

JAN 28 2009

S.B. NO. 164

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## A BILL FOR AN ACT

RELATING TO KULEANA LANDS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 560:2-105.5, Hawaii Revised Statutes,  
2 is amended to read as follows:

3 "§560:2-105.5 Escheat of kuleana lands. Any provision of  
4 law to the contrary notwithstanding, if the owner of an  
5 inheritable interest in kuleana land dies intestate, or dies  
6 partially intestate and that partial intestacy includes the  
7 decedent's interest in the kuleana land, and if there is no  
8 taker under article II, such inheritable interest shall pass to  
9 the ~~[department of land and natural resources]~~ office of  
10 Hawaiian affairs to be held in trust for a period of ten years  
11 to allow for any claims to succession or until the office of  
12 Hawaiian affairs develops a land management plan for the use and  
13 management of [such] the kuleana properties[-] and [such] the  
14 plan is approved by the department of land and natural  
15 resources[-], whichever is later. Upon approval, the department  
16 of land and natural resources shall transfer [such] the kuleana  
17 properties to the office of Hawaiian affairs. For the purposes  
18 of this section, "kuleana lands" means those lands granted to



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1 native tenants pursuant to L. 1850, p. 202, entitled "An Act  
2 Confirming Certain Resolutions of the King and Privy Council  
3 Passed on the 21st Day of December, A.D. 1849, Granting to the  
4 Common People Allodial Titles for Their Own Lands and House  
5 Lots, and Certain Other Privileges", as originally enacted and  
6 as amended."

7 SECTION 2. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect upon its approval.  
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INTRODUCED BY:

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**Report Title:**

Kuleana Lands; 10-year Holding Period

**Description:**

Requires the office of Hawaiian affairs to hold in trust any lands where the owner of an inheritable interest in kuleana lands dies intestate and there is no taker under the Hawaii uniform probate code, for 10 years before passing to the office of Hawaiian affairs.

