
A BILL FOR AN ACT

RELATING TO THE PUBLIC TRUST LANDS.

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

1 SECTION 1. The legislature recognizes that pursuant to
2 Act 15, Session Laws of Hawaii 2012 (Act 15), the fee simple
3 interest to nine parcels of land in the Kakaako Makai area were
4 conveyed to the office of Hawaiian affairs as grantee, as of
5 July 1, 2012. The conveyance was made in light of the State's
6 obligation to native Hawaiians under article XII, sections 4 and
7 6, of the State Constitution.

8 The legislature also recognizes that Act 15 contradicts
9 itself on whether the Act is binding, and prohibits any future
10 attempts by the office of Hawaiian affairs to pursue certain
11 interests on behalf of native Hawaiians. One the one hand,
12 section 3 of the Act 15 states in part that certain claims or
13 suits are "forever extinguished and barred and may not be
14 brought by the office, or by any other person or entity claiming
15 by, through, or under the office" of Hawaiian affairs. On the
16 other hand, section 1 of Act 15 states in part that the Act "is
17 an expression of legislative policy, not a settlement or a



1 contract". Further, section 9 of Act 15 states in part that
2 "[n]othing in this Act limits the legislature's exclusive
3 authority to enact laws". The legislature believes that these
4 internal contradictions must be resolved.

5 Accordingly, the purpose of this Act is to formally
6 recognize that the office of Hawaiian affairs is not barred from
7 pursuing and may negotiate the resolution of claims under
8 sections 4 and 6 of article XII of the Constitution of the State
9 of Hawaii or any related statute or act.

10 SECTION 2. (a) Notwithstanding any contrary provision
11 within Act 15, Session Laws of Hawaii 2012, the State recognizes
12 that the office of Hawaiian affairs is not barred from pursuing
13 and may negotiate with respect to any claim the office may have
14 or may have had to the portion of income and proceeds, or any
15 other tangible right, item, or benefit related to said income
16 and proceeds, from the public land trust lands under sections 4
17 and 6 of article XII of the Constitution of the State of Hawaii
18 or any related statute or act, not heretofore settled upon by
19 the State and the office of Hawaiian affairs.

20 (b) No later than _____, the governor shall
21 appoint the attorney general or other persons to negotiate a



H.B. NO. 1227

1 settlement with the office of Hawaiian affairs with respect to
2 the claims referenced in subsection (a).

3 SECTION 3. This Act shall take effect upon its approval.

4

INTRODUCED BY:



JAN 24 2023



H.B. NO. 1221

Report Title:

OHA; Native Hawaiians; Properties; Kakaako Makai; Claims

Description:

Formally recognizes that the Office of Hawaiian Affairs is not barred from pursuing and may negotiate with respect to public land trust claims not addressed in Act 15, Session Laws of Hawaii 2012.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

