

KA LĀHUI HAWAIIʻI

KOMIKE KALAIʻĀINA

BEFORE THE SENATE JUDICARY COMMITTEE

Hawaii State Legislature, February 25, 2020

Senate Bill 749

Relating to Actions of Quiet Title

Aloha Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee,

The Ka Lahui Hawaii Political Action Committee (KPAC) supports Senate Bill 749

Relating to Actions of Quiet Title. Kuleana lands were granted to Kanaka Maoli tenant farmers between 1850 and 1855 and include gathering, access, and agricultural rights as well as the right to build a dwelling. Only 8,205 Kanaka Maoli received Kuleana lands that account for less than 1 percent of Hawaiian Kingdom lands. Many of these awards were adversely possessed by corporations like sugar and pineapple plantations but a precious few are still in the same families today keeping their ancestral tie to their lands. With Kanaka Maoli owning the worst socio economic, health and education statistics in the state it is imperative that the State of Hawai'i help Kanaka Maoli stay on their ancestral lands. As people of the land, the well-being of Kanaka Maoli is intrinsically tied to the 'āina.

This measure helps keep Kanaka Maoli families on their lands by alleviating the economic stress of defending themselves against Quiet actions. Having paid fees and taxes for these lands for 170 years many of these families don't have the economic means of hiring attorneys for costly court cases to defend their lands. KPAC supports the mandatory provisions in this measure for the following reasons:

1. Providing mandatory mediation helps to narrow down issues in dispute lowering costs of litigation especially for parties without attorneys. The sheer number family members that are usually involved makes this avenue a better route rather than going directly to court.
2. Consolidating separate quiet title actions into one for the same kuleana land award will keep costs down for the defendants and prevent the Plaintiff from saying one thing in one case and another in another case.
3. Language that states that the Plaintiff "shall not recover costs, expenses or attorney's fees from the defendant" is necessary because when quiet title action is brought together with a partition action, costs or fees usually become blurred.

KPAC respectfully request that the Judiciary strengthens this measure even more with the following amendment: The plaintiff shall not seek and shall not be awarded the extinguishment or alienation of the defendant's access to or through the land for native Hawaiian cultural and traditional practices present or historic access to other nearby parcels.

Respectfully submitted,

M. Healani Sonoda-Pale

Chair, Ka Lāhui Hawaii - Komike Kalai'āina