

MAR 03 2020

SENATE CONCURRENT RESOLUTION

SUPPORTING THE DEPARTMENT OF HAWAIIAN HOME LANDS BENEFICIARIES
BY AFFIRMING THEIR KULEANA TO HAVE A VOICE IN COMING TO A
RESOLUTION ON COMPENSATION FOR UNAUTHORIZED USE OF THE
MAUNA KEA ACCESS ROAD AND OTHER DEPARTMENT OF HAWAIIAN HOME
LANDS PARCELS IN THE SURROUNDING AREA.

1 WHEREAS, the Department of Hawaiian Home Lands (DHHL) is
2 governed by the Hawaiian Homes Commission Act of 1920, enacted
3 by the United States Congress to protect and improve the lives
4 of native Hawaiians; and

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6 WHEREAS, the Act created a Hawaiian Homes Commission to
7 administer certain public lands, called Hawaiian home lands, for
8 homesteads (Trust lands); and

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10 WHEREAS, native Hawaiians are defined as individuals having
11 at least fifty percent Hawaiian blood; and

12
13 WHEREAS, in 1995, the State of Hawai'i enacted legislation,
14 known as Act 14, to resolve and satisfy all claims stemming from
15 its improper and uncompensated use of Trust lands that arose
16 between August 21, 1959, and July 1, 1988; and

17
18 WHEREAS, to resolve all controversies and claims regarding
19 the improper and uncompensated use of lands for state roads and
20 highways, Act 14 contemplated "the initiation of a land
21 exchange" between the State and the Hawaiian Homes Commission;
22 and

23
24 WHEREAS, twenty-four years after the law was passed, there
25 is no evidence that either entity has initiated any land
26 exchange pursuant to Act 14 to resolve the State's prior
27 improper and uncompensated use of trust lands for roads and
28 highways, including for the use of the Mauna Kea Access Road;
29 and
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1 WHEREAS, the Hawaiian Homes Commission, under the Hawaiian
2 Homes Commission Act and the Hawaii State Constitution, has an
3 obligation to protect the Trust lands and exercise exclusive
4 loyalty to its beneficiaries pursuant to Ahuna v. Dep't of
5 Hawaiian Home Lands, 64 Haw. 327 at 340 (1982); and
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7 WHEREAS, consultation between the Hawaiian Homes Commission
8 and the beneficiaries has not commenced for land exchanges; and
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10 WHEREAS, as of December 31, 2017, there were 44,952
11 beneficiary applicants on the waitlist for Hawaiian home lands
12 leases, and annually, a large number of these beneficiaries die
13 while still waiting for a land award while non-Hawaiian
14 interests are afforded access to land for the "greater good" of
15 the community; and
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17 WHEREAS, it is the right and responsibility of the native
18 Hawaiian beneficiaries of the DHHL to provide input and to be
19 consulted in matters of land disposition, yet they have not been
20 afforded the venue to do so; and
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22 WHEREAS, previous resolutions of the Association of
23 Hawaiian Civic Clubs have affirmed the sacredness of Mauna Kea;
24 and
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26 WHEREAS, County of Hawai'i Mayor Harry Kim met with members
27 of the Association of Hawaiian Civic Clubs Hawai'i Council on
28 October 17, 2019, and the Council brings forward these issues as
29 a result of this meeting; now, therefore,
30

31 BE IT RESOLVED by the Senate of the Thirtieth Legislature
32 of the State of Hawaii, Regular Session of 2020, the House of
33 Representatives concurring, that the Legislature supports the
34 Department of Hawaiian Home Lands beneficiaries by affirming
35 their kuleana to have a voice in coming to a resolution on
36 compensation for unauthorized use of the Mauna Kea Access Road
37 and other DHHL parcels in the surrounding area; and
38

39 BE IT FURTHER RESOLVED that certified copies of this
40 Concurrent Resolution be transmitted to the Governor,
41 Chairperson of the Hawaiian Homes Commission, Chairperson of the




S.C.R. NO. 60

1 Board of Trustees of the Office of Hawaiian Affairs, and Mayors
2 of each county.

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OFFERED BY:



Michelle D. Aridani
Kurt Ferella

[Signature]

Clarence K. Oishi
[Signature]

