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# SENATE CONCURRENT RESOLUTION

SUPPORTING THE HAWAIIAN HOME LANDS TRUST BENEFICIARIES BY  
AFFIRMING THEIR RIGHT TO REQUIRE THE DEPARTMENT OF HAWAIIAN  
HOME LANDS, DEPARTMENT OF LAND AND NATURAL RESOURCES, AND  
DEPARTMENT OF TRANSPORTATION TO COME TO A RESOLUTION AND  
FAIR COMPENSATION FOR PAST, PRESENT, AND FUTURE USE OF THE  
LAND BENEATH 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 is governed  
2 by the Hawaiian Homes Commission Act of 1920, enacted by the  
3 United States Congress to protect and improve the lives of  
4 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

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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

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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

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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



1 highways, including for the use of the Mauna Kea Access Road;  
2 and

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4 WHEREAS, the Hawaiian Homes Commission, under the Hawaiian  
5 Homes Commission Act and the Hawaii State Constitution, has an  
6 obligation to protect the Trust lands and exercise exclusive  
7 loyalty to its beneficiaries pursuant to Ahuna v. Dep't of  
8 Hawaiian Home Lands, 64 Haw. 327 at 340 (1982); and

9  
10 WHEREAS, consultation between the Hawaiian Homes Commission  
11 and the beneficiaries has not commenced for land exchanges; and

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13 WHEREAS, as of December 31, 2017, there were 28,418  
14 beneficiary applicants on the waitlist for Hawaiian home lands  
15 leases, and annually, a large number of these beneficiaries die  
16 while still waiting for a land award while non-Hawaiian  
17 interests are afforded access to land for the "greater good" of  
18 the community; and

19  
20 WHEREAS, it is the right and responsibility of the native  
21 Hawaiian beneficiaries of the Department of Hawaiian Home Lands  
22 to provide input and to be consulted in matters of land  
23 disposition, yet they have not been afforded the venue to do so;  
24 and

25  
26 WHEREAS, previous resolutions of the Association of  
27 Hawaiian Civic Clubs have affirmed the sacredness of Mauna Kea;  
28 and

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30 WHEREAS, the County of Hawai'i Mayor met with members of the  
31 Association of Hawaiian Civic Clubs Hawai'i Council on  
32 October 17, 2019, and the Council brings forward these issues as  
33 a result of this meeting; now, therefore,

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35 BE IT RESOLVED by the Senate of the Thirtieth Legislature  
36 of the State of Hawaii, Regular Session of 2020, the House of  
37 Representatives concurring, that this body supports the Hawaiian  
38 home lands trust beneficiaries by affirming their right to  
39 require the Department of Hawaiian Home Lands, Department of  
40 Land and Natural Resources, and Department of Transportation to  
41 come to a resolution and fair compensation for past, present,  
42 and future use of the land beneath the Mauna Kea Access Road and



1 other Department of Hawaiian Home Lands parcels in the  
2 surrounding area; and

3  
4 BE IT FURTHER RESOLVED that certified copies of this  
5 Concurrent Resolution be transmitted to the Governor,  
6 Chairperson of the Hawaiian Homes Commission, Chairperson of the  
7 Board of Trustees of the Office of Hawaiian Affairs, Chairperson  
8 of the Board of Land and Natural Resources, Director of  
9 Transportation, and Mayors of each county.

