
SENATE RESOLUTION

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

1 WHEREAS, the first stated purpose of Act 178, Session Laws
2 of Hawaii 2006 (Act 178), was to "[p]rovide interim measures to
3 ensure that an adequate amount of income and proceeds is made
4 available to the office of Hawaiian affairs from the pro rata
5 portion of the public land trust, for the betterment of the
6 conditions of native Hawaiians"; and
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8 WHEREAS, Act 178 carried out this purpose by requiring that
9 "until further action is taken by the legislature for this
10 purpose, the income and proceeds from the pro rata portion of
11 the public land trust under article XII, section 6, of the state
12 constitution for expenditure by the office of Hawaiian affairs
13 for the betterment of the conditions of native Hawaiians for
14 each fiscal year beginning with fiscal year 2005-2006 shall be
15 \$15,100,000"; and
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17 WHEREAS, the second stated purpose of Act 178 was to
18 "[i]dentify revenue-generating public trust lands and the
19 amounts derived from those lands by requiring that the
20 department of land and natural resources provide an annual
21 accounting to the legislature"; and
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23 WHEREAS, Act 15, Session Laws of Hawaii 2012 (Act 15),
24 later implemented an agreement for the State to convey land in
25 Kakaako Makai on Oahu valued at approximately \$200,000,000 to
26 the Office of Hawaiian Affairs to settle claims of the Office of
27 Hawaiian Affairs for income and proceeds from the public land
28 trust for the period from November 7, 1978, through June 30,
29 2012; and
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31 WHEREAS, Act 15 did not address the State's constitutional
32 obligation to provide the pro rata share of the income and
33 proceeds from the public land trust to the Office of Hawaiian
34 Affairs after June 30, 2012; and



1
2 WHEREAS, because Act 178 was enacted a decade ago, it is
3 now appropriate for the State and the Office of Hawaiian Affairs
4 to reexamine the Office's pro rata portion of the public land
5 trust of \$15,100,000 per year in light of the information, data,
6 and facts provided to this body by state agencies concerning
7 revenues of the public land trust over the last three fiscal
8 years; now, therefore,
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10 BE IT RESOLVED by the Senate of the Twenty-eighth
11 Legislature of the State of Hawaii, Regular Session of 2016,
12 that a public land trust revenues negotiating committee be
13 established; and
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15 BE IT FURTHER RESOLVED that the negotiating committee
16 consist of the President of the Senate or the President's
17 designee, the Speaker of the House of Representatives or the
18 Speaker's designee, the Governor or the Governor's designee, and
19 the Chairperson of the Board of Trustees of the Office of
20 Hawaiian Affairs or the Chairperson's designee; and
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22 BE IT FURTHER RESOLVED that the negotiating committee
23 discuss the monies that the Office of Hawaiian Affairs is to
24 receive as its pro rata portion of the public land trust; and
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26 BE IT FURTHER RESOLVED that the negotiating committee
27 submit a status report of its discussions to the Legislature no
28 later than twenty days prior to the convening of the Regular
29 Session of 2017, and submit a final report containing the
30 negotiating committee's findings and recommendations, including
31 any proposed legislation, no later than twenty days prior to the
32 convening of the Regular Session of 2018; and
33

34 BE IT FURTHER RESOLVED that certified copies of this
35 Resolution be transmitted to the President of the Senate,
36 Speaker of the House of Representatives, Governor, Chairperson
37 of the Board of Trustees of the Office of Hawaiian Affairs,
38 Attorney General, Chairperson of the Board of Land and Natural
39 Resources, and Director of Finance.

