

---

---

## HOUSE 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;

5  
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

13  
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

19  
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

23  
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,

28  
29 BE IT RESOLVED by the House of Representatives of the  
30 Twenty-sixth Legislature of the State of Hawaii, Regular Session  
31 of 2011, that the State of Hawaii and each of the counties are  
32 requested to exempt kuleana landowners from paying any state,



1 county, or municipal taxes, fees, or charges for water usage in  
2 connection with kuleana landowners' appurtenant water rights;  
3 and  
4

5 BE IT FURTHER RESOLVED that certified copies of this  
6 Resolution be transmitted to the Governor; the President of the  
7 Senate; the Speaker of the House of Representatives; the  
8 Chairperson of the Board of Land and Natural Resources; and the  
9 Mayor and Chairperson of the Council of each county.

10  
11  
12

OFFERED BY: Mele Canoe

[Signature]

[Signature]

[Signature]

MAR 16 2011

