

MAR 16 2011

SENATE CONCURRENT RESOLUTION

REQUESTING A FISCAL AND COMPLIANCE AUDIT OF THE KAHO'OLAWE
REHABILITATION TRUST FUND AND THE ESTABLISHMENT OF A
WORKING GROUP TO STUDY AND EVALUATE CERTAIN ISSUES
CONCERNING THE KAHO'OLAWE ISLAND RESERVE.

1 WHEREAS, in Act 340, Session Laws of Hawaii 1993, the
2 Legislature placed the Island of Kaho'olawe, a place of
3 extraordinary cultural significance, under the control of the
4 Kaho'olawe Island Reserve Commission, with the condition that the
5 State would eventually transfer management and control of the
6 island of Kaho'olawe, along with its resources and waters, to a
7 future sovereign native Hawaiian entity upon its recognition by
8 the United States and the State; and
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10 WHEREAS, the Kaho'olawe Island Reserve Commission currently
11 establishes policies for and controls uses of the Kaho'olawe
12 Island Reserve; coordinates the environmental restoration of the
13 Kaho'olawe Island Reserve; and provides for the perpetuation of
14 native Hawaiian customs, beliefs, and practices; and
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16 WHEREAS, section 6K-9.5, Hawaii Revised Statutes,
17 establishes the Kaho'olawe Rehabilitation Trust Fund and
18 authorizes the Kaho'olawe Island Reserve Commission to use monies
19 in the Trust Fund to carry out the purposes of chapter 6K,
20 Hawaii Revised Statutes, including the hiring of employees,
21 specialists, and consultants necessary to complete Commission
22 projects; and
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24 WHEREAS, pursuant to section 6K-9.5, Hawaii Revised
25 Statutes, the Kaho'olawe Rehabilitation Trust Fund is
26 administered by the Department of Land and Natural Resources
27 with the prior approval of the Kaho'olawe Island Reserve
28 Commission; and
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30 WHEREAS, the Legislature finds that an audit of the
31 Kaho'olawe Rehabilitation Trust Fund will be useful to determine



1 whether the use of the funds is in compliance with state laws
2 and any applicable grant agreements and to assess whether the
3 funds are being appropriately used to effectuate the purposes of
4 chapter 6K, Hawaii Revised Statutes, including the duties and
5 responsibilities of the Kaho'olawe Island Reserve Commission; and
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7 WHEREAS, section 6K-6, Hawaii Revised Statutes, relating to
8 the responsibilities of the Kaho'olawe Island Reserve Commission,
9 requires the Commission to establish criteria, policies, and
10 controls for permissible uses within the Island of Kaho'olawe and
11 the submerged lands and waters extending seaward two miles from
12 its shoreline; and
13

14 WHEREAS, section 6K-5, Hawaii Revised Statutes, provides
15 for the composition of the Kaho'olawe Island Reserve Commission;
16 and
17

18 WHEREAS, the composition of the Kaho'olawe Island Reserve
19 Commission affects the criteria, policies, and controls for
20 permissible uses within the Kaho'olawe Island Reserve, which may
21 affect the uses of the Kaho'olawe Island Reserve as provided in
22 section 6K-3, Hawaii Revised Statutes; now, therefore,
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24 BE IT RESOLVED by the Senate of the Twenty-sixth
25 Legislature of the State of Hawaii, Regular Session of 2011, the
26 House of Representatives concurring, that the Auditor is
27 requested to conduct a fiscal and compliance audit of the
28 Kaho'olawe Rehabilitation Trust Fund; and
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30 BE IT FURTHER RESOLVED that the Auditor is requested to
31 submit findings and recommendations, including any proposed
32 legislation, to the Legislature and the Governor no later than
33 twenty days prior to the convening of the Regular Session of
34 2012; and
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36 BE IT FURTHER RESOLVED that the Chairperson of the Board of
37 Land and Natural Resources is requested to convene a working
38 group comprised of the following members:
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- 40 (1) One member of the Protect Kaho'olawe Ohana;
- 41
- 42 (2) One member of the 'Aha Kiole Advisory Committee;
- 43



- 1 (3) One trustee or representative of the Office of
- 2 Hawaiian Affairs;
- 3
- 4 (4) One Maui County official to be chosen by the Mayor of
- 5 the County of Maui;
- 6
- 7 (5) The Chairperson of the Board of Land and Natural
- 8 Resources; and
- 9
- 10 (6) One member of the Senate Committee on Hawaiian
- 11 Affairs; and
- 12

13 BE IT FURTHER RESOLVED that the working group is requested
14 to study and evaluate the following issues:

- 15
- 16 (1) The most appropriate and effective composition of
- 17 members of the Kaho'olawe Island Reserve Commission;
- 18 and
- 19
- 20 (2) Whether Molokini Island and the submerged lands and
- 21 waters extending two miles from its shoreline should
- 22 be incorporated into the Kaho'olawe Island Reserve; and
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24 BE IT FURTHER RESOLVED that the working group is requested
25 to report its findings and recommendations to the Legislature no
26 later than twenty days prior to the convening of the Regular
27 Session of 2012; and

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29 BE IT FURTHER RESOLVED that certified copies of this
30 Concurrent Resolution be transmitted to the Governor; Auditor;
31 Mayor of the County of Maui; Chairperson of the Board of Land
32 and Natural Resources; Chairperson of the Board of Trustees of
33 the Office of Hawaiian Affairs; Chairperson of the Senate
34 Committee on Hawaiian Affairs; Chairperson of the Kaho'olawe
35 Island Reserve Commission; Protect Kaho'olawe Ohana; and 'Aha
36 Kiolo Advisory Committee.

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OFFERED BY:

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