

BEFORE THE HOUSE JUDICIARY COMMITTEE February 13, 2019

House Bill No. 600 Relating to Actions for Quiet Title

Aloha Chair Lee, Vice Chair San Buenaventura and Members of the Committee,

KPAC submits the following testimony in SUPPORT of House Bill 600 which provides that where a quiet title action involves kuleana land, any defendant may request mediation to attempt to resolve the dispute and request consolidation into a single action. However, we do have suggested amendments to strengthen this bill so that it may better fulfill the original intent which is to provide additional protections to traditional Kuleana land owners.

Kuleana lands means land granted to native tenants as described in an "An Act Confirming Certain Resolutions of the King and Privy Council" which passed December 21, 1849 under the Hawaiian Kingdom. This Act granted to the common People allodial titles for their own lands and house lots, and certain other privileges. Native tenants were only allowed to claim the lands they were currently cultivating and living on which means they were living on these same lands prior to 1849 from immemorial. Between 1850 and 1855 native or Kanaka Maoli tenant farmers were awarded kuleana lands which included 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. The Kanaka Maoli peoples own some of the worst socio economic, health and education statistics in the state. For example, we make up almost 40% of the houseless population. Therefore, 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.

HB600 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 of family members that are usually involved makes this avenue a better route rather than going directly to court. Attorneys. Mediation is mandatory if requested for other types of real estate disputes (see HRS 421I-9, HRS421J-13 and HRS 514B-161).
- 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 Plantiffs shall bear the cost of mediation or other court fees. There should be no situation where the defendants should have to bear the cost of mediation in order for someone trying to quiet title or "legally steal" their lands.

KPAC respectfully request that the House Judiciary Committee strengthens this measure (which has been weakened significantly) with the following amendments:

- 4. Change back instances of "may" to "shall" on line 9 page 4, line 20 page 4, and line 3 page 5.
- 5. On page 1 line 6 after Kuleana Lands please add "due to their special status under Kingdom law and the state constitution"
- 6. Please delete everything after "paragraph (1)" on line 4 page 5.

Respectfully submitted,

M. Healani Sonoda-Pale Chair, KPAC

Date -2/5/2019 11-44 -2/5/2019 11-29 -2/5/2019 11-02 -2/5/2019 10-26 -2/5/2019 4-37	yes yes	Dear House Water, Land and Hawailian Affairis Committee Vice Chair Todd yes yes yes	Dear House Water, Land and Hawaiian Affair Representative We fair We f	Dear House Water, Land and Hawaiian Affairs Committees September 1997 September 1	Dear House Water, Land and Hawalian Affairs Committee Representa Her Tarnas Yes Yes Yes	Dear House Water, Land and Hawailan Affairs Committee Represental ive Wildberger yes yes yes yes	yes	Keone Jennifer Susannah Victoria Ar	is-Last Smith Mitchell Gudmund White	susannahval	i reside at HĀĒna Maui Kallus Kona, p Papalikou, Hav 2328 Tantalu Kealskekua, F	no yes	I am-non- Kanaka Maoli aka non- Native Hawalian no no no yes	Other value	I am- Registered to vote in Hawaii. Yes Yes Yes	I am-Registered to vote outside of Hawaii. Pool of Marian	I am-Not registered to vote. no. no.	1 SUPPORT HOUSE BILL GOD Antenna Land were granted to Kanaka Mariol termant furmers between 1500 and general pathology access, and agricultural right to suid as for the control tings as well as the control tings are suit as the control tings yes	I SUPPORT HOUSE III. (400-0-0) #, 2005 III. (400-0-0) #, 2005 III. (400-0-0) #, 2005 III. (400-0-0) #, 2005 III. (400-0-0-0) #, 2005 III. (400-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0	I SUPPORT HOUSE Bit. 600-Having paid fees and taxes for these lands for our control of the contr	1 SUPPORT HOUSE BILL 600: Mandatory mediation and dispersion of the control of th	I SUPPORT HOUSE BILL 600-On-page line 6 after subsense line 6 after subsense line 6 after subsense line 6 after subsense status under Kingdom law and the state status under Kingdom law and the state state subsense yes yes	I SUPPORT HOUSE BLL 800-Places BLL 8	I SUPPORT HOUSE BILL GOO-Please amend this bill those with as least 50% interests in the Kuleana lands to take quiet title action. WS MS	Additional Comments: As a recognised lineal descendant to all adjoining Kuleana lands KULEANA LAND PRIVILEGE SHOULD APPLY TO ALL LANDS THAT HAVE BEEN N
2/A/2019 20:54 2/4/2019 15:42 2/4/2019 12:39 2/4/2019 10:20 2/4/2019 10:20 2/4/2019 10:10	yes yes yes	yes yes yes	yes yes yes	yes yes yes yes	yes yes yes	yes yes yes yes	yes yes yes yes yes	Ualani Pono	Botelho Kealoha Patolo	alohahonopi ehu95@yahi ponosize@h	Captain cook Honopou, Ma Nanakuli, Oal Pearl City Honolulu Haw Walmanalo	yes	NO N	no no no no	yes yes yes	no no no no no	no no no no	уес уес уес уес уес уес	795 795 795 795	yes yes yes yes yes	A62 A62 A62 A62 A62	Asz Asz Asz Asz Asz Asz	955 965 965 965 965	yes yes yes	HAWAILAN HANDS FOR 100 THAST HAVE BEAN DI THAST HAVE BEEN BY THE COMMAN FOR DOPE 100 CHAMAL FOR PROVINCE FOR PLASE ALLOW FAMILIES TO HAVE THE SAME PROVINCE IN THE HAWAILAN LAND HAS BEEN THAT HAWAILAN LAND HAS BEEN THAT HAWAILAN LANDS IN HAWAILAN HANDS IN HAWAILAN HANDS IN HAWAILAN HANDS IN NO Treaty NO Annexation No Introduction No Introduction No
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2/1/2019 5:52	yes	yes	yes	yes	yes	yes	yes	Meredith	Buck		Kailua Kona H	ino	yes	по	yes	no	no	yes	Yes	yes	уез	hez	уез	yes	This isofa" just about land ownership, this is about cultural perpetuation. Preserving kulana land in the preserving above to create more opportunity for Kendags above to create the hard kendags above the hard kendags ab
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1/31/2019 18:38	yes	Vez	yes	ves	Yes	yes	yes	Rochelle	Кари	ullani.kapu@	Lahaina, Mau	yes	00	no	yes	по	no	ves	yes	yes	yes	yes	yes	VE5	My husband is a Kuleana land owner which we where subjected to quiet this end owner which we where subjected to quiet this end who purchased the land through our Kupuna names out which forced us into litigation for the past 17 years. We have succeed in 1 and lost to 3 and have 2 and 1 and to 1 and lost to 3 and have 2 and lost to 3 and have 2 and lost to 4 and have 2 and lost to 4 and have 2 and lost to 5 and hot happen to any Kanaka maoil. We are people of this land and no where elds and we should not be subjected to these protested in the subjected to the subjec

