

MAR 16 2011

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# SENATE 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  
15

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  
23

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  
29

30           WHEREAS, the Legislature finds that an audit of the  
31 Kaho'olawe Rehabilitation Trust Fund will be useful to determine  
32 whether the use of the funds is in compliance with state laws  
33 and any applicable grant agreements and to assess whether the



1 funds are being appropriately used to effectuate the purposes of  
2 chapter 6K, Hawaii Revised Statutes, including the duties and  
3 responsibilities of the Kaho'olawe Island Reserve Commission; and  
4

5 WHEREAS, section 6K-6, Hawaii Revised Statutes, relating to  
6 the responsibilities of the Kaho'olawe Island Reserve Commission,  
7 requires the Commission to establish criteria, policies, and  
8 controls for permissible uses within the Island of Kaho'olawe and  
9 the submerged lands and waters extending seaward two miles from  
10 its shoreline; and  
11

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

16 WHEREAS, the composition of the Kaho'olawe Island Reserve  
17 Commission affects the criteria, policies, and controls for  
18 permissible uses within the Kaho'olawe Island Reserve, which may  
19 affect the uses of the Kaho'olawe Island Reserve as provided in  
20 section 6K-3, Hawaii Revised Statutes; now, therefore,  
21

22 BE IT RESOLVED by the Senate of the Twenty-sixth  
23 Legislature of the State of Hawaii, Regular Session of 2011,  
24 that the Auditor is requested to conduct a fiscal and compliance  
25 audit of the Kaho'olawe Rehabilitation Trust Fund; and  
26

27 BE IT FURTHER RESOLVED that the Auditor is requested to  
28 submit findings and recommendations, including any proposed  
29 legislation, to the Legislature and the Governor no later than  
30 twenty days prior to the convening of the Regular Session of  
31 2012; and  
32

33 BE IT FURTHER RESOLVED that the Chairperson of the Board of  
34 Land and Natural Resources is requested to convene a working  
35 group comprised of the following members:  
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- 37 (1) One member of the Protect Kaho'olawe Ohana;
- 38
- 39 (2) One member of the 'Aha Kiolo Advisory Committee;
- 40
- 41 (3) One trustee or representative of the Office of  
42 Hawaiian Affairs;
- 43



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

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

- 12
- 13 (1) The most appropriate and effective composition of
- 14 members of the Kaho'olawe Island Reserve Commission;
- 15 and
- 16
- 17 (2) Whether Molokini Island and the submerged lands and
- 18 waters extending two miles from its shoreline should
- 19 be incorporated into the Kaho'olawe Island Reserve; and
- 20

21 BE IT FURTHER RESOLVED that the working group is requested  
22 to report its findings and recommendations to the Legislature no  
23 later than twenty days prior to the convening of the Regular  
24 Session of 2012; and

25  
26 BE IT FURTHER RESOLVED that certified copies of this  
27 Resolution be transmitted to the Governor; Auditor; Mayor of the  
28 County of Maui; Chairperson of the Board of Land and Natural  
29 Resources; Chairperson of the Board of Trustees of the Office of  
30 Hawaiian Affairs; Chairperson of the Senate Committee on  
31 Hawaiian Affairs; Chairperson of the Kaho'olawe Island Reserve  
32 Commission; Protect Kaho'olawe Ohana; and 'Aha Kiole Advisory  
33 Committee.

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OFFERED BY:

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