
HOUSE CONCURRENT RESOLUTION

URGING THE OFFICE OF HAWAIIAN AFFAIRS TO STUDY THE EFFECTS OF
AMENDING THE LAW CONCERNING KULEANA LANDS.

1 WHEREAS, Kuleana lands means those lands granted to native
2 tenants pursuant to L. 1850, p. 202, entitled "An Act confirming
3 certain resolutions of the King and Privy council passed on the
4 21st day of December, A.D. 1849, Granting to the Common People
5 Allodial Titles for Their Own Lands and House Lots, and Certain
6 Other Privileges" as originally enacted and as amended; and
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8 WHEREAS, following the Kuleana law of 1850 signed by the
9 King, some of the new owners of the ahupuaa or ili blocked
10 access to the Kuleana lands located within their lands; and
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12 WHEREAS, these Kuleana landowners who had access blocked to
13 their Kuleana lands were forced to abandon their lands to
14 surrounding landowners who acquired title to the Kuleana lands
15 by adverse possession; and
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17 WHEREAS, the judicial decrees granting title to the
18 surrounding landowners were made because the true heirs were not
19 known, not made a party thereof, not aware of their interest in
20 the proceedings, or had abandoned possession of, but not the
21 claim of title to, the Kuleana lands; and
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23 WHEREAS, in quiet title actions pertaining to Kuleana
24 lands, surrounding owners also acquired title by alleging
25 escheat, taking advantage of the inability to find the true
26 beneficiaries or heirs; and
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28 WHEREAS, title to Kuleana lands should no longer be
29 acquired by adjoining landowners when there is no true escheat,
30 bona fide purchase, nor legitimate claim by inheritance or
31 adverse possession; now, therefore,



1 BE IT RESOLVED by the House of Representatives of the
2 Twenty-fourth Legislature of the State of Hawaii, Regular
3 Session of 2008, the Senate concurring, that the Office of
4 Hawaiian Affairs, with the assistance of the Native Hawaiian
5 Legal Corporation, is requested to conduct a study on the
6 effects of amending current statutory law regarding Kuleana
7 lands; and

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9 BE IT FURTHER RESOLVED that the study includes the
10 benefits, drawbacks, and other possible effects of:

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12 (1) Amending Section 657-31.5, Hawaii Revised Statutes
13 (HRS), to prohibit the acquisition of Kuleana lands by
14 adverse possession;
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16 (2) Amend Section 669-1(a), HRS, to prohibit quiet title
17 actions against Kuleana lands; and
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19 (3) Requiring the Office of Hawaiian Affairs (OHA) to:
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21 (A) Hold title in trust for any unclaimed Kuleana
22 lands if the descendants of the native tenants
23 are unknown or cannot be found;
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25 (B) Publish annually a list of all Kuleana lands OHA
26 holds in trust;
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28 (C) Require that all claims filed against OHA by an
29 alleged descendant of a native tenant to claim
30 unclaimed Kuleana land be adjudicated in the
31 circuit court in the circuit in which the land is
32 located; and
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34 (D) Imposing a five year statute of limitations for
35 any disputed claim made with OHA;

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37 and

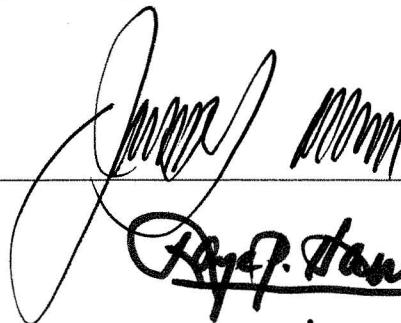
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39 BE IT FURTHER RESOLVED that OHA is requested to submit its
40 report to the Legislature no later than 20 days prior to the
41 convening of the Regular Session of 2009; and



H.C.R. NO. 233

1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Chairperson of the
3 Board of Directors of the Office of Hawaiian Affairs and the
4 President of the Native Hawaiian Legal Corporation.
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OFFERED BY:



Ray P. Hanalei
Waimanalo
Calvin K. King

MAR 12 2008

