
HOUSE 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
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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
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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
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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
29 defendants from selling or otherwise transferring "any other
30 ceded lands from the public land trust until the claims of the
31 native Hawaiians to the ceded lands have been resolved"; and



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 2 WHEREAS, on March 31, 2009, the United States Supreme Court
 3 reversed and remanded the case back to the Hawaii Supreme Court
 4 with certain instructions; and

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 6 WHEREAS, in response to the reversal and remand, the
 7 Legislature enacted and the Governor signed into law Act 176,
 8 Session Laws of Hawaii 2009; and

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

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

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

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 36 BE IT FURTHER RESOLVED that certified copies of this
 37 Resolution be transmitted to the Governor, the Mayor and
 38 Chairperson of the Council of each county, President of the
 39 Senate, and the Speaker of House of Representatives.
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Roy Hanoaka

OFFERED BY:

Mel Carna
Karen Awana


