

HOUSE OF REPRESENTATIVES  
EIGHTEENTH LEGISLATURE  
SPECIAL SESSION OF 1995  
STATE OF HAWAII

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A BILL FOR AN ACT

RELATING TO HAWAIIAN HOME LANDS.

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

1 SECTION 1. Findings. The legislature finds that when the  
2 United States Congress passed the Hawaiian Homes Commission Act  
3 of 1920 (HHCA) and set aside 203,500 acres, more or less, of  
4 public lands as Hawaiian home lands for the rehabilitation of  
5 native Hawaiians, the United States reaffirmed the trust  
6 responsibility it had assumed toward the Hawaiian people.

7 The legislature also finds that under the Admission Act, the  
8 State of Hawaii assumed the trust responsibility to carry out the  
9 mandates of the HHCA.

10 The legislature further finds that thousands of acres of  
11 Hawaiian home lands were allegedly used, disposed of, or  
12 withdrawn from the trust by territorial or state executive  
13 actions in contravention of the HHCA. In recognition of these  
14 allegations and toward their resolution, the legislature enacted  
15 Act 395, Session Laws of Hawaii 1988, which, among other actions,  
16 provided a limited waiver of sovereign immunity for breaches of  
17 the Hawaiian home lands trust from July 1, 1988 forward. Act 395  
18 also required the governor to present a proposal to the  
19 legislature prior to the convening of the 1991 Regular Session to  
20 resolve controversies which arose between August 21, 1959 and

1 July 1, 1988. The governor's Action Plan to Address  
2 Controversies under the Hawaiian Home Lands Trust and the Public  
3 Land Trust (governor's Action Plan) was accepted by the  
4 legislature pursuant to its adoption of S.C.R. No. 185, H.D. 1,  
5 in 1991.

6 The governor's Action Plan, among other actions, proposed  
7 convening a task force of representatives from the department of  
8 Hawaiian home lands, the department of land and natural  
9 resources, the office of state planning, and the department of  
10 the attorney general to accelerate the review process concerning  
11 department of Hawaiian home lands' land title and compensation  
12 claims. The actions of the task force were to include verifying  
13 title claims, determining if improper uses were still in  
14 existence and whether these uses should be canceled or continued  
15 if authorized by the Hawaiian homes commission, conducting  
16 appraisals and determining appropriate compensation for past and  
17 continued use of Hawaiian home lands, and pursuing all avenues  
18 for return of lands and compensation from the federal government  
19 for wrongful actions during the territorial period.

20 In 1992, the legislature approved the resolution of the  
21 first set of claims covering gubernatorial executive orders and  
22 proclamations which set aside 29,633 acres of lands for public  
23 uses such as forest reserves, schools, and parks.. Act 316,

1 Session Laws of Hawaii 1992, provided \$12,000,000 to pay verified  
2 claims and provide other means to resolve public use  
3 controversies.

4 In 1993, the legislature approved further means to resolve  
5 verified claims. Act 352, Session Laws of Hawaii 1993, extended  
6 the period within which to pay compensation, continued the  
7 authorization to the State to pursue claims against the United  
8 States for the federal government's wrongful actions, and  
9 authorized land exchanges to resolve alienations of Hawaiian home  
10 lands.

11 By these previous acts, the State has resolved all disputed  
12 set asides of Hawaiian home lands that remain in the control of  
13 the State; paid compensation for uncompensated use of Hawaiian  
14 home lands from August 21, 1959 through October 28, 1992; paid  
15 fair market rent as set by the Hawaiian homes commission for  
16 continuing uses from October 28, 1992 through June 30, 1995; paid  
17 fair market rent for the use of lands under Nanaikapono  
18 elementary school through April 4, 1996; and initiated land  
19 exchanges for Hawaiian home lands held by the federal government  
20 under lease for nominal rents of \$1 for sixty-five years at  
21 Pohakuloa and Kekaha. The legislature also recognizes that in  
22 1994, by a separate administrative initiative, the State  
23 initiated the transfer of 16,518 acres of additional useable

1 lands to the department of Hawaiian home lands to be used and  
2 administered in accordance with the HHCA.

