

JAN 18 2013

S.B. NO. 402

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## A BILL FOR AN ACT

RELATING TO A FINANCIAL REVIEW BY THE OFFICE OF HAWAIIAN AFFAIRS  
OF COMPLIANCE WITH SECTION 5 OF ACT 178, SESSION LAWS OF  
HAWAII 2006.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. One of the purposes of Act 178, Session Laws of  
2 Hawaii 2006, was to identify revenue-generating public trust  
3 lands and the amounts derived from those lands by requiring that  
4 the department of land and natural resources provide an annual  
5 accounting to the legislature. Section 5 of Act 178 requires  
6 that, no later than January 1 of each year, the department of  
7 land and natural resources, with the cooperation of the  
8 department of budget and finance and any other state department  
9 or agency that uses or manages public lands, provide an  
10 accounting of all receipts from lands described in section 5(f)  
11 of the Admission Act for the prior fiscal year. Section 5 of  
12 Act 178 also requires that with respect to each receipt, the  
13 department of land and natural resources must identify:

- 14           (1) The total gross amount;
- 15           (2) The amount transferred to the office of Hawaiian  
16           affairs;
- 17           (3) The amount retained by the State;



1           (4) The account or fund into which the amount specified in  
2           paragraph (3) was transferred or deposited;

3           (5) The parcel of land subject to section 5(f) of the  
4           Admission Act that generated the receipt, whether by  
5           tax map key number, department of land and natural  
6           resources inventory number, or other recognizable  
7           description; and

8           (6) The state department or agency that received the total  
9           gross amount identified in paragraph (1).

10           In addition, section 5 of Act 178 requires that the  
11           accounting indicate whether any parcel of land described in  
12           section 5(f) of the Admission Act was sold or exchanged in the  
13           prior fiscal year and, if so, the amount of consideration that  
14           the State received for the respective parcels. Section 5 of Act  
15           178 also requires that the department of land and natural  
16           resources consult the office of Hawaiian affairs in determining  
17           the method in which the accounting must be conducted.

18           Full compliance with Act 178 is critical to fulfilling the  
19           State's trust obligation regarding the lands in the public land  
20           trust and the office of Hawaiian affairs. The purpose of this  
21           Act is to authorize the office of Hawaiian affairs to conduct a



1 financial review of the State's compliance with section 5 of Act  
2 178.

3 SECTION 2. The office of Hawaiian affairs is authorized to  
4 conduct a financial review of the State's compliance with  
5 section 5 of Act 178, Session Laws of Hawaii 2006.

6 SECTION 3. All government agencies shall provide their  
7 full cooperation and all relevant data and other information to  
8 the office of Hawaiian affairs during the planning and  
9 implementation of the financial review.

10 SECTION 4. Funding for the financial review shall be  
11 provided by the office of Hawaiian affairs in an amount to be  
12 determined by the office of Hawaiian affairs.

13 SECTION 5. The office of Hawaiian affairs shall submit the  
14 findings and recommendations of any financial review that it  
15 conducts under this Act, including any proposed legislation, to  
16 the legislature no later than twenty days prior to the convening  
17 of the regular session of 2015.

18 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: *Anna Inez K.*

By Request



# S.B. NO. 402

**Report Title:**

Office of Hawaiian Affairs Package; Financial Review; Land Revenue

**Description:**

Authorizes the office of Hawaiian affairs to conduct a financial review of the State's compliance with section 5 of Act 178, Session Laws of Hawaii 2006.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

