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## HOUSE RESOLUTION

URGING THE GOVERNOR AND THE LEGISLATURE TO REQUEST AND PROVIDE  
FOR SUFFICIENT FUNDING FOR THE DEPARTMENT OF HAWAIIAN  
HOMESTEADS.

1           WHEREAS, in 1920, the United States Congress enacted the  
2 Hawaiian Homes Commission Act to award ninety-nine year  
3 homestead leases to qualified native Hawaiians to recognize the  
4 severe disruptions in the political, social, and economic issues  
5 leading Hawaiians to the widespread loss of land; and  
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7           WHEREAS, in 1959, the State of Hawai'i, in a compact with  
8 the United States relating to the management and disposition of  
9 Hawaiian home lands, agreed that the Hawaiian Homes Commission  
10 Act would be adopted as part of the state constitution and  
11 "faithfully administered" for the benefit of native Hawaiian  
12 beneficiaries as a condition of attaining statehood and entry  
13 into the Union; and  
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15           WHEREAS, this solemn promise was adopted as article XII,  
16 section 3, of the state constitution as a demonstration of the  
17 State's commitment to live up to the State's duties relating to  
18 Hawaiian home lands, imposed on the compact between the State  
19 and the United States; and  
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21           WHEREAS, in 1978, the State ratified a constitutional  
22 amendment that required the Legislature to make "sufficient  
23 sums" available to pay for the operation of the Department of  
24 Hawaiian Home lands, including:  
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- 26           (1) Providing homesteads to every eligible beneficiary who  
27 applies in a timely manner;  
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- 29           (2) Funding farm, ranch, and aquaculture assistance  
30 programs to make homesteaders successful on their  
31 homesteads;  
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1 (3) Assisting homesteaders in community development  
2 programs under the Native Hawaiian Rehabilitation  
3 Fund; and  
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5 (4) Funding the administrative and operating budget of the  
6 Department; and  
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8 WHEREAS, the explicit reason for adopting this  
9 constitutional amendment was to release the Department of  
10 Hawaiian Home Lands from its present burden of generating  
11 revenues through the general leasing of Hawaiian home lands to  
12 pay for the costs of the homestead program and free Hawaiian  
13 home lands for native Hawaiian beneficiaries, instead of being  
14 diverted to general leases to non-beneficiaries; and  
15

16 WHEREAS, the 1978 constitutional convention delegates  
17 intended to deny the Legislature any discretion in determining  
18 whether to provide "sufficient sums" to the Department of  
19 Hawaiian Home Lands in light of the chronic lack of resources  
20 the Department previously faced; and  
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22 WHEREAS, since 1978, no governor has sought to make  
23 available the level of "sufficient sums" necessary for the  
24 Department of Hawaiian Home Lands to perform all of its  
25 functions including the funding of its administrative budget in  
26 support of important trust work; and  
27

28 WHEREAS, these governors have systematically restricted the  
29 level of funding requested for appropriation by the Legislature  
30 on grounds other than that justified by the 1978 constitutional  
31 amendment requiring the provision of "sufficient sums" to the  
32 Department of Hawaiian Home Lands; and  
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34 WHEREAS, neither the Hawaiian Homes Commission nor the  
35 Department of Hawaiian Home Lands has ever insisted that the  
36 State provide it with the constitutionally mandated "sufficient  
37 sums" that would enable the Department to stabilize or reduce  
38 the waiting list for homesteads; and  
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40 WHEREAS, in 1995, the Legislature enacted Act 14, Session  
41 Laws of Hawaii 1995, in special session to authorize  
42 compensation to the Department of Hawaiian Home Lands for  
43 various illegal administrative acts that had previously deprived  
44 the Hawaiian home lands trust of land and revenues that should



1 have been paid to the Department of Hawaiian Home Lands between  
2 1959 and 1988; and

3  
4 WHEREAS, Act 14 authorized, after negotiations between  
5 various offending state agencies, the Department of Hawaiian  
6 Home Lands, and an independent representative of native Hawaiian  
7 beneficiaries, payments of \$30,000,000 per year to the Hawaiian  
8 Home Lands Trust Fund for the succeeding twenty years in order  
9 to eliminate any cloud in the former Hawaiian home lands trust  
10 that had been illegally conveyed out of the trust to private  
11 parties; and

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13 WHEREAS, Act 14 specifically precluded the State from  
14 asserting that these payments met any part of the Legislature's  
15 obligation to provide "sufficient sums" to the Department of  
16 Hawaiian Home Lands, as required under article XII, section 1 of  
17 the Hawaii constitution; and

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19 WHEREAS, the Department of Hawaiian Home Lands is expending  
20 much of its resources to develop commercial lands, sacrificing  
21 the time, energy, and resources that should be expended to place  
22 native Hawaiian beneficiaries on Hawaiian home lands; and

23  
24 WHEREAS, under the hope and presumption that revenues from  
25 the general leases to non-beneficiaries would pay for developing  
26 homesteads for native Hawaiians on other Hawaiian home lands,  
27 the Department of Hawaiian Home Lands has failed to objectively  
28 determine whether the commitment of lands for general leasing to  
29 non-beneficiaries will result in adequate compensation to the  
30 Department of Hawaiian Home Lands; and

31  
32 WHEREAS, the Department of Hawaiian Home Lands will likely  
33 have to expend more money to develop any available Hawaiian home  
34 lands that were to accommodate those native Hawaiians who were  
35 denied the use of Hawaiian home lands made available to non-  
36 beneficiaries through general leases; and

37  
38 WHEREAS, the state administration provides funding to the  
39 Department of Hawaiian Home Lands as low priority, relative to  
40 funding for other entities that include the Hawai'i Tourism  
41 Authority, which gets more than seventy times the funding that  
42 the Department of Hawaiian Home Lands receives, despite the  
43 constitutional mandate for "sufficient sums"; now, therefore,  
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1 BE IT RESOLVED by the House of Representatives of the  
2 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
3 of 2009, that the Governor and the Legislature are urged to  
4 acknowledge the State's trust responsibility to native Hawaiians  
5 under the Hawaiian Homes Commission Act and its constitutional  
6 duty to provide the Department of Hawaiian Home Lands with  
7 "sufficient sums" to fund its programs, loans, and  
8 administrative and operating budget, without compelling the  
9 Department of Hawaiian Home Lands to issue general leases of  
10 Hawaii home to non-beneficiaries lands to raise revenues; and  
11

12 BE IT FURTHER RESOLVED that the Governor, with cooperation  
13 from the Legislature, is requested to provide and release  
14 sufficient levels of funding for the administrative and  
15 operating budget of the Department of Hawaiian Home Lands,  
16 pursuant to which enjoys no such constitutional mandate for  
17 funding; and  
18

19 BE IT FURTHER RESOLVED that the Hawaiian Homes Commission  
20 and the Department of Hawaiian Home Lands are requested to seek  
21 from the Legislature an adequate level of funding so the  
22 Hawaiian Homes Commission and the Department of Hawaiian Home  
23 Lands are released from the burden of general leasing to non-  
24 beneficiaries of Hawaiian home lands to generate revenues from  
25 risky commercial ventures; and  
26

27 BE IT FURTHER RESOLVED that certified copies of this  
28 Resolution be transmitted to the Governor, the Chairperson of  
29 the Hawaiian Homes Commission, the Chairperson of the Board of  
30 Trustees of the Office of Hawaiian Affairs, who, in turn, is  
31 requested to transmit copies to Hui Kako'o Aina Ho'opulapula,  
32 the Sovereign Councils of the Hawaiian Homelands Assembly,  
33 Keaukaha Panaewa Farmers Association, and the Panaewa Hawaiian  
34 Home Lands Community Association, the Native Hawaiian Legal  
35 Corporation, and the members of Hawai'i's Congressional  
36 delegation.  
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OFFERED BY: Mele Canale

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