3 In 1994, the task force continued to verify and value  
4 certain of the claims which remained unresolved, including claims  
5 for lands in Lualualei and Waimanalo on Oahu, Anahola, Moloaa,  
6 Kamalomalo, and Waimea on Kauai, Puukapu, Keaukaha, Panaewa, and  
7 Kawaihae on Hawaii, Kula on Maui, and Kalaupapa on Molokai; and  
8 compensation for periods of public use of trust land not already  
9 paid. The Hawaiian homes commission's claims to approximately  
10 39,000 acres of such land are disputed due to different  
11 interpretations of the HHCA as it describes the lands to be made  
12 available for use under the provisions of HHCA. Due to the  
13 difficulty of determining the intent of Congress in 1921, it is  
14 untenable to administratively prove or disprove the validity of  
15 these claims.

16 The legislature finds that, due to the difficulty, time,  
17 uncertainty, disruption of public purposes, impact on the public  
18 land trust and private landowners, and expense of judicial  
19 resolution of remaining disputed claims, another approach, which  
20 results in the repair of the Hawaiian home lands trust and the  
21 final resolution of claims against the State, is necessary and in  
22 the best interests of the State and the beneficiaries of the  
23 trust.

1       The legislature recognizes and appreciates the hard work and  
2 valuable contributions of the task force in reviewing and  
3 presenting to the legislature certain recommendations as set  
4 forth in the Memorandum of Understanding dated December 1, 1994  
5 (MOU). The legislature notes and expressly finds that the MOU  
6 does not bind the legislature and that it is the right and duty  
7 of the legislature to exercise its independent judgment and  
8 oversight in developing such implementing and related legislation  
9 which is in the overall public interest.

10       In so doing, the legislature finds that the recommendations  
11 set forth in the MOU do not bring closure to all matters charged  
12 to the task force for review and to all related issues. The  
13 legislature by this Act hereby takes these measures to bring the  
14 desired closure, to fully effectuate in part the intent of S.C.R.  
15 No. 185, H.D. 1, 1991 and the governor's Action Plan, and to  
16 fully effectuate the legislature's intent of final disposition of  
17 the matters addressed by this Act. The legislature also finds  
18 that the disputes surrounding the Hawaiian home lands trust have  
19 caused uncertainty in the State with regard to the limited waiver  
20 of sovereign immunity contained in Act 395, Session Laws of  
21 Hawaii 1988. With respect to all controversies arising between  
22 August 21, 1959 and July 1, 1988, excluding individual claims  
23 provided for pursuant to chapter 674, Hawaii Revised Statutes,

1 the State hereby affirms that the limited waiver of sovereign  
2 immunity permitted by Act 395, Session Laws of Hawaii 1988, is  
3 now withdrawn and, to the extent the waiver was not previously  
4 withdrawn, it is now fully withdrawn. All claims arising between  
5 August 21, 1959 and July 1, 1988, or under any other law enacted  
6 in furtherance of the purposes or objectives of Act 395, Session  
7 Laws of Hawaii 1988, except those permitted by chapter 674,  
8 Hawaii Revised Statutes, are hereby forever barred.

9       The legislature also finds that the court-appointed  
10 independent representative of the beneficiaries of the Hawaiian  
11 home lands trust, who is deemed the sole representative of the  
12 beneficiary class, has participated in the non-judicial  
13 proceedings of the task force as required by Act 352, Session  
14 Laws of Hawaii 1993, and as contemplated by Ka'ai'ai v. Drake,  
15 First Circuit Civil No. 92-3642.

16       In passing this Act, it is the intent of the legislature in  
17 part to (a) resolve all controversies for the period between  
18 August 21, 1959 and July 1, 1988, allowed by Act 395, Session  
19 Laws of Hawaii 1988, except those permitted by chapter 674,  
20 Hawaii Revised Statutes, (b) resolve all controversies relating  
21 to the validity of patents issued after 1920 and prior to July 1,  
22 1988 and affecting any lands covered by or allegedly covered by  
23 the HHCA and to all rights arising from or relating to such

1 patents as issued, and (c) make certain other related amendments  
2 to chapters 673 and 674, Hawaii Revised Statutes. Additionally,  
3 it is the intent of the legislature that if the State is alleged  
4 to be liable, for claims of breaches of the Hawaiian home lands  
5 trust prior to statehood, this Act shall dispose of and resolve  
6 those claims against the State as well.

7 The legislature also finds that in order to properly utilize  
8 Hawaiian home lands, there is a need for a substantial,  
9 predictable funding mechanism for the department to appropriately  
10 plan for the development of these lands. Therefore, the  
11 establishment of a Hawaiian home lands trust fund to provide a  
12 steady availability of capital to fund Hawaiian home lands  
13 programs is appropriate.

