

Honolulu, Hawaii

FEB 18 2009

RE: S.B. No. 582
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.B. No. 582 entitled:

"A BILL FOR AN ACT RELATING TO KULEANA LANDS,"

begs leave to report as follows:

The purpose of this measure is to prevent the disenfranchising of Native Hawaiians from their familial lands by having the title to any unclaimed kuleana lands held in trust in the Office of Hawaiian Affairs until rightful descendants can be found.

Specifically, the purpose of this measure is to:

- (1) Make the Office of Hawaiian Affairs the trustee of any unclaimed kuleana lands;
- (2) Provide a mechanism whereby descendants of native tenants may make a claim with the Office of Hawaiian Affairs for unclaimed kuleana lands; and
- (3) Prohibit quiet title actions or adverse possession claims for kuleana lands.

Testimony in support of this measure was submitted by one organization and one public citizen. One state agency and one organization supported the intent of this measure. Copies of written testimony are available for review on the Legislature's website.



Your Committee finds that there have been countless historical instances of persons using various means to disenfranchise Native Hawaiian families and longtime kama'aina from their family kuleana lands. This practice continues today through various legal practices. The system of traditional land and ocean resource management used in Hawai'i relied on natural contours of the land for geographical boundaries. These boundaries are often affected by adverse possession of kuleana lands.

Your Committee further finds that the Office of Hawaiian Affairs is the appropriate agency to serve as trustee because of their deep commitment to the protection of rights to kuleana lands.

Your Committee has amended this measure by:

- (1) Amending section 560:2-105.5, Hawaii Revised Statutes, to conform the probate code to the requirements of this measure; and
- (2) Making technical, nonsubstantive changes for style and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 582, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 582, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

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



CLAYTON HEE, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WTL

Bill / Resolution No.:* SB582	Committee Referral: WTL, JGO	Date: 2/4/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
TOKUDA, Jill N. (VC)	✓			
BUNDA, Robert	✓			
FUKUNAGA, Carol	✓			
KOKUBUN, Russell S.				X
TAKAMINE, Dwight Y.				X
HEMMINGS, Fred	✓			
TOTAL	5	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes