
HOUSE CONCURRENT RESOLUTION

REQUESTING THE ESTABLISHMENT OF A PUBLIC LAND TRUST REVENUES
NEGOTIATING COMMITTEE.

1 WHEREAS, Act 178, Session Laws of Hawaii 2006, was enacted
2 with a stated purpose of providing "interim measures to ensure
3 that an adequate amount of income and proceeds is made available
4 to the office of Hawaiian affairs from the pro rata portion of
5 the public land trust, for the betterment of the conditions of
6 native Hawaiians"; and

7
8 WHEREAS, Act 178 effectuated this purpose by requiring:

9
10 "[U]ntil further action is taken by the legislature for
11 this purpose, the income and proceeds from the pro rata
12 portion of the public land trust under article XII, section
13 6, of the state constitution for expenditure by the office
14 of Hawaiian affairs for the betterment of the conditions of
15 native Hawaiians for each fiscal year beginning with fiscal
16 year 2005-2006 shall be \$15,100,000";

17
18 and

19
20 WHEREAS, the second stated purpose of Act 178, Session Laws
21 of Hawaii 2006, was to "[i]dentify revenue-generating public
22 trust lands and the amounts derived from those lands by
23 requiring that the department of land and natural resources
24 provide an annual accounting to the legislature"; and

25
26 WHEREAS, subsequently, to address past-due amounts owed to
27 the Office of Hawaiian Affairs, Act 15, Session Laws of Hawaii
28 2012, was enacted to implement an agreement between the State
29 and the Office of Hawaiian Affairs for the State to convey
30 certain lands in Kakaako Makai on Oahu valued at approximately
31 \$200,000,000 to settle the Office of Hawaiian Affairs' claims



1 only for the period from November 7, 1978 up to and including
2 June 30, 2012, relating to the Office of Hawaiian Affairs'
3 portion of the income and proceeds from the public land trust;
4 and
5

6 WHEREAS, Act 15 did not, however, address the State's
7 constitutional obligations under Article XII, sections 4 and 6,
8 relating to the Office of Hawaiian Affairs' pro rata share of
9 the income and proceeds from the public land trust after June
10 30, 2012; and
11

12 WHEREAS, a decade having passed since the enactment of Act
13 178, Session Laws of Hawaii 2006, it is now appropriate for the
14 State and the Office of Hawaiian Affairs to reexamine the annual
15 figure of \$15,100,000 in light of information, data, and facts
16 provided to the Legislature by state agencies over the last
17 three fiscal years concerning revenues of the public land trust;
18 now, therefore,
19

20 BE IT RESOLVED by the House of Representatives of the
21 Twenty-eighth Legislature of the State of Hawaii, Regular
22 Session of 2016, the Senate concurring, that a Public Land Trust
23 Revenues Negotiating Committee be established; and
24

25 BE IT FURTHER RESOLVED that the Public Land Trust Revenues
26 Negotiating Committee be comprised of the following members:
27

- 28 (1) The President of the Senate or the President's
29 designee;
- 30
- 31 (2) The Speaker of the House of Representatives or the
32 Speaker's designee;
- 33
- 34 (3) The Governor or the Governor's designee; and
- 35
- 36 (4) The Chairperson of the Office of Hawaiian Affairs or
37 the Chairperson's designee; and
38

39 BE IT FURTHER RESOLVED that the negotiating committee shall
40 engage in discussions with the purpose of resolving the matter
41 of the income and proceeds from the public land trust that the
42 Office of Hawaiian Affairs shall receive annually under the
43 State Constitution and other state law; and



1 BE IT FURTHER RESOLVED that the negotiating committee shall
2 submit a status report of its discussions to the Legislature no
3 later than twenty days prior to the commencement of the 2017
4 Regular Session and shall submit a final report of its findings,
5 recommendations, and any proposed legislation, to the
6 Legislature no later than twenty days prior to the commencement
7 of the 2018 Regular Session; and

8
9 BE IT FURTHER RESOLVED that certified copies of this
10 Concurrent Resolution be transmitted to the Governor,
11 Chairperson of the Office of Hawaiian Affairs, the Attorney
12 General, the Chairperson of the Board of Land and Natural
13 Resources, Director of Finance, Speaker of the House of
14 Representatives, and President of the Senate.

