



**2014 LISTING OF OPINIONS
ISSUED BY THE ATTORNEY GENERAL
STATE OF HAWAII**

OPINION NO. (Date Issued)	DIGEST
14-01 (March 17, 2014)	Management and disposition of geothermal resources on DHHL lands. Two questions were presented: (1) whether the Dept. of Hawaiian Home Lands (DHHL) is entitled to 100 percent of royalties from geothermal projects on all lands controlled by DHHL, and (2) whether DHHL, as opposed to the Board of Land and Natural Resources (BLNR), is authorized to manage and dispose of geothermal resources on DHHL lands. The Attorney General answered both questions in the affirmative. (1) Section 4 of the Admission Act expressly directs that “all proceeds and income” from Hawaiian home lands must be used in carrying out the provisions of the Hawaiian Homes Commission Act (HHCA). Article XII, sections 1 and 3, of the Hawaii Constitution similarly require all proceeds and income from Hawaiian home lands to be used in accordance with the terms of the HHCA. Royalties derived from geothermal resources development constitute “proceeds and income.” (2) Section 204 of the HHCA provides that all Hawaiian home lands are to be controlled by DHHL and requires such lands to be used and disposed of only “in accordance with the provisions of this Act.” And although BLNR has been designated by statute to regulate the use of natural resources on lands owned by the State, section 206 of the HHCA provides that the “powers and duties of the . . . <i>board of land and natural resources shall not extend to lands having the status of Hawaiian home lands</i> ” (emphasis added).

Compiled by:
LEGISLATIVE REFERENCE BUREAU
December 30, 2014