14 Finally, the legislature acknowledges that generations of  
15 beneficiaries and potential beneficiaries have been patient and  
16 charitable in their prolonged wait for truth, justice and fair  
17 play. The legislature acknowledges the frustration, anxiety and  
18 spiritual loss of a class of native people whose culture welcomed  
19 strangers and generously shared finite resources. The  
20 legislature acknowledges that this Act represents an opportunity  
21 to effectuate the purposes of the HHCA.

22 SECTION 2. Purpose. The primary purposes of this Act are  
23 to:

- 1       (1)   Resolve all controversies relating to the Hawaiian home  
2           lands trust which arose between August 21, 1959 and  
3           July 1, 1988;
- 4       (2)   Prohibit any and all future claims against the State  
5           resulting out of any controversy relating to the  
6           Hawaiian home lands trust which arose between  
7           August 21, 1959 and July 1, 1988;
- 8       (3)   Resolve all controversies after 1920 and prior to July  
9           1, 1988 relating to the validity of patents issued and  
10          affecting any lands covered by or allegedly covered by  
11          HHCA and to all rights arising from or relating to such  
12          patents as issued;
- 13      (4)   Appropriate such funds and provide additional means as  
14          may be necessary to accomplish the intent and purpose  
15          of this Act;
- 16      (5)   Establish a trust fund to provide a substantial,  
17          secure, and predictable funding source for the  
18          department of Hawaiian home lands to use to effectuate  
19          the purposes of the HHCA;
- 20      (6)   Further the public interest by ensuring that claims  
21          which have arisen or may arise in the future with  
22          respect to the administration of the Hawaiian home  
23          lands trust and are brought pursuant to chapters 673



1           and 674, Hawaii Revised Statutes, are resolved in a  
2           fair, complete, and timely manner.

3 This Act is not intended to replace or affect the claims of  
4 beneficiaries with regard to reparations from the federal  
5 government. It is however, intended to preclude forever any  
6 derivative or other claims of any description which the federal  
7 government may attempt to tender to the State.

8           SECTION 3. Definitions.

9           "Beneficiary" means any person eligible to receive benefits  
10 of homesteading and related programs of the Hawaiian home lands  
11 trust.

12          "Commission" means the Hawaiian homes commission.

13          "Department" means the department of Hawaiian home lands.

14          "Fair market value" means the definition of that term or, if  
15 that term is not defined, the definition of the term "market  
16 value", in the then-current edition of the Uniform Standards of  
17 Professional Appraisal Practice issued by The Appraisal  
18 Foundation or, if that publication is not in publication, then  
19 another publication of standard professional appraisal practice  
20 recognized by the department of commerce and consumer affairs.

21          "Governmental agency" or "State" means the State of Hawaii,  
22 municipal or county governments, or any department, bureau,  
23 division, agency or political subdivision thereof, or any board,  
24 commission, or administrative agency thereof.

1 "Hawaiian home lands" has the same meaning as defined in  
2 section 201(a)(5) of the HHCA.

3 "HHCA" means the Hawaiian Homes Commission Act of 1920, as  
4 amended.

5 "Independent Representative" means the independent  
6 representative appointed in accordance with Act 352, Session Laws  
7 of Hawaii 1993.

8 "Patent" means any land patent grant, royal patent grant,  
9 patent upon award of the land commission, deed, grant, or other  
10 similar instrument in regular form duly executed on behalf of the  
11 State or its predecessors from and after January 1, 1846.

12 "Task force" means that task force created pursuant to the  
13 Governor's Action Plan to Address Controversies under the  
14 Hawaiian Home Lands Trust and the Public Land Trust as  
15 acknowledged by the legislature in its adoption of S.C.R. No.  
16 185, H.D. 1, in 1991.

17 "Trust" means the Hawaiian home lands trust.

18 "Trust fund" means the Hawaiian home lands trust fund  
19 created by this Act and any additions thereto or increment  
20 thereon.

21 SECTION 4. The passage of this Act is in full satisfaction  
22 and resolution of all controversies at law and in equity, known  
23 or unknown, now existing or hereafter arising, established or

1 inchoate, arising out of or in any way connected with the  
2 management, administration, supervision of the trust, or  
3 disposition by the State or any governmental agency of any lands  
4 or interests in land which are or were or are alleged to have  
5 been Hawaiian home lands, or to have been covered by the HHCA  
6 arising between August 21, 1959 and July 1, 1988.

