HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2010
STATE OF HAWAII

H.R. NO. 66

HOUSE RESOLUTION

URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ADOPT AND IMPLEMENT NEW ADMINISTRATIVE RULES TO PROHIBIT A BENEFICIARY FROM APPLYING FOR A HAWAIIAN HOME LANDS LEASE IF THE PERSON ALREADY RECEIVED A LEASE AWARD AND SOLD, UNLESS THERE ARE COMPELLING OR PERSUASIVE REASONS FOR SELLING THE LEASE.

WHEREAS, the Hawaiian Homes Commission Act of 1920 was signed into law by Congress for the purpose of rehabilitation of native Hawaiians through land stewardship and setting aside approximately two hundred thousand acres of land; and

WHEREAS, the Department of Hawaiian Home Lands was created upon statehood to execute the Hawaiian Homes Commission Act of 1920, as amended, with a mission to manage the Hawaiian home lands trust effectively and to develop and deliver lands to native Hawaiians; and

WHEREAS, native Hawaiians may apply for up to two separate leases including residential, agricultural, or pastoral; and

WHEREAS, while there are nine thousand five hundred native Hawaiians holding Department of Hawaiian Home Land leases, more than twenty-four thousand native Hawaiian applicants are awaiting a lease award; and

WHEREAS, there are approximately thirty-five thousand more native Hawaiians who are eligible for a Department of Hawaiian Home Lands lease; and

WHEREAS, the administrative rules adopted by the Department of Hawaiian Home Lands do not prohibit lessees from selling their leases, so long as the buyer of the lease is at least fifty per cent native Hawaiian; and

WHEREAS, this practice essentially enables the purchaser to automatically move to the top of the waiting list, skipping over hundreds or thousands of other applicants on the list; and
WHEREAS, a lessee who decides to sell their lease has chosen their avenue of "rehabilitation"; and

WHEREAS, given the scope of eligible beneficiaries still waiting for a lease award, it is reasonable for the Department of Hawaiian Home Lands to adopt and implement administrative rules prohibiting beneficiaries from applying for similar leases if the beneficiary has already received a lease award and subsequently sold the lease; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, that this body urges the Department of Hawaiian Home Lands to adopt and implement administrative rules to prohibit a beneficiary from applying for a lease if the beneficiary has already received a lease award and subsequently sold the lease, unless there are compelling reasons for selling the lease; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Chairperson and members of the Hawaiian Homes Commission.

OFFERED BY: