating and transferring receipts for the use of public land trust lands to OHA need to be modified if the requirements of Section 3 of Act 178 are to be satisfied; and

WHEREAS, for purposes of this executive order, "public land trust land" is land assigned "Trust Land Status," or "5(b)," "5(e)" or "Pub. L. 88-233" status on the Department of Land and Natural Resources' State Land Inventory Listing, or described in the agency's records as land acquired by the State through Section 5(b) or 5(e) of the Admission Act or Pub. L. 88-233, or in exchange for such a parcel;

NOW, THEREFORE, I, Linda Lingle, Governor of Hawaii, pursuant to the authority conferred upon me by Section 3 of Act 178, 2006 Session Laws of Hawaii, direct that the following accounts be established, and the following determinations and procedures made and implemented, so that the requirements of Section 3 of Act 178 may be satisfied at the close of each fiscal quarter.

1. All departments and agencies that collect receipts for the use of ceded or public land trust land shall:

- a. Establish trust holding accounts to accumulate OHA's portion of each receipt that would otherwise be deposited into the general fund or a special fund, and to accumulate the

remainder of each receipt that would otherwise be deposited into the general fund for the rest of the fiscal year ("GFRTHA");

b. Determine if:

- (1) Any federal or state law precludes any portion of the receipt from being used to better the conditions of native Hawaiians; or
- (2) The transfer of any portion of the receipt will cause the department or agency to renege on any pre-existing pledge, rate covenant, or other pre-existing obligation to holders of revenue bonds or other indebtedness of the State, department, or agency;

c. If use of a receipt is not limited by the provisions of paragraph 1.b.(1) or 1.b.(2) above,

- (1) Determine OHA's share of the receipt by calculating the ceded/non-ceded fraction for the parcel that generated the receipt by area (square feet or acres), multiplying the receipt by the ceded/non-ceded fraction, and multiplying that result by 20% or any alternative percentage the Governor specifies,
- (2) Deposit the resulting amount into the appropriate trust holding account established pursuant to paragraph 1.a above to accumulate OHA's portion, and
- (3) Deposit the remaining portion of the receipt into the GFRTHA if it would otherwise be deposited into the

general fund; otherwise, deposit the remaining portion of the receipt into the appropriate special fund, using separate Treasury Deposit Receipt slips (State Accounting Form B-13) for each trust holding account into which receipts are deposited.

d. If use of a receipt is limited by paragraph 1.b.(1) or 1.b.(2) above, report the receipt as a gross receipt on the electronic spreadsheet developed by the Department of Land and Natural Resources' to effect the reporting requirements of Act 178, and deposit the entire amount to the credit of the general fund or special fund as appropriate.

e. Within ten calendar days of the close of each fiscal quarter,

- (1) Complete, and email and deliver a copy of the "Transmittal Re: Quarterly Transfer of Public Land Trust Receipts to OHA," attached here as Attachment "A," to the Department of Budget and Finance, Attn: Administrator, Budget, Program Planning and Management Division, to inform the same of the receipts collected, deposited in each of its trust holding accounts, and transferred to OHA; and
- (2) Unless the Governor directs otherwise, transfer all receipts deposited in its general and special fund trust holding accounts, other than its GFRTHAs, to OHA

by journal voucher using the accounting information and processes described in paragraph 4 below, and transmit a copy of each journal voucher used to transfer the receipts, to OHA, and to the Department of Budget and Finance with the Transmittal prepared pursuant to paragraph 1.e.(1) above.

2. No later than 12 calendar days after the close of each fiscal quarter, the Director of Finance or the Director's designee, shall

a. Compute the total amount of receipts from the use of ceded lands or lands in the public land trust deposited into the trust holding accounts during the immediately prior fiscal quarter, the total amount of receipts transferred to OHA for the immediately prior fiscal quarter, the total amount on deposit in the GFRTHA of all agencies, and the difference, if any, between the total amount of receipts transferred to OHA and \$3,775,000;

b. If the total amount of receipts transferred to OHA exceeds the \$3,775,000, notify OHA and request that OHA deposit the overpayment by journal voucher into the carry-forward trust holding account the Director establishes for that purpose, using the accounting information and processes described in paragraph 4 below;

c. If the total amount of receipts transferred to OHA is less than \$3,775,000, and unless the Governor fixes different amounts for some or all agencies, make up

- (1) The shortfall by transferring up to the entire amount on deposit in the carry-forward trust holding account to OHA, by journal voucher using the accounting information and processes described in paragraph 4 below; and
  - (2) Any remaining difference by establishing the additional amount of receipts each agency must transfer to OHA from its GFRTHAs and special funds, to satisfy the requirements of Section 3 of Act 178 for the immediately prior fiscal quarter, and
- notify each agency by email what amounts of receipts specified by the Governor or established by the Director, if any, it must transfer to OHA, from its trust holding accounts, its GFRTHA, or its special funds, to satisfy the requirements of Section 3 of Act 178.

