

STAND. COM. REP. NO.

3658

Honolulu, Hawaii

JUN 23 2020

RE: S.C.R. No. 60  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs and Water and Land, to which was referred S.C.R. No. 60 entitled:

"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, "

beg leave to report as follows:

The purpose and intent of this measure is to support 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 Land parcels in the surrounding area.

Your Committees received testimony in support of this measure from the Association of Hawaiian Civic Clubs, Waimanalo Hawaiian Homes Association, Kalihi Palama Hawaiian Civic Club, Hawai'i Council for the Association of Hawaiian Civic Clubs, Kaua'i Council of the Association of Hawaiian Civic Clubs, Prince Kūhiō Hawaiian Civic Club, and ten individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Hawaiian Home Lands, Office of Hawaiian Affairs, and Malu'ōhai Residents' Association.



Your Committees find that the Department of Hawaiian Home Lands is governed by the Hawaiian Homes Commission Act of 1920, enacted by the United States Congress to protect and improve the lives of native Hawaiians. The Act created a Hawaiian Homes Commission to administer certain public lands, called Hawaiian home lands, for homestead. In 1995, the State of Hawaii enacted legislation, known as Act 14, to resolve and satisfy all claims stemming from its improper and uncompensated use of trust lands that arose between August 21, 1959, and July 1, 1988. To resolve all controversies and claims regarding the improper and uncompensated use of lands for state roads and highways, Act 14 contemplated "the initiation of a land exchange" between the State and the Hawaiian Homes Commission. However, twenty-four years after the law was passed, there is no evidence that either entity has initiated any land exchange pursuant to Act 14 to resolve the State's prior improper and uncompensated use of trust lands for roads and highways, including for the use of the Mauna Kea Access Road. Your Committees find that affirming the Department of Hawaiian Home Lands beneficiaries' kuleana to have a voice in coming to a resolution on compensation for the use of Mauna Kea Access Road will help resolve the controversies and claims relating to its use.

Your Committees have amended this measure by:

- (1) Changing the number of beneficiary applicants on the waitlist for Hawaiian home land leases from 44,952 to 28,418;
- (2) Clarifying that the Legislature supports 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 lands beneath the Mauna Kea Access Road and other Department of Hawaiian Home Lands parcels in the surrounding area;
- (3) Removing language that provides that the Legislature supports the Department of Home Lands beneficiaries by affirming their kuleana to have a voice in coming to a



resolution on compensation for the use of the Mauna Kea Access Road and other parcels in the surrounding area;

- (4) Amending its title in accordance with its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 60, as amended herein, and recommend that it be referred to your Committees on Judiciary and Ways and Means, in the form attached hereto as S.C.R. No. 60, S.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committees on Hawaiian Affairs  
and Water and Land,

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KAIALI'I KAMELE, Chair

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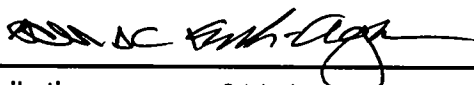
MAILE S.L. SHIMABUKURO, Chair





The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <b>SCR 60</b>	Committee Referral: <b>HWN/WTL, JDC/WAM</b>	Date: <b>3/12/20</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
NISHIHARA, Clarence K.				X
RIVIERE, Gil	X			
FEVELLA, Kurt	X			
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes