
HOUSE CONCURRENT RESOLUTION

URGING THE GOVERNOR TO PROTECT THE STATE PUBLIC LAND TRUST AND
NATIVE HAWAIIAN RIGHTS, WITH THE UNDERSTANDING THAT THE
LEGISLATURE IS PREPARED TO TAKE ACTION IF THE FEDERAL
GOVERNMENT INITIATES CONDEMNATION PROCEEDINGS AGAINST STATE
LANDS.

1 WHEREAS, in 1993, the United States Congress enacted Public
2 Law 103-150, also known as the Apology Resolution, acknowledging
3 the centennial of the illegal overthrow of the Kingdom of Hawaii
4 and recognizing the ongoing need for justice, healing, and
5 reconciliation with the Native Hawaiian people; and

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7 WHEREAS, lands held by the State of Hawaii, including ceded
8 lands, are held in public trust under the Organic Act of 1900,
9 Hawaii Admission Act, and articles XI and XII of the Hawaii
10 State Constitution, with a duty to conserve, protect, and manage
11 them for the benefit of all of Hawaii's people; and

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13 WHEREAS, military activities in Hawaii have historically
14 caused significant environmental and cultural harm, including
15 contamination of Oahu's drinking water because of fuel spills
16 and leaks from the Red Hill Bulk Fuel Storage Facility, military
17 bombing of and destruction of resources on Kahoolawe, and fuel
18 spills on Haleakala on Maui; and

19
20 WHEREAS, over the years, the State has provided various
21 statutory benefits, exemptions, and privileges to members of the
22 United States armed forces and their dependents, while the
23 federal government has, in many cases, under-reimbursed the
24 State with compensatory impact aid; and

25
26 WHEREAS, the initiation of condemnation proceedings against
27 state lands by the federal government would materially impair
28 the State's ability to fulfill its constitutionally mandated



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1 responsibilities to protect the public land trust and Native
2 Hawaiian rights; and

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4 WHEREAS, the initiation of condemnation proceedings against
5 state lands by the federal government is also inconsistent with
6 the Apology Resolution and the State's constitutional
7 obligations to its people and the environment; and

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9 WHEREAS, this body stands united in protecting the public
10 land trust and Native Hawaiian rights and affirms its
11 determination to take all lawful steps, including a reassessment
12 of statutory benefits for military personnel and their families,
13 to ensure that these constitutional obligations are upheld; now,
14 therefore,

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16 BE IT RESOLVED by the House of Representatives of the
17 Thirty-third Legislature of the State of Hawaii, Regular Session
18 of 2026, the Senate concurring, that the Governor is urged to
19 protect the state public land trust and Native Hawaiian rights,
20 with the understanding that this body is prepared to take action
21 if the federal government initiates condemnation proceedings
22 against state lands; and

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24 BE IT FURTHER RESOLVED that the Governor is urged to
25 protect the public land trust and Native Hawaiian rights and to
26 take action, including introducing legislation to repeal certain
27 statutory provisions of the Hawaii Revised Statutes, if the
28 federal government initiates condemnation proceedings against
29 state lands; and

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31 BE IT FURTHER RESOLVED that the Governor is urged to submit
32 for introduction and to support, advocate, and approve
33 legislation that suspends or repeals the following provisions of
34 the Hawaii Revised Statutes:

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36 (1) Section 29-25, Hawaii Revised Statutes: Federal impact
37 aid received by the Department of Education;

38

39 (2) Section 78-1(c), Hawaii Revised Statutes: Residency
40 exemptions for military dependents;

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- 1 (3) Section 88-55.5, Hawaii Revised Statutes: Exemption of
2 Hawaii National Guard members from mandatory
3 enrollment in the Employees' Retirement System;
4
- 5 (4) Chapter 88, Part I, Subpart E (sections 88-132, 88-
6 132.5, 88-134, 88-135, 88-140, 88-141, Hawaii Revised
7 Statutes) and related sections (sections 88-272, 88-
8 321, 88-322, 88-323, 88-324, Hawaii Revised Statutes),
9 Hawaii Revised Statutes: Special retirement
10 classifications and credited service for military
11 members;
12
- 13 (5) Sections 134-2(g)(4) and 134-9(e)(3), Hawaii Revised
14 Statutes: Recognition of military firearms instruction
15 for permits;
16
- 17 (6) Sections 183D-22(b)(1) and 188-72(a), Hawaii Revised
18 Statutes: Reduced hunting and marine fishing license
19 fees for active-duty military and families;
20
- 21 (7) Sections 201H-49(a), 201H-71, and 206E-284(e), Hawaii
22 Revised Statutes: Housing-related exemptions and bond
23 authorizations benefiting military personnel;
24
- 25 (8) Sections 231-15.8, 235-100, 235-100.5, and 249-6.5,
26 Hawaii Revised Statutes: Tax deferrals, abatements,
27 and exemptions for military members;
28
- 29 (9) Sections 286-106.5, 286-107(f) and (g), and 286-235.5,
30 Hawaii Revised Statutes: Driver's license
31 accommodations and commercial license exemptions for
32 military members and dependents;
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- 34 (10) Sections 302A-121(e), 302A-1101(c), 302A-627, 302A-
35 1404(b), 304A-102, 304A-502, 304A-802, and Chapter
36 311D, Hawaii Revised Statutes: Education benefits,
37 tuition waivers, teacher service credit, and military
38 representation;
39
- 40 (11) Sections 329-4, 431:2-201.8, 431:8-327(g), 431:9A-
41 107(d), 431:9A-111(a)(3), 431:9A-124(g), and 431:10C-



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1 119(c), Hawaii Revised Statutes: Insurance, licensure
2 extensions, and coordination with military agencies;

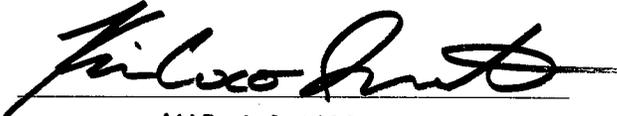
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4 (12) Sections 436B-14.5, 436B-14.6, 436B-14.7, 440E-26,
5 457-9.2(c)(2), 461-8(d)(2), 461J-10.14(d), 464-
6 9(d)(6)(A), and 471-9(g), Hawaii Revised Statutes:
7 Professional license restoration, reciprocity, and
8 exemptions for military personnel and spouses;

9
10 (13) Sections 476-26, 480J-2(a)(4), 481B-16, 486N-7.5,
11 514B-98.5(b)(2), 514B-146.5(c)(2), 516-33(a)(2), and
12 521-83, Hawaii Revised Statutes: Consumer protections,
13 contract terminations, and rental exemptions for
14 military members; and

15
16 (14) Section 605-13, Chapter 657D, and Section 702-232,
17 Hawaii Revised Statutes: Legal representation for
18 service members, civil relief for state military
19 forces, and affirmative defense for acts performed
20 pursuant to superior orders; and

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22 BE IT FURTHER RESOLVED that the Governor is urged to
23 provide timely written public notice to this body and the people
24 of Hawaii if condemnation proceedings are initiated by the
25 federal government; and

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27 BE IT FURTHER RESOLVED that certified copies of this
28 Concurrent Resolution be transmitted to the United States
29 Secretary of Defense, Hawaii's Congressional delegation, and
30 Governor.

31
32 OFFERED BY: 
33 **MAR 16 2026**