



BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS

JANUARY 28, 2020

Senate Bill 2195

Relating to landowner liability.

Aloha Chair Shimabukuro, Vice Chair Kahele, and Members of the Committee,

Ka Lāhui Hawai'i Political Action Committee (KPAC) SUPPORTS THE INTENT of Senate Bill 2195 which provides liability protection to private landowners who express permission for practitioners of Kanaka Maoli traditional and customary practices to access their lands.

The well-being of the Kanaka Maoli people is intrinsically tied to the land and our ability to exercise our traditional and customary practices at important historical, cultural and spiritual sites. Throughout the decades private property owners have been aggressively trying to cut off Kanaka Maoli access to important Hawaiian sites that lay within the boundaries of their properties. Liability is a common excuse for cutting off traditional and customary access and KPAC commends OHA for trying to rectify this with legislation.

HOWEVER, moving forward should be done with caution because of unintended legal consequences that may happen if this law is passed. Along with upholding the right of Kanaka Maoli to access private lands for traditional and customary purposes it also alludes to the rights of the land owner to deny these rights. Private property ownership in Hawai'i has its beginnings in the Mahele of 1850 which created a private land ownership system that was based on the land tenure system of European countries like Britain. Because of this, land deeds and the actual Mahele has already provided for access rights of Kanaka Maoli. If passed, this legislation may serve the opposite purpose of its true intent empowering private landowners rather than Kanaka Maoli cultural practitioners.

Respectfully submitted,

M. Healani Sonoda-Pale
Chair, KPAC