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# SENATE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO RELEASE PASTORAL AND AGRICULTURAL LEASES TO ITS BENEFICIARIES AND REPORT STATISTICAL DATA RELATED TO IMPLEMENTATION OF ARTICLE XII, SECTION 1 OF THE HAWAII STATE CONSTITUTION.

1           WHEREAS, native Hawaiians have traditionally had close ties  
2 to the land; and

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4           WHEREAS, after contact with the West:

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6           (1) Native Hawaiians' traditional ties to their lands were  
7 disrupted; and

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9           (2) The size of the native Hawaiian population began to  
10 decrease because of the introduction of new illnesses  
11 and diseases to which native Hawaiians had not  
12 previously been exposed; and

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14           WHEREAS, it was and continues to be widely believed that  
15 one way to improve the condition of native Hawaiians is to  
16 provide them with greater access to ancestral lands; and

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18           WHEREAS, as Hawaii's delegate to the United States  
19 Congress, Prince Jonah Kuhio Kalaniana'ole spearheaded the  
20 passage of the Hawaiian Homes Commission Act, 1920, designed to  
21 create a rehabilitation program for the dwindling numbers of  
22 native Hawaiians; and

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24           WHEREAS, in 1921, with the enactment of the Hawaiian Homes  
25 Commission Act, 1920, the United States set aside approximately  
26 200,000 acres of land to establish a permanent homeland for  
27 native Hawaiians, who were a landless and "dying" people; and  
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1 WHEREAS, the Hawaiian Homes Commission Act, 1920, was  
2 subsequently incorporated into the Hawaii State Constitution;  
3 and  
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5 WHEREAS, the Department of Hawaiian Home Lands was  
6 established by the Hawaiian Homes Commission Act, 1920, and is  
7 headed by an executive board known as the Hawaiian Homes  
8 Commission; and  
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10 WHEREAS, the Department of Hawaiian Home Lands owes a  
11 fiduciary duty to its beneficiaries; and  
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13 WHEREAS, it is essential that the beneficiaries of the  
14 Department of Hawaiian Home Lands gain access to lands set aside  
15 for them as expeditiously as possible; and  
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17 WHEREAS, pastoral and agricultural leases are an important,  
18 valuable, and viable use of Hawaiian Home Lands; and  
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20 WHEREAS, the court in *Lum v. Hawaiian Homes Commission*,  
21 Civil No. 09-1-2332-10 (1st Cir. Ct. Haw., Oct. 10, 2010),  
22 ordered the Hawaiian Homes Commission to adopt rules pursuant to  
23 chapter 91, Hawaii Revised Statutes, before awarding any further  
24 pastoral homestead lands; now, therefore,  
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26 BE IT RESOLVED by the Senate of the Twenty-sixth  
27 Legislature of the State of Hawaii, Regular Session of 2011, the  
28 House of Representatives concurring, that the Department of  
29 Hawaiian Home Lands is urged to take immediate action to comply  
30 with the court order in *Lum v. Hawaiian Homes Commission*, and to  
31 resume releasing pastoral and agricultural leases to its  
32 beneficiaries as soon as possible; and  
33

34 BE IT FURTHER RESOLVED that the Department of Hawaiian Home  
35 Lands is requested to provide:  
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37 (1) The following data or statistics for the period 2000  
38 through 2010 on the number of:  
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40 (A) Homestead awards reported to the Legislature (if  
41 there is a discrepancy with the appropriate  
42 annual report, an explanation shall be provided),  
43 and a breakdown for each year in each of the



- 1 following categories of homesteads: residential,
- 2 pastoral, agricultural, and aquacultural;
- 3
- 4 (B) Vacant improved lot awards;
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- 6 (C) Homestead awards with improved homes;
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- 8 (D) Homestead awards built under the self-help home-
- 9 building strategy;
- 10
- 11 (E) Homestead awards under the undivided interest
- 12 program; and
- 13
- 14 (F) Applicants offered homestead awards for each
- 15 category;
- 16
- 17 (2) Funds expended each year to improve lots with
- 18 infrastructure; and
- 19
- 20 (3) Type of funding, such as general, special, trust, or
- 21 federal, broken down by homestead type, including:
- 22
- 23 (A) Infrastructural costs to provide utilities; and
- 24
- 25 (B) Homes built on each type of homestead under the
- 26 following strategies: turnkey, self-help, and
- 27 owner-builder; and
- 28

29 BE IT FURTHER RESOLVED that the Department of Hawaiian Home  
 30 Lands submit to the Legislature, no later than twenty days prior  
 31 to the convening of the Regular Session of 2012, the data  
 32 requested in this measure and a report of its activities and  
 33 efforts with respect to the release of pastoral and agricultural  
 34 leases to its beneficiaries; and

35  
 36 BE IT FURTHER RESOLVED that certified copies of this  
 37 Concurrent Resolution be transmitted to the President of the  
 38 United States, Hawaii's Congressional delegation, Governor, the  
 39 Chairperson of the Hawaiian Homes Commission, and Chairperson of  
 40 the Board of Trustees of the Office of Hawaiian Affairs.