7       The passage of this Act shall have the effect of res  
8 judicata as to all parties, claims, and issues which arise and  
9 defenses which have been at issue, or which could have been, or  
10 could in the future be, at issue, which arose between August 21,  
11 1959 and July 1, 1988, whether brought against the State or its  
12 officials, directly or indirectly, by subrogation, derivative or  
13 third party action, tender, federal action, or by any other means  
14 whatsoever.

15       The passage of this Act shall not replace or affect the  
16 claims of beneficiaries against the federal government arising  
17 under the HHCA, provided that such claims are barred as against  
18 the State to the extent the State is alleged to be derivatively  
19 liable on such claims, or if the federal government tenders such  
20 claims to the State.

21       Nothing in this section shall replace or affect the claims  
22 of beneficiaries with regard to (a) reparations from the federal  
23 government, (b) claims arising subsequent to July 1, 1988 and

1 brought pursuant to sections 2, 3, and 4 of Act 395, Session Laws  
2 of Hawaii 1988, except as otherwise provided in section 13 of  
3 this Act or (c) Hawaiian home lands trust individual claims  
4 brought pursuant to chapter 674, Hawaii Revised Statutes, except  
5 as otherwise provided in sections 14, 15 and 16 of this Act.

6 SECTION 5. All patents issued and affecting any lands  
7 covered by, or alleged to be covered by, the HHCA, from the  
8 inception of that Act to July 1, 1988, whether issued by the  
9 territory or the State of Hawaii, are hereby confirmed as issued,  
10 and no action on such patents may be maintained.

11 SECTION 6. The State, while not admitting the validity of  
12 any claims, hereby resolves and satisfies all controversies and  
13 claims encompassed by this Act by:

14 (1) The establishment of the Hawaiian home lands trust fund  
15 and the requirement that the State make twenty annual  
16 deposits of \$30,000,000, or their discounted value  
17 equivalent, into the trust fund; provided that in lieu  
18 of sums deposited hereunder, the State may, with the  
19 approval of the Commission, substitute from time to  
20 time land or other consideration having the fair market  
21 value of such deposit, as mutually agreed by the State  
22 and Commission; provided that the State may, at any  
23 time, prepay sums due hereunder, without penalty, and  
24 that the total amount to be deposited into the trust

1 fund shall be adjusted by such prepayment based on a  
2 discount rate per year equal to the then-average weekly  
3 investment rate on five year Treasury Bills; and  
4 provided further that the payment of funds into the  
5 trust fund shall include any interest, as determined by  
6 section 478-2, Hawaii Revised Statutes, on the unpaid  
7 balance of any funds due but not appropriated by the  
8 end of each respective fiscal year;

9 (2) The transfer of lands and resolution of claims in the  
10 Waimanalo, Anahola, Kamalomalo, and Moloaa areas; the  
11 compensation for all remaining confirmed uncompensated  
12 public uses of Hawaiian home lands; the initiation of a  
13 land exchange to remedy uncompensated use of Hawaiian  
14 home lands for state roads claims and highways; and the  
15 provision of the first selection of up to two hundred  
16 acres of land, to be conveyed to the department to  
17 fulfill the provisions of claims resolution, upon the  
18 return to the State of any ceded lands, comprising all,  
19 or a portion of Bellows Air Force Station (TMK:  
20 4-1-15.) Disputes with respect to the transfer of  
21 lands and resolution of claims in the Waimanalo,

1 Anahola, Kamalomalo and Moloaa areas, as identified by  
2 the task force and approved by the Commission at its  
3 meeting on November 4, 1994, are resolved by the  
4 exchanges more particularly described in the  
5 Commission's action;

6 (3) The payment of \$2,348,558, appropriated herein, for the  
7 purpose of paying in advance all rent due for  
8 department of Hawaiian home lands license agreement  
9 no. 308 for the continued State use of trust lands  
10 under Nanaikapono elementary school between April 4,  
11 1996 and October 27, 2002;

12 (4) The payment of \$2,390,000, appropriated herein for the  
13 purpose of paying compensation for the State's  
14 uncompensated use of Hawaiian home lands between 1959  
15 and 1995; and

16 (5) The payment of \$1,539,000, appropriated herein, for the  
17 purpose of payment of moneys owed the department of  
18 Hawaiian home lands as its thirty per cent entitlement  
19 for the use of Hanapepe, Kauai, public lands formerly  
20 under lease of sugarcane cultivation on November 7,  
21 1978, pursuant to section 1 of article XII of the  
22 Constitution of the State of Hawaii.

