
HOUSE RESOLUTION

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

1 WHEREAS, in 1920, the United States Congress enacted the
2 Hawaiian Homes Commission Act to award 99-year homestead leases
3 to qualified native Hawaiians to recognize the severe
4 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 Hawaii 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 Hawaii 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 (DHHL), 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;
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8 and
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10 WHEREAS, the explicit reason for adopting this
11 constitutional amendment was to release DHHL from its present
12 burden of generating revenues through the general leasing of
13 Hawaiian home lands to pay for the costs of the homestead
14 program and free Hawaiian home lands for native Hawaiian
15 beneficiaries, instead of being diverted to general leases to
16 non-beneficiaries; and
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18 WHEREAS, the 1978 constitutional convention delegates
19 intended to deny the Legislature any discretion in determining
20 whether to provide "sufficient sums" to DHHL in light of the
21 chronic lack of resources the Department previously faced; and
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23 WHEREAS, since 1978, no governor has sought to make
24 available the level of "sufficient sums" necessary for DHHL to
25 perform all of its functions including the funding of its
26 administrative budget in support of important trust work; and
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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 DHHL;
32 and
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34 WHEREAS, neither the Hawaiian Homes Commission nor DHHL has
35 ever insisted that the State provide it with the
36 constitutionally mandated "sufficient sums" that would enable
37 the Department to stabilize or reduce the waiting list for
38 homesteads; and
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40 WHEREAS, the Legislature enacted Act 14, Session Laws of
41 Hawaii 1995, in special session to authorize compensation to
42 DHHL for various illegal administrative acts that had previously
43 deprived the Hawaiian home lands trust of land and revenues that
44 should have been paid to DHHL between 1959 and 1988; and



1 WHEREAS, Act 14 authorized, after negotiations between
2 various offending state agencies, DHHL, and an independent
3 representative of native Hawaiian beneficiaries, payments of
4 \$30,000,000 per year to the Hawaiian Home Lands Trust Fund for
5 the succeeding 20 years to eliminate any cloud in the former
6 Hawaiian home lands trust that had been illegally conveyed out
7 of the trust to private parties; and
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9 WHEREAS, Act 14 specifically precluded the State from
10 asserting that these payments met any part of the Legislature's
11 obligation to provide "sufficient sums" to DHHL, as required
12 under article XII, section 1, of the Hawaii Constitution; and
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14 WHEREAS, DHHL is expending much of its resources to develop
15 commercial lands, sacrificing the time, energy, and resources
16 that should be expended to place native Hawaiian beneficiaries
17 on Hawaiian home lands; and
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19 WHEREAS, under the hope and presumption that revenues from
20 the general leases to non-beneficiaries would pay for developing
21 homesteads for native Hawaiians on other Hawaiian home lands,
22 DHHL has failed to objectively determine whether the commitment
23 of lands for general leasing to non-beneficiaries will result in
24 adequate compensation to DHHL; and
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26 WHEREAS, DHHL will likely have to expend more money to
27 develop any available Hawaiian home lands that were to
28 accommodate those native Hawaiians who were denied the use of
29 Hawaiian home lands made available to non-beneficiaries through
30 general leases; and
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32 WHEREAS, the state administration provides funding to DHHL
33 as low priority, relative to funding for other entities that
34 include the Hawai'i Tourism Authority, which gets more than 70
35 times the funding that DHHL receives, despite the constitutional
36 mandate for "sufficient sums"; now, therefore,
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38 BE IT RESOLVED by the House of Representatives of the
39 Twenty-fifth Legislature of the State of Hawaii, Regular Session
40 of 2009, that the Governor and the Legislature are urged to
41 acknowledge the State's trust responsibility to native Hawaiians
42 under the Hawaiian Homes Commission Act and its constitutional
43 duty to provide DHHL with "sufficient sums" to fund its
44 programs, loans, and administrative and operating budget,



1 without compelling DHHL to issue general leases of Hawaiian home
2 lands to non-beneficiaries to raise revenues; and
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4 BE IT FURTHER RESOLVED that the Governor, with cooperation
5 from the Legislature, is requested to provide and release
6 sufficient levels of funding for the administrative and
7 operating budget of DHHL; and
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9 BE IT FURTHER RESOLVED that the Hawaiian Homes Commission
10 and DHHL are requested to seek from the Legislature an adequate
11 level of funding so the Hawaiian Homes Commission and DHHL are
12 released from the burden of general leasing to non-beneficiaries
13 of Hawaiian home lands to generate revenues from risky
14 commercial ventures; and
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16 BE IT FURTHER RESOLVED that certified copies of this
17 Resolution be transmitted to the Governor, Chairperson of the
18 Hawaiian Homes Commission, Chairperson of the Board of Trustees
19 of the Office of Hawaiian Affairs, who, in turn, is requested to
20 transmit copies to Hui Kako'o Aina Ho'opulapula, the Sovereign
21 Councils of the Hawaiian Homelands Assembly, Keaukaha Panaewa
22 Farmers Association, and Panaewa Hawaiian Home Lands Community
23 Association, the Native Hawaiian Legal Corporation, Association
24 of Hawaiian Civic Clubs, Royal Order of Kamehameha I,
25 `Iho`ulaokalani Coalition, Hale O Na Ali`i, Ahahui Ka`ahumanu,
26 Sons & Daughters of Hawaii, and the members of Hawai'i's
27 congressional delegation.

