

STAND. COM. REP. NO.

2132

Honolulu, Hawaii

, 2006

Feb. 16

RE: S.B. No. 2423
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Water, Land, and Agriculture, to which was referred S.B. No. 2423 entitled:

"A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS,"

begs leave to report as follows:

The purpose of this measure is to clarify the Office of Hawaiian Affairs' (OHA) role in the use and management of kuleana lands and in quiet title actions for kuleana lands.

Testimony in support of this measure was submitted by the Department of Land and Natural Resources (DLNR) and OHA.

Currently, the law requires OHA to be named as a defendant in quiet title actions when there is an interest claimed in kuleana land and there is reason to believe that an owner of an inheritable interest in the particular kuleana land died intestate and without an heir to claim the land. However, if it is determined that the kuleana land will escheat to OHA, the title to the property is given to DLNR to be held in trust until an OHA land management plan for the property is approved by the DLNR.

Your Committee finds that because OHA is a named party in the quiet title action with clear standing to seek relief and has the institutional expertise and resources to determine the appropriate use and management of the kuleana land, OHA should be allowed to make decisions about the use and management of kuleana lands. Thus, this measure removes DLNR from the process of approving an

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OHA land management plan and clarifies OHA's role in quiet title claims.

Your Committee notes that both this measure and S.B. No. 2421 are closely related, as both address important kuleana land issues. Thus, your Committee recognizes the significance of both measures and recommends that these measures continue to move together through the legislative process.

Your Committee has amended this measure by making technical, nonsubstantive changes for clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2423, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2423, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, and
Agriculture,


RUSSELL S. KOKUBUN, Chair



