
HOUSE CONCURRENT RESOLUTION

REQUESTING THE STATE OF HAWAII AND EACH OF THE COUNTIES TO
EXEMPT KULEANA LANDOWNERS FROM PAYING ANY STATE, COUNTY, OR
MUNICIPAL TAXES, FEES, OR CHARGES FOR WATER USAGE IN
CONNECTION WITH KULEANA LANDOWNERS' APPURTENANT WATER
RIGHTS.

1 WHEREAS, in 1850, the Kingdom of Hawaii confirmed several
2 resolutions of the Monarch and Privy Council that granted to the
3 maka'āinana allodial titles for their own lands and house lots,
4 often referred to as "kuleana lands"; and;

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6 WHEREAS, section 174C-101, Hawaii Revised Statutes, ensures
7 the traditional and customary rights of kuleana landowners,
8 which include, but are not limited to, the cultivation or
9 propagation of taro on one's own kuleana and the gathering of
10 hihiwai, opae, o'opu, limu, thatch, ti leaf, aho cord, and
11 medicinal plants for subsistence, cultural, and religious
12 practices; and

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14 WHEREAS, section 174C-101, Hawaii Revised Statutes, further
15 protects kuleana landowners by assuring their appurtenant water
16 rights "shall not be diminished or extinguished by a failure to
17 apply for or to receive a permit" for water pursuant to the
18 State's water code; and

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20 WHEREAS, the longstanding customary rights and cultural
21 traditions of kuleana landowners should not be viewed or used as
22 streams of revenue generation for the State; and

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24 WHEREAS, subjecting kuleana landowners to taxes, fees, and
25 charges for water usage in connection with their appurtenant
26 water rights is burdensome and threatens their rightful use;
27 now, therefore,

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H.C.R. NO. 227

1 BE IT RESOLVED by the House of Representatives of the
 2 Twenty-sixth Legislature of the State of Hawaii, Regular Session
 3 of 2011, the Senate concurring, that the State of Hawaii and
 4 each of the counties are requested to exempt kuleana landowners
 5 from paying any state, county, or municipal taxes, fees, or
 6 charges for water usage in connection with kuleana landowners'
 7 appurtenant water rights; and

8
 9 BE IT FURTHER RESOLVED that certified copies of this
 10 Concurrent Resolution be transmitted to the Governor; the
 11 President of the Senate; the Speaker of the House of
 12 Representatives; the Chairperson of the Board of Land and
 13 Natural Resources; and the Mayor and Chairperson of the Council
 14 of each county.

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OFFERED BY: Mele Carrer

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MAR 16 2011