3. No later than 15 calendar days after the close of each fiscal quarter, each department or agency shall,

- (a) If notified by the Director of Finance that additional receipts must be transferred to OHA from its special funds, reverse earlier deposits of receipts into its special funds in

the amounts specified by the Director, and deposit the same into the appropriate special fund trust holding account, and

(b) Transfer all amounts specified for transfer from its GFRTHAs and its trust holding accounts, to OHA, by journal voucher using the accounting information and processes described in paragraph 4 below.

4. Accounting Information and Process.

a. Use Account No. T-YY-901-Z1; transaction codes 805 for OHA and 804 for the department or agency;


b. Include the following note under the "Explanation" section of the journal voucher: "to record transfer of funds derived from the public land trust to OHA, pursuant to Executive Order 06-06, and Act 178, 2006 Session Laws of Hawaii."

5. Immediately after all transfers to OHA for the fourth fiscal quarter are made, each department or agency shall deposit any balance remaining in any trust holding account to the credit of the general fund or the special fund into which the receipt would have been deposited if it had not been deposited into the trust holding account. The Director of Finance or the Director's designee shall transfer any balance remaining in the carry-forward trust holding account to each department or agency that transferred additional receipts to OHA in the prior fiscal year pursuant to paragraphs 2.c.(3), in amounts proportionate to

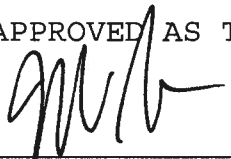
each department's or agency's total contributions to avoid any shortfall in the prior fiscal year.

Each department or agency shall also maintain a separate file for each fiscal year, of all Treasury Deposit Receipts (State Accounting Form B-13) and all journal vouchers it used to deposit receipts for the use of public land trust land to the separate trust holding accounts established under paragraph 1, and to transfer OHA's portion of the same to OHA.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 20th  
day of September, 2006.

  
\_\_\_\_\_  
LINDA LINGDE  
Governor of Hawaii

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mark J. Bennett  
Attorney General

TRANSMITTAL TO MAKE QUARTERLY TRANSFER OF PUBLIC LAND TRUST  
RECEIPTS TO OHA

Date: \_\_\_\_\_  
(By Email and Messenger)

TO: Mr. Neal Miyahira  
Administrator, Budget, Program Planning and Management Division  
Department of Budget and Finance

FROM: \_\_\_\_\_

Department/Agency Name \_\_\_\_\_

SUBJECT: Ceded Land/Public Land Trust Receipts for Quarterly Transfer to Office of Hawaiian  
80%GFTHA/20% Holding Account Ceded/Public Land Trust Fiscal Year \_\_\_\_\_, Fiscal Quarter's \_\_\_\_\_ Total Amounts  
Name/No. Land Total Receipts Account Deposits Transferred to OHA

_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

If there are questions, please call or email \_\_\_\_\_  
at Ext. \_\_\_\_\_; Email \_\_\_\_\_.

NOTE: Due no later than **10<sup>th</sup> Calendar Day** after the end of each fiscal quarter.

