

**TESTIMONY**

**SB 582**

**LATE**



## NATIVE HAWAIIAN LEGAL CORPORATION

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### TESTIMONY OF MOSES HAIA III, STAFF ATTORNEY ON SENATE BILL 582

Aloha Chairman Hee, Vice-Chairperson Tokuda and Members of the Senate Committee on Water, Land, Agriculture and Hawaiian Affairs. Thank you for this opportunity to testify regarding Senate Bill 582, which makes the Office of Hawaiian Affairs the trustee of any unclaimed kuleana lands, prohibits quieting title to kuleana lands or claiming kuleana lands by adverse possession.

The purpose of this Act is to prevent the disenfranchising of native Hawaiians from their familial kuleana 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.

NHLC supports in principle that portion of the bill which would restrict adverse possession of unclaimed kuleana but would like to offer the following observations:

1. House Bill 582 does not appear to provide reasonable notice to any and all interested parties in instances of disputed claims to title and would appear to extinguish any claim made five or more years after the disputed claim is first made. As such the bill effectively enables an adverse possession claim by those who dispute claims against those who fail to do so within the five-year period.
2. The bill does not appear to provide for instances where a fractional interest is unclaimed.
3. The bill appears to require the trust entity to set up a process to identify all unclaimed kuleana, requiring a substantial outlay of additional financial and personnel resources.

NHLC supports the intent of this bill and is willing to consult with this Committee as necessary and appropriate to produce a bill that truly carries out that intent..

Thank you for this opportunity to testify.

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**(END)**