1 The fair market value of land or other consideration under  
2 subsection (1) of this section shall be established by the  
3 department of land and natural resources with the approval of the  
4 Commission.

5 Payments made under this Act shall not diminish funds that  
6 the department is entitled to under article XII, section 1, of  
7 the Constitution of the State of Hawaii.

8 SECTION 7. The HHCA is amended by adding a new section to  
9 be appropriately designated and to read as follows:

10 "§ Hawaiian home lands trust fund. There is  
11 established in the treasury of the State a trust fund to be known  
12 as the Hawaiian home lands trust fund, into which shall be  
13 deposited all appropriations by the State legislature specified  
14 to be deposited therein. Moneys of the Hawaiian home lands trust  
15 fund shall be expended by the department as provided by law upon  
16 approval by the commission and shall be used for capital  
17 improvements and other purposes undertaken in furtherance of the  
18 Act. The department shall have fiduciary responsibility toward  
19 the trust fund, and shall provide annual reports therefor to the  
20 legislature and to the beneficiaries of the trust. Any interest  
21 or other earnings arising out of investments from the trust fund  
22 shall be credited to and deposited into the trust fund."

1 SECTION 8. (a) Notwithstanding the provisions of section  
2 201E-207.5, Hawaii Revised Statutes, there is authorized and  
3 appropriated from moneys on deposit in the homes revolving fund  
4 created by section 201E-207, Hawaii Revised Statutes, \$30,000,000  
5 for fiscal year 1995-96 for deposit into the Hawaiian home lands  
6 trust fund. The foregoing authorization and appropriation  
7 constitutes a legislative reallocation of the moneys in the homes  
8 revolving fund and such transfer shall not constitute or be  
9 deemed to constitute a loan from the homes revolving fund.

10 (b) There is authorized and appropriated \$30,000,000 in  
11 general obligation bond funds of the State of Hawaii for fiscal  
12 year 1996-97 for deposit into the Hawaiian home lands trust fund.

13 SECTION 9. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$2,348,558, or so much  
15 thereof as may be necessary for fiscal year 1995-96, for the  
16 purpose of paying in advance all rent due for department of  
17 Hawaiian home lands license agreement no. 308, for the continued  
18 State use of Hawaiian home lands under Nanaikapono elementary  
19 school, for the period of April 4, 1996, through October 27,  
20 2002. The sum appropriated shall be expended by the department  
21 of education.

22 SECTION 10. There is appropriated out of the general  
23 revenues of the State of Hawaii the sum of \$2,390,000, or so much



1 thereof as may be necessary for fiscal year 1995-96, for the  
2 purpose of paying compensation for the State's uncompensated use  
3 of Hawaiian home lands for the period of August 21, 1959 through  
4 June 30, 1995. The sum appropriated shall be expended by the  
5 department of budget and finance upon certification from the  
6 office of state planning that a wrongful use has been verified.  
7 Compensation may be paid as claims are verified and the amounts  
8 of compensation owed are determined.

9 SECTION 11. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$1,539,000, or so much  
11 thereof as may be necessary for fiscal year 1995-1996, for the  
12 purpose of payment of moneys owed the department of Hawaiian home  
13 lands as its thirty per cent entitlement for the use of Hanapepe,  
14 Kauai, public lands formerly under lease for sugarcane  
15 cultivation on November 7, 1978, pursuant to section 1 of  
16 article XII of the Constitution of the State of Hawaii. The sum  
17 appropriated shall be expended by the department of budget and  
18 finance.

19 SECTION 12. To the extent still available, the limited  
20 waiver of sovereign immunity is hereby withdrawn with respect to  
21 any claim, cause of action or right of action against the State  
22 arising out of an act or omission committed or omitted between  
23 August 21, 1959 and July 1, 1988, excluding individual claims

1 under chapter 674, Hawaii Revised Statutes, as first permitted by  
2 Act 395, Session Laws of Hawaii 1988, or under any other law  
3 enacted in furtherance of the purposes of that Act. Any claim,  
4 cause of action or right of action permitted by Act 395, Session  
5 Laws of Hawaii 1988, is forever barred except with regard to:

6 (1) A cause of action accruing after June 30, 1988 as may  
7 be permitted by chapter 673, Hawaii Revised Statutes;

8 or

9 (2) An individual claim as may be permitted by chapter 674,  
10 Hawaii Revised Statutes.