## PUBLIC LAND TRUST (CEDED LAND) REVENUES RECEIPTS

FY 2010 - FY 2022

FY 2010	DAGS	DOA	DBEDT	DOE	DOT-HAR	DLNR	UH	DOD	Act 178	Total
1Q10	\$ 5,806.00	\$ 50,459.31	\$ 103,354.64	\$ 16,205.00	\$ 1,451,282.81	\$ 772,378.07	\$ 106,974.62	\$ 120.00	\$ 1,268,419.55	\$ 3,775,000.00
2Q10	\$ 5,790.00	\$ 56,632.92	\$ 95,975.59	\$ 25,120.00	\$ 1,388,662.14	\$ 741,485.65	\$ 105,589.41	\$ -	\$ 1,355,744.29	\$ 3,775,000.00
3Q10	\$ 5,768.00	\$ 58,300.34	\$ 118,243.20	\$ 15,860.00	\$ 1,355,580.32	\$ 740,464.65	\$ 105,093.10	\$ -	\$ 1,375,690.39	\$ 3,775,000.00
4Q10	\$ 5,778.00	\$ 76,727.86	\$ 117,494.30	\$ 18,433.00	\$ 1,841,060.26	\$ 1,109,775.11	\$ 103,099.14	\$ -	\$ 502,632.33	\$ 3,775,000.00
<b>Tot FY10</b>	<b>\$ 23,142.00</b>	<b>\$ 242,120.43</b>	<b>\$ 435,067.73</b>	<b>\$ 75,618.00</b>	<b>\$ 6,036,585.53</b>	<b>\$ 3,364,103.48</b>	<b>\$ 420,756.27</b>	<b>\$ 120.00</b>	<b>\$ 4,502,486.56</b>	<b>\$ 15,100,000.00</b>

FY 2011	DAGS	DOA	DBEDT	DOE	DOT-HAR	DLNR	UH	DOD	Act 178	Total
1Q11	\$ 5,625.00	\$ 22,899.12	\$ 93,534.24	\$ 18,673.00	\$ 1,468,008.55	\$ 638,784.03	\$ 115,446.44	\$ -	\$ 1,412,029.62	\$ 3,775,000.00
2Q11	\$ 5,462.00	\$ 53,514.39	\$ 128,019.69	\$ 19,765.00	\$ 2,184,971.60	\$ 770,296.76	\$ 110,984.98	\$ -	\$ 501,985.58	\$ 3,775,000.00
3Q11	\$ 5,527.00	\$ 37,846.71	\$ 105,793.71	\$ 20,494.00	\$ 2,039,474.76	\$ 1,104,722.75	\$ 101,444.05	\$ 85.00	\$ 359,612.02	\$ 3,775,000.00
4Q11	\$ 5,172.00	\$ 94,255.79	\$ 103,763.91	\$ 17,700.00	\$ 1,921,539.81	\$ 1,056,024.00	\$ 119,075.83	\$ -	\$ 457,468.66	\$ 3,775,000.00
<b>Tot FY11</b>	<b>\$ 21,786.00</b>	<b>\$ 208,516.01</b>	<b>\$ 431,111.55</b>	<b>\$ 76,632.00</b>	<b>\$ 7,613,994.72</b>	<b>\$ 3,569,827.54</b>	<b>\$ 446,951.30</b>	<b>\$ 85.00</b>	<b>\$ 2,731,095.88</b>	<b>\$ 15,100,000.00</b>

FY 2012	DAGS	DOA	DBEDT	DOE	DOT-HAR	DLNR	UH	DOD	Act 178	Total
1Q12	\$ 4,970.00	\$ 108,091.00	\$ 92,689.28	\$ 23,166.00	\$ 1,930,785.51	\$ 738,782.95	\$ 117,736.56	\$ 85.00	\$ 758,693.70	\$ 3,775,000.00
2Q12	\$ 5,243.00	\$ 79,055.58	\$ 280,438.74	\$ 24,825.00	\$ 2,427,990.45	\$ 628,133.73	\$ 112,649.41	\$ -	\$ 216,664.09	\$ 3,775,000.00
3Q12	\$ 5,560.00	\$ 104,455.43	\$ 107,920.49	\$ 26,109.00	\$ 1,812,408.39	\$ 1,458,334.28	\$ 117,064.66	\$ -	\$ 143,147.75	\$ 3,775,000.00
4Q12	\$ -	\$ 39,953.16	\$ 167,452.12	\$ 26,100.00	\$ 2,858,003.41	\$ 1,125,375.57	\$ 104,699.93	\$ 360.00	\$ -	\$ 4,321,944.19
<b>Tot FY12</b>	<b>\$ 15,773.00</b>	<b>\$ 331,555.17</b>	<b>\$ 648,500.63</b>	<b>\$ 100,200.00</b>	<b>\$ 9,029,187.76</b>	<b>\$ 3,950,626.53</b>	<b>\$ 452,150.56</b>	<b>\$ 445.00</b>	<b>\$ 1,118,505.54</b>	<b>\$ 15,646,944.19</b>

TRF BAL

\$0.00

\$0.00

\$0.00

\$546,944.19

\$546,944.19 (a)

