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# HOUSE CONCURRENT RESOLUTION

URGING THE CONVENING 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

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8           WHEREAS, Act 178 effectuated this purpose by requiring:

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



1 period from November 7, 1978 up to and including June 30, 2012,  
2 relating to the Office of Hawaiian Affairs' portion of the  
3 income and proceeds from the public land trust; and  
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5 WHEREAS, Act 15 did not, however, address the State's  
6 constitutional obligations under article XII, sections 4 and 6,  
7 relating to the Office of Hawaiian Affairs' pro rata share of  
8 the income and proceeds from the public land trust after June  
9 30, 2012; and  
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11 WHEREAS, a decade having passed since the enactment of Act  
12 178, Session Laws of Hawaii 2006, it is now appropriate for the  
13 State and the Office of Hawaiian Affairs to reexamine the annual  
14 figure of \$15,100,000 in light of information, data, and facts  
15 provided to the Legislature by state agencies over the last  
16 three fiscal years concerning revenues of the public land trust;  
17 now, therefore,  
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19 BE IT RESOLVED by the House of Representatives of the  
20 Twenty-eighth Legislature of the State of Hawaii, Regular  
21 Session of 2016, the Senate concurring, that the Governor is  
22 requested to convene a Public Land Trust Revenues Negotiating  
23 Committee; and  
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25 BE IT FURTHER RESOLVED that the Public Land Trust Revenues  
26 Negotiating Committee be placed within the Office of the  
27 Governor for administrative purposes; and  
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29 BE IT FURTHER RESOLVED that the Public Land Trust Revenues  
30 Negotiating Committee be comprised of the following members:  
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- 32 (1) The Governor or the Governor's designee, who shall  
33 serve as chairperson of the committee;  
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- 35 (2) The President of the Senate or the President's  
36 designee;  
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- 38 (3) The Speaker of the House of Representatives or the  
39 Speaker's designee; and  
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- 41 (4) The Chairperson of the Office of Hawaiian Affairs or  
42 the Chairperson's designee; and  
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1 BE IT FURTHER RESOLVED that the negotiating committee shall  
2 engage in discussions with the purpose of resolving the matter  
3 of the income and proceeds from the public land trust that the  
4 Office of Hawaiian Affairs shall receive annually under the  
5 State Constitution and other state law; and  
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7 BE IT FURTHER RESOLVED that the negotiating committee shall  
8 submit a status report of its discussions to the Legislature no  
9 later than twenty days prior to the commencement of the Regular  
10 Session of 2017; and  
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12 BE IT FURTHER RESOLVED that the negotiating committee shall  
13 submit a final report of its findings and recommendations,  
14 including any proposed legislation, to the Legislature no later  
15 than twenty days prior to the commencement of the Regular  
16 Session of 2018; and  
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18 BE IT FURTHER RESOLVED that certified copies of this  
19 Concurrent Resolution be transmitted to the Governor,  
20 Chairperson of the Office of Hawaiian Affairs, Attorney General,  
21 Chairperson of the Board of Land and Natural Resources, Director  
22 of Finance, Speaker of the House of Representatives, and  
23 President of the Senate.

