
HOUSE CONCURRENT RESOLUTION

URGING THE UNITED STATES PRESIDENT AND CONGRESS TO IMMEDIATELY RATIFY THE AMENDMENTS MADE TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED, AS EMBODIED IN ACT 302, SESSION LAWS OF HAWAII 2001, AND TO RECOGNIZE HAWAIIAN HOMESTEAD COMMUNITY ORGANIZATIONS AS SELF-GOVERNING ADMINISTRATIVE AUTHORITIES FOR THEIR RESPECTIVE COMMUNITIES.

1 WHEREAS, in 2001, the Hawaii State Legislature passed and
2 the Governor of the State of Hawaii enacted Act 302, Session
3 Laws of Hawaii 2001 (Act 302); and
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5 WHEREAS, the purpose of Act 302 was to amend the Hawaiian
6 Homes Commission Act of 1920, as amended, to promote increased
7 self-governance by providing Hawaiian homestead community
8 organizations with administrative authority over the affairs of
9 their distinct native communities on Hawaiian Home Lands; and
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11 WHEREAS, Act 302 accomplished this purpose by requesting
12 that the United States government and the State of Hawaii
13 reaffirm and recognize that:
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15 (1) The native Hawaiian people are a distinct native,
16 indigenous people who have maintained their own
17 language, culture, and traditions, and have
18 established Hawaiian Home Lands areas protected under
19 federal and state law;
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21 (2) The United States has a unique trust responsibility to
22 promote the welfare of the aboriginal, indigenous
23 people of the State of Hawaii, and the federal
24 government has delegated broad authority to the State
25 of Hawaii to act for their betterment; and
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27 (3) The aboriginal, indigenous people of the State of
28 Hawaii retain their inherent sovereign authority and
29 their right to organize for their common welfare; and



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WHEREAS, Act 302 also:

(1) Declared that it is the policy of the State of Hawaii to support participation in governance by promoting the empowerment of democratically elected Hawaiian homestead community self-governance organizations;

(2) Established, with the consent of the United States Congress, the authority for the State of Hawaii to delegate to a democratically elected organization representing a Hawaiian homestead community or communities, the powers delegated to the State by the United States relating to the administration of the Hawaiian Homes Commission Act, 1920, as amended; and

(3) Authorized, with the consent of the United States Congress, the Hawaiian Homes Commission to establish a working relationship with a democratically elected Hawaiian homestead community self-governance organization to promote community welfare; and

WHEREAS, on the state level, the State of Hawaii already is moving forward with the concept of increased self-governance for native Hawaiian communities on Hawaiian homestead land; and

WHEREAS, in 1987, the State Council of Hawaiian Homestead Associations was established to provide a mechanism through which homesteaders could effectively voice their opinions on matters and issues of concern to all homesteaders; and

WHEREAS, since 1987, the State Council of Hawaiian Homestead Associations has grown and transitioned into a viable statewide homestead community-based organization consisting of twenty-seven organizations representing over thirty thousand homesteaders; and

WHEREAS, in keeping with its mission, the State Council of Hawaiian Homestead Associations has partnered with the Department of Hawaiian Home Lands to secure the following:

(1) A \$600,000,000 settlement for breach of trust;



- 1 (2) Potable water for agriculture by securing an amendment
- 2 to the Hawaiian Homes Commission Act;
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- 4 (3) The appointment of a ninth commissioner to adequately
- 5 represent the island of Hawaii;
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- 7 (4) A flexible formula for guaranteeing Department of
- 8 Hawaiian Home Lands loans to lessees;
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- 10 (5) The establishment of a new mortgage loan program that
- 11 provides more sources for home construction financing
- 12 for lessees;
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- 14 (6) The establishment of "enterprise zones" on Hawaiian
- 15 home lands thereby allowing Hawaiians to participate
- 16 in economic ventures;
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- 18 (7) The establishment of tax exemptions for Hawaiian
- 19 homes' lessees for homes and lands;
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- 21 (8) The establishment of extended homestead leases from
- 22 ninety-nine years to an aggregate of one hundred
- 23 ninety-nine years; and
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- 25 (9) The return of sixteen thousand acres to the Hawaiian
- 26 Home Lands Trust, which brings the land trust account
- 27 to its original acreage as established by law; and
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29 WHEREAS, however, to date, the United States Congress has
 30 failed to act on approving these amendments to the Hawaiian
 31 Homes Commission Act of 1920, as amended; and

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 33 WHEREAS, it has been theorized that the reason for this
 34 inaction is due to the pending debate over the passage of Senate
 35 Bill 147, the Native Hawaiian Government Reorganization Act of
 36 2005, otherwise known as the Akaka Bill; and

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 38 WHEREAS, the elemental issue of governance of Hawaiian Home
 39 Lands by its residents should not be delayed simply due to
 40 political discourse on the related issue of sovereignty for the
 41 Hawaiian people, especially since the federal government already
 42 has enacted legislation that governs Hawaiian Home Lands, namely
 43 the Hawaiian Homes Commission Act of 1920, as amended; now,
 44 therefore,



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 2 BE IT RESOLVED by the House of Representatives of the
 3 Twenty-third Legislature of the State of Hawaii, Regular Session
 4 of 2006, the Senate concurring, that the President and Congress
 5 of the United States are urged to immediately ratify the
 6 amendments made to the Hawaiian Homes Commission Act of 1920, as
 7 amended, under Act 302, Session Laws of Hawaii 2001, that
 8 promote the self-governance of the native Hawaiian people; and
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10 BE IT FURTHER RESOLVED that the President and Congress of
 11 the United States are also urged to immediately recognize
 12 Hawaiian homestead community organizations such as the State
 13 Council of Hawaiian Homestead Associations as self-governing
 14 administrative authorities for their respective communities; and
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16 BE IT FURTHER RESOLVED that certified copies of this
 17 Concurrent Resolution be transmitted to the United States
 18 President, the President of the United States Senate, the
 19 Speaker of the United States House of Representatives, each
 20 member of Hawaii's congressional delegation, and the State
 21 Council of Hawaiian Homestead Associations.
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OFFERED BY: Michael P. Kalihina

Tony Watts
Mele Carroll

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