FY 2013	DAGS	DOA	DBEDT	DOE	DOT-HAR	DLNR	UH	DOD	Act 178	Total
1Q13	\$ 5,068.00	\$ 37,949.71	\$ 89,628.65	\$ 24,674.00	\$ 2,570,104.95	\$ 1,007,085.31	\$ 107,506.88	\$ 236.00	\$ -	\$ 3,842,253.50
2Q13	\$ 5,254.00	\$ 36,952.88	\$ 91,041.44	\$ 24,175.00	\$ 2,349,623.13	\$ 943,303.25	\$ 113,826.96	\$ 401.00	\$ 210,422.34	\$ 3,775,000.00
3Q13	\$ 5,166.00	\$ 36,850.74	\$ 88,469.36	\$ 28,256.00	\$ 2,322,361.32	\$ 1,159,776.21	\$ 118,667.61	\$ 313.00	\$ 15,139.76	\$ 3,775,000.00
4Q13	\$ 5,166.00	\$ -	\$ 152,553.37	\$ 4,631.43	\$ 3,317,050.39	\$ 891,212.38	\$ 592,911.12	\$ 200.00	\$ -	\$ 4,963,724.69
<b>Tot FY13</b>	<b>\$ 20,654.00</b>	<b>\$ 111,753.33</b>	<b>\$ 421,692.82</b>	<b>\$ 81,736.43</b>	<b>\$ 10,559,139.79</b>	<b>\$ 4,001,377.15</b>	<b>\$ 932,912.57</b>	<b>\$ 1,150.00</b>	<b>\$ 225,562.10</b>	<b>\$ 16,355,978.19</b>

TRF BAL

\$67,253.50

\$0.00

\$0.00

\$1,188,724.69

\$1,255,978.19 (b)

FY 2014	DAGS	DOA	DBEDT	DOE	DOT-HAR	DLNR	UH	DOD	Act 178	Total
1Q14	\$ 4,959.00	\$ -	\$ 90,124.13	\$ 24,103.00	\$ 2,742,089.81	\$ 889,462.40	\$ 133,045.10	\$ -	\$ -	\$ 3,883,783.44
2Q14	\$ 577,061.57	\$ -	\$ 106,166.81	\$ 32,020.00	\$ 2,897,843.11	\$ 990,699.77	\$ 166,822.51	\$ 170.00	\$ -	\$ 4,770,783.77
3Q14	\$ 5,646.00	\$ -	\$ 103,279.44	\$ 31,831.00	\$ 2,793,798.37	\$ 1,415,721.19	\$ 142,643.70	\$ 480.00	\$ -	\$ 4,493,399.70
4Q14	\$ 5,352.00	\$ -	\$ 114,659.93	\$ 28,271.00	\$ 3,075,585.56	\$ 1,357,075.64	\$ 150,265.49	\$ 1,166.00	\$ -	\$ 4,732,375.62
<b>Tot FY14</b>	<b>\$ 593,018.57</b>	<b>\$ -</b>	<b>\$ 414,230.31</b>	<b>\$ 116,225.00</b>	<b>\$ 11,509,316.85</b>	<b>\$ 4,652,959.00</b>	<b>\$ 592,776.80</b>	<b>\$ 1,816.00</b>	<b>\$ -</b>	<b>\$ 17,880,342.53</b>

TRF BAL

\$108,783.44

\$995,783.77

\$718,399.70

\$957,375.62

\$2,780,342.53 (c)

FY 2015	DAGS	DOA	DBEDT	DOE	DOT-HAR	DLNR	UH	DOD	Act 178	Total
1Q15	\$ 5,205.00	\$ 49,638.98	\$ 95,219.42	\$ 30,208.00	\$ 3,240,772.23	\$ 1,083,930.19	\$ 166,834.26	\$ 305.00	\$ -	\$ 4,672,113.08
2Q15	\$ 5,090.00	\$ 99,554.76	\$ 216,203.30	\$ 23,590.00	\$ 3,026,802.73	\$ 944,422.72	\$ 157,780.15	\$ 300.00	\$ -	\$ 4,473,743.66
3Q15	\$ 5,402.00	\$ 107,904.51	\$ 156,389.57	\$ 30,547.00	\$ 3,082,851.93	\$ 1,100,462.98	\$ 169,726.32	\$ 314.40	\$ -	\$ 4,653,598.71
4Q15	\$ 5,019.00	\$ 125,922.50	\$ 113,816.43	\$ 28,576.00	\$ 3,333,496.69	\$ 1,255,348.73	\$ 148,948.75	\$ 300.00	\$ -	\$ 5,011,428.10
<b>Tot FY15</b>	<b>\$ 20,716.00</b>	<b>\$ 383,020.75</b>	<b>\$ 581,628.72</b>	<b>\$ 112,921.00</b>	<b>\$ 12,683,923.58</b>	<b>\$ 4,384,164.62</b>	<b>\$ 643,289.48</b>	<b>\$ 1,219.40</b>	<b>\$ -</b>	<b>\$ 18,810,883.55</b>