11 SECTION 13. Section 673-10, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "[[]§673-10 []] Limitation on actions; native Hawaiians.

14 Every claim arising under this chapter shall forever be barred  
15 unless the action is commenced within two years after the cause  
16 of action first accrues; provided that this statute of  
17 limitations shall be tolled until July 1, 1990; provided that the  
18 filing of the claim in an administrative proceeding pursuant to  
19 this [chapter] shall toll any applicable statute of  
20 limitations, and any such statute of limitations shall remain  
21 tolled until ninety days after the date the decision is rendered  
22 in the administrative proceeding; provided further that any cause  
23 of action that first accrues after July 1, 1995 shall forever be

1 barred unless the action is commenced within two years after the  
2 cause of action first accrues."

3 SECTION 14. Section 674-2, Hawaii Revised Statutes, is  
4 amended by amending the definition of "actual damages" to read:

5 "'Actual damages" means direct, monetary out-of-pocket loss,  
6 excluding noneconomic damages as defined in section 663-8.5 and  
7 consequential damages, sustained by the claimant individually  
8 rather than the beneficiary class generally, arising out of or  
9 resulting from a breach of trust, which occurred between August  
10 21, 1959, and June 30, 1988, and was caused by an act or omission  
11 by an employee of the State with respect to an individual  
12 beneficiary in the management and disposition of trust  
13 resources."

14 SECTION 15. Section 674-19, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "§674-19 Limitation on actions. Every claim cognizable  
17 under this part shall forever be barred unless the action is  
18 commenced by September 30, [1999.] 1998."

19 SECTION 16. Chapter 674, Hawaii Revised Statutes, is  
20 amended by adding a new section to be appropriately designated  
21 and to read as follows:

22 "§674- Preclusion of title-related claims. Nothing in  
23 this chapter shall be construed to affect title, or conveyance of  
24 title, or place a cloud upon title, to any lands in the State,

1 including but not limited to lands which were, are, or may have  
2 been Hawaiian home lands."

3 SECTION 17. Notwithstanding any other law to the contrary,  
4 the State and its officials, the members of the board, the  
5 members of the Commission and the independent representative  
6 shall not be subject to suit by any party on any decision  
7 relating to the resolution of these claims, except for actions to  
8 enforce the provisions of this Act.

9 SECTION 18. If any portions of chapters 673 and 674, Hawaii  
10 Revised Statutes, are inconsistent with any of the provisions of  
11 this Act, then the provisions of this Act shall prevail. The  
12 Memorandum of Understanding is not binding on the legislature and  
13 the State and does not have the force and effect of law. To the  
14 extent that the Memorandum of Understanding is inconsistent with  
15 the provisions of this Act, then the provisions of this Act shall  
16 prevail.

17 SECTION 19. The 16,518 acres of land conveyed by the State  
18 to the department of Hawaiian home lands for the purpose of  
19 replenishing the trust corpus shall be treated by the department  
20 of Hawaiian home lands in the same manner as those lands  
21 originally established in the trust and subject to all the  
22 conditions thereon.

1 SECTION 20. Notwithstanding section 1-23, Hawaii Revised  
2 Statutes, if any provision of this Act or the application thereof  
3 to any person or circumstance is held invalid in whole or in  
4 part, this Act shall be invalid and no other provision shall have  
5 the force or effect of law, except that nothing in this section  
6 shall operate to (a) invalidate the withdrawal of the limited  
7 waiver of sovereign immunity as provided by section 12 of this  
8 Act, (b) the confirmation of patents as provided by section 5 of  
9 this Act, and (c) the undertakings set forth in sections 9, 10  
10 and 11 of this Act.

11 SECTION 21. Statutory material to be repealed is bracketed.  
12 New statutory material is underscored.

13 SECTION 22. This Act shall take effect upon its approval;  
14 except that sections 8, 9, 10 and 11 shall take effect on July 1,  
15 1995.

16

17

APPROVED BY THE  
GOVERNOR ON

JUN 29 1995