
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
CONVENE A WORKING GROUP TO ASSESS THE STATUS OF ACT 14,
SPECIAL SESSION LAWS OF HAWAII 1995.

1 WHEREAS, when the United States Congress passed the
2 Hawaiian Homes Commission Act of 1920 and set aside
3 approximately 203,500 acres of public lands as Hawaiian home
4 lands for the rehabilitation of native Hawaiians, the United
5 States reaffirmed the trust responsibility it had assumed toward
6 the Hawaiian people; and
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8 WHEREAS, when Congress enacted the Hawaii Admission Act in
9 1959, the State of Hawaii, in compliance with the Admission Act
10 and as a compact between the State and the United States,
11 adopted the Hawaiian Homes Commission Act of 1920 as a law of
12 the State through article XII of the Hawaii State Constitution,
13 affirming the State's fiduciary duty to faithfully administer
14 the Hawaiian Homes Commission Act of 1920 on behalf of native
15 Hawaiian beneficiaries; and
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17 WHEREAS, the Department of Hawaiian Home Lands, led by the
18 Hawaiian Homes Commission, was established by the State of
19 Hawaii to exercise the State's authorities and responsibilities
20 under the Hawaiian Homes Commission Act of 1920; and
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22 WHEREAS, the Legislature found that thousands of acres of
23 Hawaiian home lands were allegedly used, disposed of, or
24 withdrawn from the trust by territorial or state executive
25 actions in contravention of the Hawaiian Homes Commission Act of
26 1920; and
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28 WHEREAS, in light of these allegations and in an effort to
29 reach a final resolution, the Legislature passed Act 14, Special
30 Session Laws of Hawaii 1995 (Act 14), to provide for a full



H.C.R. NO. 76

1 settlement of all land claims made on behalf of the Hawaiian
2 Home Lands Trust against the State between August 21, 1959, and
3 July 1, 1988; and

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5 WHEREAS, Act 14 established the Hawaiian Home Lands Trust
6 Fund and required the State to make twenty annual deposits of
7 \$30,000,000 or their discounted equivalent into the Fund; and

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9 WHEREAS, Act 14 directed that the proceeds deposited into
10 the Hawaiian Home Lands Trust Fund were to be used by the
11 Department of Hawaiian Home Lands for capital improvements and
12 other purposes undertaken in furtherance of the Hawaiian Homes
13 Commission Act of 1920, affirmed the Department of Hawaiian Home
14 Lands' fiduciary responsibility toward the Fund, and required
15 the Department of Hawaiian Home Lands to provide annual
16 financial reports to the Legislature and to the beneficiaries of
17 the Hawaiian Home Lands Trust; and

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19 WHEREAS, among other actions, Act 14 also required the
20 transfer of various state lands to the Department of Hawaiian
21 Home Lands, compensation for all remaining confirmed
22 uncompensated public uses of Hawaiian home lands, and the
23 initiation of a land exchange to remedy uncompensated use of
24 Hawaiian home lands for state roads and highways; and

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26 WHEREAS, over twenty-five years have passed since the
27 enactment of Act 14 and despite these actions and assurances of
28 fulfilling homestead obligations to native Hawaiian
29 beneficiaries, the need for affordable housing remains great;
30 and

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32 WHEREAS, thousands of native Hawaiian beneficiaries are
33 still on the Department of Hawaiian Home Lands' waitlist for
34 residential, farming, and ranching homesteads; and

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36 WHEREAS, the existing status of Act 14 and whether its
37 mandates to provide for a settlement of all state land claims
38 for the benefit of native Hawaiians under the Hawaiian Homes
39 Commission Act of 1920 have been fulfilled are unknown; and

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41 WHEREAS, since the enactment of Act 14 the federal
42 government has promulgated regulations under 43 Code of Federal



H.C.R. NO. 76

1 Regulations parts 47 and 48, which should be considered in
2 fulfilling all aspects of Act 14, including the specific
3 definition of native Hawaiian beneficiary associations and
4 clarification that Congress recognizes three parties to the
5 Hawaiian Homes Commission Act of 1920: the State of Hawaii, the
6 federal government, and native Hawaiian beneficiaries; now,
7 therefore,

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9 BE IT RESOLVED by the House of Representatives of the
10 Thirty-first Legislature of the State of Hawaii, Regular Session
11 of 2021, the Senate concurring, that the Department of Land and
12 Natural Resources is requested to convene a working group to
13 assess the status of Act 14; and

14

15 BE IT FURTHER RESOLVED that the working group is requested
16 to comprise the following members:

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- 18 (1) The Chairperson of the Board of Land and Natural
19 Resources, or the Chairperson's designee;
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- 21 (2) The Chairperson of the Hawaiian Homes Commission, or
22 the Chairperson's designee;
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- 24 (3) The Attorney General, or the Attorney General's
25 designee;
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- 27 (4) The Director of the Office of Planning, or the
28 Director's designee;
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- 30 (5) A member appointed by the Speaker of the House of
31 Representatives;
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- 33 (6) A member appointed by the President of the Senate;
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- 35 (7) A representative from the United States Department of
36 the Interior or another appropriate federal department
37 or agency;
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- 39 (8) The Chairperson of the Sovereign Council of Hawaiian
40 Homestead Associations, a federally defined statewide
41 beneficiary organization, or the Chairperson's
42 designee;



H.C.R. NO. 76

- 1 (9) The Chairperson of the Association of Hawaiians for
2 Homestead Lands, a federally defined statewide
3 waitlist beneficiary organization, or the
4 Chairperson's designee;
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6 (10) A representative from a federally defined regional
7 homestead association deemed necessary by the working
8 group; and
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10 (11) Any other members deemed necessary by the working
11 group; and
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13 BE IT FURTHER RESOLVED that the working group is requested
14 to be co-chaired by the Chairperson of the Board of Land and
15 Natural Resources, or the Chairperson's designee, and the
16 Chairperson of the Hawaiian Homes Commission, or the
17 Chairperson's designee; and
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19 BE IT FURTHER RESOLVED that the working group is requested
20 to identify:
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- 22 (1) The requirements of Act 14;
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24 (2) The requirements that have been fulfilled, including
25 when and how they were fulfilled;
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27 (3) Outstanding requirements that have not been fulfilled;
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29 (4) The steps necessary to fulfil each outstanding
30 requirement; and
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32 (5) The annual revenues and expenditures from the Hawaiian
33 Home Lands Trust Fund since 1995; and
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35 BE IT FURTHER RESOLVED that the working group is requested
36 to submit a report of its findings and recommendations,
37 including any proposed legislation, to the Legislature and
38 beneficiaries of the Hawaiian Home Lands Trust no later than
39 twenty days prior to the convening of the Regular Session of
40 2022; and



H.C.R. NO. 76

1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor,
3 Chairperson of the Board of Land and Natural Resources,
4 Chairperson of the Hawaiian Homes Commission, Attorney General,
5 Director of the Office of Planning, Speaker of the House of
6 Representatives, President of the Senate, Secretary of the
7 United States Department of the Interior, Chairperson of the
8 Sovereign Council of Hawaiian Homestead Associations, and
9 Chairperson of the Association of Hawaiians for Homestead Lands.
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OFFERED BY:



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