



SCR 2

**REQUESTING THE STATE'S FULL COMPLIANCE WITH SECTION 5 OF ACT 178, SESSION
LAWS OF HAWAII 2006**

Senate Committee on Hawaiian Affairs
Seante Committee on Water, Land, and Housing

March 23, 2012

2:55 p.m.

Room 224

The Office of Hawaiian Affairs (OHA) strongly **SUPPORTS** SCR2, which is a resolution in OHA's 201 2 legislative package. SCR2 asks the Governor to direct all state agencies to comply fully with Act 1 78, Session Laws of Hawai'i 2006, Section 5, which requires all agencies that use or manage public trust land to report all revenues generated from the use of those lands. This important resolution is designed to ensure the state's accountability in the use of public trust land.

The Legislature, Governor, and Hawai'i Supreme Court have consistently agreed that the state's constitutional obligation to Native Hawaiians is significant and that it is a priority for the state to clarify the pro rata portion of revenues derived from the public land trust to which the Office of Hawaiian Affairs is entitled for the benefit of Native Hawaiians. Through Act 1 78, the legislature established OHA's interim pro rata share of public land trust revenue at \$15.1 million per year until the legislature determines the appropriate payment going forward. Act 1 78, section 5, was included to ensure full disclosure of all revenues generated on public trust land and to promote accountability of the state agencies charged with utilizing and managing our public land trust resources. The reporting requirement provides a base of information to the Legislature so that the state may fulfill its fiduciary obligation to Native Hawaiians and the citizens of Hawai'i fully and accurately.

Some of the agencies charged with managing public trust lands have failed to provide consistent and full accounting of the revenues generated from public trust lands. Accordingly, direction from the Governor may be helpful in attaining compliance with the reporting requirements of Act 1 78. We respectfully suggest that full compliance would be of value not only to OHA, which is entitled to a share of these revenues in support of its service to its beneficiaries, but also to the state itself in serving as trustee of the public land trust, and to the Legislature in assuring that the laws it has passed are being followed and that state agencies are appropriately managing public trust lands.

We urge your committees to PASS this resolution. Mahalo for the opportunity to testify on this important measure.



Association of Hawaiian Civic Clubs

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TESTIMONY OF PRESIDENT SOULEE STROUD

SCR 2 REQUESTING THE STATE'S FULL COMPLIANCE WITH SECTION 5 OF Act 178 SESSION LAWS OF HAWAII 2006

SENATE COMMITTEE ON HAWAIIAN AFFAIRS

And

SENATE COMMITTEE ON WATER, LAND & HOUSING

Friday, March 23, 2012; 2:55 pm; Room 224

Aloha Chairman Galuteria of the Senate Committee on Hawaiian Affairs, Chairman Dela Cruz of the Senate Committee on Water, Land and Housing and to all members of the joint committee. I am Soulee Stroud, pleased to testify in support of Senate Concurrent Resolution 2 that requests departments of the State to comply with Section 5, Act 178, SLH 2006.

Trying to get State departments and agencies to reveal the income that they generate has a long history and Section 5 of Act 178 called them on it in 2006. While this resolution may be specific to the Office of Hawaiian Affairs, it has much broader implications in that the income generated by the departments could and should also be used to serve the general public.

For many years the Association of Hawaiian Civic Clubs has supported a fair and legal share of income to the Office of Hawaiian Affairs as defined in the law.

We do not always walk in lock step with OHA, but we have also watched while the State departments have been reluctant to share as called for in the law. It's too easy to overlook the land that was taken, the harm done to a native people as a result, and the reason that the law is there in the first place. The Office of Hawaiian Affairs represents the native people of this land, and the Hawaiian Civic Clubs keep that in mind as we come here to lend support.

Mahalo for the opportunity to testify. We urge passage of this resolution.

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