
HOUSE CONCURRENT RESOLUTION

SUPPORTING A FULL MORATORIUM ON ANY SALE, EXCHANGE, OR
ALIENATION OF CROWN OR GOVERNMENT LANDS OF THE FORMER
KINGDOM OF HAWAII, CURRENTLY HELD IN PUBLIC TRUST BY THE
STATE OF HAWAII, UNTIL THE LEGAL CLAIMS OF NATIVE HAWAIIAN
PEOPLES AGAINST THE UNITED STATES AND STATE OF HAWAII ARE
COMPLETELY RESOLVED.

1 WHEREAS, in the mid-1990's, the then Housing and Community
2 Development Corporation of Hawaii, an agency of the State,
3 attempted to transfer certain parcels of ceded lands on the
4 islands of Maui and Hawaii to private entrepreneurs for the
5 purposes of housing development; and
6

7 WHEREAS, on August 11, 1995, in *Office of Hawaiian Affairs*
8 *et al. v. Housing and Community Development Corporation of*
9 *Hawaii*, 117 H. 174, 177 P.3d 884, the Office of Hawaiian Affairs
10 and certain individual native Hawaiians filed a law suit against
11 the Housing and Community Development Corporation of Hawaii, the
12 members of the board of directors of the Housing and Community
13 Development Corporation of Hawaii, and the Governor of the
14 State, seeking an injunction against the defendants from selling
15 or otherwise transferring the parcels or any other ceded lands
16 from the public land trust until the claims of native Hawaiians
17 to the ceded lands have been resolved; and
18

19 WHEREAS, on December 5, 2002, the trial court ruled in
20 favor of the defendants and the plaintiffs appealed the trial
21 court's decision; and
22

23 WHEREAS, on January 31, 2008, the Supreme Court of the
24 State of Hawaii vacated the trial court's judgment and remanded
25 the case back to the trial court to issue an order granting the
26 plaintiffs' request for an injunction against the defendants
27 from selling or otherwise transferring the subject parcels to
28 third parties, further extending the injunction against the



H.C.R. NO. 328

1 defendants from selling or otherwise transferring "any other
2 ceded lands from the public land trust until the claims of the
3 native Hawaiians to the ceded lands have been resolved"; and
4

5 WHEREAS, on March 31, 2009, the United States Supreme Court
6 reversed and remanded the case back to the Hawaii Supreme Court
7 with certain instructions; and
8

9 WHEREAS, in response to the reversal and remand, the
10 Legislature enacted and the Governor signed into law Act 176,
11 Session Laws of Hawaii 2009; and
12

13 WHEREAS, Act 176 prohibits the sale or gift of any land or
14 interest therein, not including available lands under the
15 Hawaiian Homes Commission Act or remnants as defined in section
16 171-52, Hawaii Revised Statutes, owned or under control of any
17 state departments classed as government or crown lands previous
18 to August 15, 1895, without the prior approval of the sale or
19 gift by the Legislature by concurrent resolution to be adopted
20 by each house by at least two-thirds majority vote of the
21 members to which each house is entitled in a regular or special
22 session at which a concurrent resolution is submitted for
23 approval of the sale or gift; and
24

25 WHEREAS, Act 176 does not adequately protect theses crown
26 or government lands in the public trust from alienation until
27 the rights of native Hawaiians have completed resolved; now,
28 therefore,
29

30 BE IT RESOLVED by the House of Representatives of the
31 Twenty-fifth Legislature of the State of Hawaii, Regular Session
32 of 2010, the Senate concurring, that all state and county
33 agencies or departments holding title or any interest to any
34 ceded lands in the public trust are urged to not consider the
35 sale, gift, exchange, or otherwise transfer that interest until
36 the legal claims of the Native Hawaiian peoples against the
37 United States and the State of Hawaii are completely resolved;
38 and
39



H.C.R. NO. 328

1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor, the Mayor
3 and Chairperson of the Council of each county, President of the
4 Senate, and the Speaker of House of Representatives.
5
6
7

OFFERED BY:

Meli Camell

Karen Luana

[Signature]

Raymond Lane

MAR 1 0 2010

