
A BILL FOR AN ACT

RELATING TO KULEANA LANDS.

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

1 SECTION 1. Article XII, section 7 of the Hawaii State
2 Constitution requires the State to "protect all rights,
3 customarily and traditionally exercised for subsistence,
4 cultural and religious purposes and possessed by ahupua'a tenants
5 who are descendants of native Hawaiians who inhabited the
6 Hawaiian Islands prior to 1778, subject to the right of the
7 State to regulate such rights." In Act 195, Session Laws of
8 Hawaii 2011, the State recognized the native Hawaiian people as
9 the only indigenous, aboriginal, maoli people of Hawaii.

10 The legislature finds that the State has a constitutional
11 duty to protect the title to kuleana lands granted to native
12 Hawaiians over one hundred fifty years ago.

13 The purpose of this Act is to require that claimants of
14 kuleana land hold title to more than fifty per cent of a parcel
15 to initiate a quiet title action.

16 SECTION 2. Section 669-1, Hawaii Revised Statutes, is
17 amended to read as follows:



1 "**§669-1 Object of action.** (a) [~~Action~~] Subject to this
2 chapter, action may be brought by any person against another
3 person who claims, or who may claim adversely to the plaintiff,
4 an estate or interest in real property, for the purpose of
5 determining the adverse claim.

6 (b) Action for the purpose of establishing title to a
7 parcel of real property of five acres or less may be brought by
8 any person who has been in adverse possession of the real
9 property for not less than twenty years. Action for the purpose
10 of establishing title to a parcel of real property of greater
11 than five acres may be brought by any person who had been in
12 adverse possession of the real property for not less than twenty
13 years prior to November 7, 1978, or for not less than earlier
14 applicable time periods of adverse possession. For purposes of
15 this section, any person claiming title by adverse possession
16 shall show that [~~such~~] the person acted in good faith. Good
17 faith means that, under all the facts and circumstances, a
18 reasonable person would believe that the person has an interest
19 in title to the lands in question and [~~such~~] the belief is based
20 on inheritance, a written instrument of conveyance, or the
21 judgment of a court of competent jurisdiction.



1 (c) Action brought to claim property of five acres or less
2 on the basis of adverse possession may be asserted in good faith
3 by any person not more than once in twenty years, after November
4 7, 1978.

5 (d) Action under subsection (a) or (b) shall be brought in
6 the circuit court of the circuit in which the property is
7 situated.

8 (e) Action may be brought by any person to quiet title to
9 land by accretion; provided that no action shall be brought by
10 any person other than the State to quiet title to land accreted
11 along the ocean after May 20, 2003, except that a private
12 property owner whose eroded land has been restored by accretion
13 may also bring [~~such~~] an action for the restored portion. The
14 person bringing the action shall prove by a preponderance of the
15 evidence that the accretion is natural and permanent and that
16 the land accreted before or on May 20, 2003. The person
17 bringing the action shall supply the office of environmental
18 quality control with notice of the action for publication in the
19 office's periodic bulletin in compliance with section 343-
20 3(c)(4). The quiet title action shall not be decided by the
21 court unless the office of environmental quality control has



1 properly published notice of the action in the office's periodic
2 bulletin.

3 (f) Action may be brought by any person to quiet title to
4 kuleana land; provided that the claimant holds title to a
5 greater than fifty per cent interest in each parcel of the
6 action.

7 (g) As used in this section [~~"permanent"~~]:

8 "Kuleana land" shall have the same meaning as in section
9 669-2.

10 "Permanent" means that the accretion has been in existence
11 for at least twenty years. The accreted portion of land shall
12 be considered within the conservation district. Land accreted
13 after May 20, 2003, shall be public land except as otherwise
14 provided in this section. Prohibited uses are governed by
15 section 183-45."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

<u>Richard King</u>	<u>[Signature]</u>
<u>Al [Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>

JAN 25 2017



H.B. NO. 1450

Report Title:

Real Property; Kuleana Land; Quiet Title

Description:

Requires that claimants seeking to quiet title of kuleana land shall own more than 50% of the land.

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