
HOUSE 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24 withdrawn from the trust by territorial or state executive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
31 settlement of all land claims made on behalf of the Hawaiian



1 Home Lands Trust against the State between August 21, 1959, and
2 July 1, 1988; and

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

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

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

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

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

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

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40 WHEREAS, since the enactment of Act 14 the federal
41 government has promulgated regulations under 43 Code of Federal
42 Regulations parts 47 and 48, which should be considered in



H.R. NO. 64

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

7
8 BE IT RESOLVED by the House of Representatives of the
9 Thirty-first Legislature of the State of Hawaii, Regular Session
10 of 2021, that the Department of Land and Natural Resources is
11 requested to convene a working group to assess the status of Act
12 14; and

13
14 BE IT FURTHER RESOLVED that the working group is requested
15 to comprise the following members:

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



H.R. NO. 64

- 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;
23
- 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

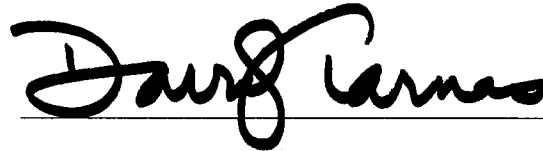


H.R. NO. 64

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

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OFFERED BY:

A handwritten signature in black ink, appearing to read "David Ige", is written over a horizontal line.

MAR 08 2021

