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# SENATE CONCURRENT RESOLUTION

REQUESTING THE STATE'S FULL 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 pro rata portion of revenues derived from the public land trust  
8 to which the Office of Hawaiian Affairs is entitled 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, is to identify revenue-generating public trust  
14 lands and the amounts derived from those lands by requiring that  
15 the Department of Land and Natural Resources provide an annual  
16 accounting to the Legislature; and  
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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:  
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30           (1) The total gross amount;

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32           (2) The amount transferred to the Office of Hawaiian  
33 Affairs;



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- 2 (3) The amount retained by the State;
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- 4 (4) The account or fund in which the amount specified in
- 5 paragraph (3) was transferred or deposited;
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- 7 (5) The parcel of land subject to section 5(f) of the
- 8 Admission Act that generated the receipt, whether by
- 9 tax map key number, Department of Land and Natural
- 10 Resources inventory number, or other recognizable
- 11 description; and
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- 13 (6) The state department or agency that received the total
- 14 gross amount identified in paragraph (1); and
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16 WHEREAS, section 5 of Act 178 also requires that the  
 17 Department of Land and Natural Resources consult the Office of  
 18 Hawaiian Affairs in determining the method in which the  
 19 accounting must be conducted; and

20  
 21 WHEREAS, the Hawaii Public Housing Authority, the Hawaii  
 22 Health Systems Corporation, and the Hawaii Housing Finance and  
 23 Development Corporation have failed to provide an accounting of  
 24 receipts in the previous two years or more; and

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 26 WHEREAS, while section 5 of Act 178 requires an accounting  
 27 of all revenues from lands described in section 5(f) of the  
 28 Admission Act, state departments currently provide to the  
 29 Department of Land and Natural Resources an accounting of only  
 30 the revenues they determine should be transferred to the Office  
 31 of Hawaiian Affairs, resulting in a gap in the accounting; and

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

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 37 WHEREAS, the Office of Hawaiian Affairs continues to work  
 38 with the Department of Land and Natural Resources to help ensure  
 39 the State's compliance with Act 178; now, therefore,

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 41 BE IT RESOLVED by the Senate of the Twenty-sixth  
 42 Legislature of the State of Hawaii, Regular Session of 2012, the  
 43 House of Representatives concurring, that the Governor is  
 44 requested to direct the Hawaii Public Housing Authority, the



1 Hawaii Health Systems Corporation, and the Hawaii Housing  
2 Finance and Development Corporation to provide an accounting of  
3 all receipts from lands described in section 5(f) of the  
4 Admission Act as required by section 5 of Act 178; and  
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6 BE IT FURTHER RESOLVED that the Governor is requested to  
7 direct all state departments to comply fully with section 5 of  
8 Act 178 and provide to the Department of Land and Natural  
9 Resources an accounting of all receipts from lands described in  
10 section 5(f) of the Admission Act for each fiscal year since the  
11 enactment of Act 178; and  
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13 BE IT FURTHER RESOLVED that certified copies of this  
14 Concurrent Resolution be transmitted to the Governor, the  
15 Chairperson of the Board of Land and Natural Resources, the  
16 Director of Finance, the Chairperson of the Board of Trustees of  
17 the Office of Hawaiian Affairs, the Executive Director of the  
18 Hawaii Public Housing Authority, the Chairperson of the Board of  
19 Directors and Chief Executive Officer of the Hawaii Health  
20 Systems Corporation, and the Executive Director of the Hawaii  
21 Housing Finance and Development Corporation.

