
HOUSE RESOLUTION

REQUESTING AN AUDIT OF THE STATE'S COMPLIANCE WITH SECTION 5 OF
ACT 178, SESSION LAWS OF HAWAII 2006.

1 WHEREAS, the State of Hawaii has fiduciary responsibilities
2 as the trustee of the public land trust established by section
3 5(f) of the Admission Act; and
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5 WHEREAS, the Hawaii Supreme Court has repeatedly held that
6 the Legislature has a constitutional obligation to clarify the
7 amount of revenues derived from the public land trust that
8 should be transferred to the Office of Hawaiian Affairs for the
9 benefit of Native Hawaiians under Article XII, sections 4 and 6
10 of the Hawaii State Constitution; and
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12 WHEREAS, one of the purposes of Act 178, Session Laws of
13 Hawaii 2006 (Act 178), was to identify revenue-generating public
14 trust lands and the amounts derived from those lands by
15 requiring that the Department of Land and Natural Resources
16 provide an annual accounting to the Legislature; and
17

18 WHEREAS, section 5 of Act 178 requires that no later than
19 January 1 of each year, the Department of Land and Natural
20 Resources, with the cooperation of the Department of Budget and
21 Finance and any other state department or agency that uses or
22 manages public lands, provide an accounting of all receipts from
23 lands described in section 5(f) of the Admission Act for the
24 prior fiscal year; and
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26 WHEREAS, section 5 of Act 178 also requires that with
27 respect to each receipt, the Department of Land and Natural
28 Resources must identify:



- 1 (1) The total gross amount;
- 2
- 3 (2) The amount transferred to the Office of Hawaiian
- 4 Affairs;
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- 6 (3) The amount retained by the State;
- 7
- 8 (4) The account or fund in which the amount specified in
- 9 paragraph (3) was transferred or deposited;
- 10
- 11 (5) The parcel of land subject to section (5)f of the
- 12 Admission Act that generated the receipt, whether by
- 13 tax map key number, Department of Land and Natural
- 14 Resources inventory number, or other recognizable
- 15 description; and
- 16
- 17 (6) The state department or agency that received the total
- 18 gross amount identified in paragraph (1);

19
20 and

21
22 WHEREAS, in addition, section 5 of Act 178 requires that
23 the accounting also indicate whether any parcel of land
24 described in section 5(f) of the Admission Act was sold or
25 exchanged in the prior fiscal year and, if so, the amount of
26 consideration that the State received for the respective
27 parcels; and

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29 WHEREAS, section 5 of Act 178 also requires that the
30 Department of Land and Natural Resources consult the Office of
31 Hawaiian Affairs in determining the method in which the
32 accounting must be conducted; and

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34 WHEREAS, full compliance with Act 178 is critical to
35 fulfilling the State's trust obligation regarding the lands in
36 the public land trust and the Office of Hawaiian Affairs; now,
37 therefore,



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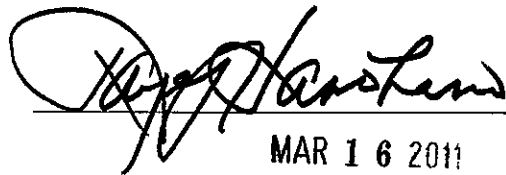
1 BE IT RESOLVED by the House of Representatives of the
2 Twenty-sixth Legislature of the State of Hawaii, Regular Session
3 of 2011, that the State Auditor is requested to conduct an audit
4 of the State's compliance with section 5 of Act 178; and
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6 BE IT FURTHER RESOLVED that all government agencies are
7 requested to provide their full cooperation and all relevant
8 data and other information to the State Auditor during the
9 planning and implementation of the audit; and
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11 BE IT FURTHER RESOLVED the State Auditor is requested to
12 submit her findings and recommendations, including any proposed
13 legislation, to the Legislature no later than 20 days prior to
14 the convening of the Regular Session of 2012; and
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16 BE IT FURTHER RESOLVED that certified copies of this
17 Resolution be transmitted to the Governor, Chairperson of the
18 Board of Land and Natural Resources, Director of Finance, State
19 Auditor, and Chairperson of the Board of Trustees of the Office
20 of Hawaiian Affairs.
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OFFERED BY:



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