TRF BAL

\$897,113.08

\$698,743.66

\$878,598.71

\$1,236,428.10

\$3,710,883.55 (d)

FY 2016	DAGS	DOA	DBEDT	DOE	DOT-HAR	DLNR	UH	DOD	B&F	Act 178	Total
1Q16	\$ 5,139.00	\$ 112,928.41	\$ 107,783.06	\$ 21,638.00	\$ 2,998,457.56	\$ 844,385.80	\$ 175,386.12	\$ 328.80	\$ -	\$ -	\$ 4,266,046.75
2Q16	\$ 5,063.00	\$ 135,407.07	\$ 91,870.43	\$ 27,354.00	\$ 2,480,626.30	\$ 874,467.06	\$ 152,914.42	\$ 300.00	\$ 101,488.84	\$ -	\$ 3,869,491.12
3Q16	\$ 5,467.00	\$ 142,069.27	\$ 169,322.44	\$ 33,775.00	\$ 820,916.14	\$ 1,314,346.78	\$ 176,750.72	\$ 360.00	\$ 1,111,992.65	\$ -	\$ 3,775,000.00
4Q16	\$ 5,079.00	\$ 98,765.62	\$ 129,410.45	\$ 30,825.00	\$ 5,700,921.49	\$ 1,339,119.72	\$ 145,429.70	\$ 320.00	\$ -	\$ -	\$ 7,449,870.98
<b>Tot FY16</b>	<b>\$ 20,748.00</b>	<b>\$ 489,170.37</b>	<b>\$ 498,386.38</b>	<b>\$ 113,592.00</b>	<b>\$ 12,000,921.49</b>	<b>\$ 4,372,319.36</b>	<b>\$ 650,480.96</b>	<b>\$ 1,308.80</b>	<b>\$ 1,213,481.49</b>	<b>\$ -</b>	<b>\$ 19,360,408.85</b>

TRF BAL

\$491,046.75

\$94,491.12

\$0.00

\$3,674,870.98

\$4,260,408.85 (e)

FY 2017	DAGS	DOA	DBEDT	DOE	DOT-HAR	DLNR	UH	DOD	DOT-HWY	Act 178	Total
1Q17	\$ 5,073.00	\$ 86,857.50	\$ 106,879.02	\$ 32,306.00	\$ 4,197,980.23	\$ 894,490.74	\$ 178,542.07	\$ 1,834.40	\$ -	\$ -	\$ 5,503,962.96

TRF BAL

\$1,728,962.96

2Q17	\$	5,013.00	\$	53,849.37	\$	166,079.21	\$	33,569.00	\$	3,646,166.94	\$	872,908.06	\$	152,055.93	\$	-	\$	170.18	\$	-	4,929,811.69	\$1,154,811.69
3Q17	\$	5,363.00	\$	70,912.88	\$	116,393.45	\$	26,453.00	\$	3,095,384.74	\$	1,680,474.13	\$	143,314.49	\$	860.00	\$	-	\$	-	5,139,155.69	\$1,364,155.69
4Q17	\$	5,325.00	\$	62,921.80	\$	191,523.20	\$	28,919.00	\$	2,599,640.79	\$	1,578,547.92	\$	146,389.69	\$	275.00	\$	-	\$	-	4,613,542.40	\$838,542.40
<b>Tot FY17</b>	<b>\$</b>	<b>20,774.00</b>	<b>\$</b>	<b>274,541.55</b>	<b>\$</b>	<b>580,874.88</b>	<b>\$</b>	<b>121,247.00</b>	<b>\$</b>	<b>13,539,172.70</b>	<b>\$</b>	<b>5,026,420.85</b>	<b>\$</b>	<b>620,302.18</b>	<b>\$</b>	<b>2,969.40</b>	<b>\$</b>	<b>170.18</b>	<b>\$</b>	<b>-</b>	<b>20,186,472.74</b>	<b>\$5,086,472.74 (f)</b>

FY 2018	DAGS	DOA	DBEDT	DOE	DOT-HAR	DLNR	UH	DOD	DOT-HWY	Act 178	Total	TRF BAL										
1Q18	\$	5,030.00	\$	83,720.48	\$	92,186.04	\$	24,010.00	\$	2,516,137.89	\$	1,055,069.69	\$	200,891.19	\$	681.00	\$	-	\$	-	3,977,726.29	\$202,726.29
2Q18	\$	5,052.00	\$	99,979.23	\$	175,488.08	\$	28,513.00	\$	2,500,483.50	\$	1,145,059.84	\$	206,722.84	\$	921.90	\$	40,693.20	\$	-	4,202,913.59	\$427,913.59
3Q18	\$	5,019.00	\$	86,088.67	\$	95,367.67	\$	28,891.00	\$	2,503,394.87	\$	1,595,303.66	\$	197,164.45	\$	575.00	\$	-	\$	-	4,511,804.32	\$736,804.32
4Q18	\$	4,608.00	\$	61,571.24	\$	110,080.52	\$	32,056.00	\$	2,479,983.74	\$	1,819,602.26	\$	190,893.62	\$	718.80	\$	-	\$	-	4,699,514.18	\$924,514.18
Tot FY18	\$	19,709.00	\$	331,359.62	\$	473,122.31	\$	113,470.00	\$	10,000,000.00	\$	5,615,035.45	\$	795,672.10	\$	2,896.70	\$	40,693.20	\$	-	17,391,958.38	\$2,291,958.38 (g)

FY 2019	DAGS	DOA	DBEDT	DOE	DOT-HAR	DLNR	UH	DOD	DOT-HWY	Act 178	Total	TRF BAL										
1Q19	\$	4,521.00	\$	72,323.36	\$	145,874.05	\$	26,769.12	\$	2,520,720.59	\$	1,033,591.01	\$	206,183.33	\$	337.60	\$	40,423.20	\$	-	4,050,743.26	\$275,743.26
2Q19	\$	10,642.00	\$	122,651.04	\$	105,528.15	\$	26,062.00	\$	2,509,150.26	\$	1,031,047.16	\$	220,574.14	\$	474.80	\$	-	\$	-	4,026,129.55	\$251,129.55
3Q19	\$	11,682.00	\$	146,676.97	\$	96,475.30	\$	26,363.00	\$	2,500,061.87	\$	1,352,712.80	\$	248,084.41	\$	350.00	\$	-	\$	-	4,382,406.35	\$607,406.35
4Q19	\$	10,930.00	\$	136,357.37	\$	199,256.92	\$	44,595.00	\$	2,470,067.28	\$	1,627,745.33	\$	201,976.68	\$	381.20	\$	-	\$	-	4,691,309.78	\$916,309.78
Tot FY19	\$	37,775.00	\$	478,008.74	\$	547,134.42	\$	123,789.12	\$	10,000,000.00	\$	5,045,096.30	\$	876,818.56	\$	1,543.60	\$	40,423.20	\$	-	17,150,588.94	\$2,050,588.94 (h)

FY 2020	DAGS	DOA	DBEDT	DOE	DOT-HAR	DLNR	UH	DOD	DOT-HWY	Act 178	Total	TRF BAL										
1Q20	\$	10,706.00	\$	68,117.27	\$	143,623.61	\$	22,035.00	\$	2,650,682.82	\$	1,315,939.52	\$	268,649.39	\$	337.60	\$	10,279.00	\$	-	4,490,370.21	\$715,370.21
2Q20	\$	10,509.00	\$	47,577.14	\$	86,413.86	\$	27,128.00	\$	2,509,501.13	\$	1,309,964.74	\$	229,502.31	\$	1,343.40	\$	-	\$	-	4,221,939.58	\$446,939.58
3Q20	\$	10,179.00	\$	143,689.67	\$	211,310.14	\$	34,114.00	\$	2,500,147.00	\$	1,055,273.84	\$	223,271.41	\$	1,700.00	\$	-	\$	-	4,179,685.06	\$404,685.06
4Q20	\$	5,528.00	\$	99,486.48	\$	113,840.21	\$	7,630.00	\$	2,339,669.05	\$	2,319,543.37	\$	130,982.76	\$	625.00	\$	-	\$	-	5,017,304.87	\$1,242,304.87
Tot FY20	\$	36,922.00	\$	358,870.56	\$	555,187.82	\$	90,907.00	\$	10,000,000.00	\$	6,000,721.47	\$	852,405.87	\$	4,006.00	\$	10,279.00	\$	-	17,909,299.72	\$2,809,299.72 (i)

FY 2021	DAGS	DOA	DBEDT	DOE	DOT-HAR	DLNR	UH	DOD	DOT-HWY	Act 178	Total	TRF BAL										
1Q21	\$	6,139.00	\$	64,397.77	\$	100,222.62	\$	5,509.00	\$	2,499,939.14	\$	1,268,465.09	\$	181,743.69	\$	200.00	\$	-	\$	-	4,126,616.31	\$351,616.31
2Q21	\$	6,081.00	\$	96,921.70	\$	157,567.80	\$	4,530.00	\$	2,500,091.47	\$	992,726.85	\$	91,439.13	\$	445.00	\$	-	\$	-	3,849,802.95	\$74,802.95
3Q21	\$	6,301.00	\$	99,904.95	\$	197,956.00	\$	3,684.00	\$	2,500,082.57	\$	1,443,136.12	\$	163,652.49	\$	1,500.00	\$	-	\$	-	4,416,217.13	\$641,217.13
4Q21	\$	7,610.00	\$	117,242.95	\$	161,393.88	\$	6,045.00	\$	2,499,886.81	\$	2,419,375.37	\$	119,951.87	\$	300.00	\$	-	\$	-	5,331,805.88	\$1,556,805.88
Tot FY21	\$	26,131.00	\$	378,467.37	\$	617,140.30	\$	19,768.00	\$	9,999,999.99	\$	6,123,703.43	\$	556,787.18	\$	2,445.00	\$	-	\$	-	17,724,442.27	\$2,624,442.27 (j)

FY 2022	DAGS	DOA	DBEDT	DOE	DOT-HAR	DLNR	UH	DOD	DOT-HWY	Act 178	Total	TRF BAL											
1Q22	\$	8,811.00	\$	84,717.21	\$	106,709.59	\$	3,264.00	\$	2,499,758.29	\$	2,458,943.29	\$	254,955.23	\$	530.00	\$	-	\$	-	5,417,688.61	\$1,642,688.61	
2Q22											0.00										0.00	\$0.00	Q1 SWV
3Q22											0.00										0.00	\$0.00	
4Q22											0.00										0.00	\$0.00	
Tot FY22	\$	8,811.00	\$	84,717.21	\$	106,709.59	\$	3,264.00	\$	2,499,758.29	\$	2,458,943.29	\$	254,955.23	\$	530.00	\$	-	\$	-	5,417,688.61	\$1,642,688.61	(j)

Note&gt;

1) Each year OHA receives a set amount of \$15,100,000, such that not to exceed four quarterly payments of \$3,775,000, as the Public Land Trust (PLT) Revenues from the State of Hawaii.

2) This table shows the amount received by OHA from the other state agencies for fiscal years 2010 to 2021 Q3. In the event that OHA receives a sum exceeding \$3,775,000 per quarter or \$15,100,000 per year, the excess is subsequently returned to the State.

(a) In FY 2012,		\$ 15,646,944.19		\$ 546,944.19	
(b) In FY 2013,		\$ 16,355,978.19		\$ 1,255,978.19	
(c) In FY 2014,		\$ 17,880,342.53		\$ 2,780,342.53	
(d) In FY 2015,		\$ 18,810,883.55		\$ 3,710,883.55	
(e) In FY 2016,	OHA received a total of	\$ 19,360,408.85	from the named agencies. The excess of \$15,100,000, or	\$ 4,260,408.85	was returned to the State.
(f) In FY 2017,		\$ 20,186,472.74		\$ 5,086,472.74	
(g) In FY 2018,		\$ 17,391,958.38		\$ 2,291,958.38	
(h) In FY 2019,		\$ 17,150,588.94		\$ 2,050,588.94	
(i) In FY 2020,		\$ 17,909,299.72		\$ 2,809,299.72	
(j) In FY 2021,		\$ 17,724,442.27		\$ 2,624,442.27	
(j) In FY 2022,		\$ 5,417,688.61		\$ 1,642,688.61	

<b>\$ 29,060,007.97</b>	Carryover of Excess, CAPTA
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