																										tenancy of kuleana lands is an important part of ensuring food security and protecting our communities. Separating people from the right to subsist through agriculture and sustainable gathering off their ancestral lands is unsustainable and
Column C	1/31/2019 18:27	yes	yes	yes	yes	yes	yes	yes	Dwight	Baldwin		Makawao, Ma	no	yes	no	yes	no	no	yes	yes	ves	ves	ves	yes	yes	willing kuleana tenant deprived of their rights to subsist and produce food is a loss for the community. We should not let another
Service Servic	1/31/2019 18:12	yes yes	yes	yes yes yes	yes yes yes	yes yes	yes yes yes	yes yes yes	kapono Hana	mkahanalo Malagui	Antunez@ha freehawaii18	haiku, maui Maui, Hamaki	yes yes	no no	no no no		no no	no no	yes yes yes	hez	yes yes	yes yes	yes yes	yes yes	yes yes	
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			yes	yes	yes	yes	yes	yes		Kaluna-Pal	vkalunapalaf	Ukumehame	Lyes	no	no	yes	по	no	yes	yes	yes	yes	yes	yes	yes	vkalunapalafox1@gmail.com
Company of the comp	1/31/2019 13:19	yes	Yes	yes	yes	yes	yes	yes	Kaniloa	Kamaunu	bkofmor@g:	: Walhee Valley	no	no	yes, Kuleana	ves	по	no	yes	hez	yes	yes	yes	yes	ves	State of Hawali to prove their legal interest to Kuleana land titles and where it derived from and their authority and power to impose a real property tax when Kuleana commutation was paid in
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## OF CAMPANIAN PROPERTY AND PR	1/31/2019 12:57	yes				yes			Trina	Bashem		'Ewa Beach, C	yes					no yes		yes					yes	
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A			yes	yes	yes		yes yes	yes	Joanne Varna	Samisoni Nakihei		Waipahu, oah Molokai	yes yes	no no	no no	yes yes	no no	no no	yes yes	hez hez	yes yes	yes yes	yes yes	yes yes		
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100/2003 46 10	1/31/2019 11:27 1/31/2019 11:14 1/31/2019 11:08 1/31/2019 10:45	yes yes yes yes	yes yes yes	yes yes	yes yes yes yes yes yes	yes yes yes yes	yes	yes yes yes yes yes yes yes	Varna Hilary Shannon cynthia Bradford	Nakihei Hacker Rudolph massa Lum	pomaikai196 hilhack4pazi shannonkon womanofthe	Molokai Honolulu, Oal Holualoa Haw Hilo, HI Honolulu	yes no no no yes	yes yes	no		no no no no no no	no no no no no no	yes	yes		yes yes		yes yes yes yes	yes yes yes	lands please. They will do a way better job than the
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																								1	Kuleana lands need your
1/31/2019 6:49 yes	yes	ye	es	yes	yes	yes	yes	Rhonda	Vincent		Kapolei	yes	no	no	yes	no	no	yes	protection						
1/31/2019 6:45 yes	yes	γe	es	yes	yes	yes	yes	Kauluweh	Eli	ulueli@gmai	Honolulu, Oat	yes	no	no	yes	no	no	yes							
																								1	I am a kuleana land owne
																									and grew up on Kuleana



Submitted on: 2/12/2019 11:08:52 PM

Testimony for JUD on 2/13/2019 2:01:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	We Are One, Inc www.WeAreOne.cc - WAO	Support	No

Comments:

SUPPORT HOUSE BILL 600

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.

Having paid fees and taxes for these lands for over 170 years many of these families don't have the economic means of hiring attorneys for costly court cases to defend their lands.

Mandatory mediation and consolidation of quiet title actions helps to reduce costs for Kanaka Maoli Kuleana land owners.

On page 1 line 6 after Kuleana Lands please add "due to their special status under Kingdom law and the state constitution"

Change back instances of "may" to "shall" on line 9 page 4, line 20 page 4, and line 3 page 5.

Delete everything after "paragraph (1)" on line 4 page 5.

Thank you for your very kind attention.

www.WeAreOne.cc

Submitted on: 2/11/2019 4:37:30 PM

Testimony for JUD on 2/13/2019 2:01:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing	
Richard Spacer	Individual	Support	No	

Comments:

Aloha Hawaii Legislators:

I SUPPORT HB 600. Mahalo.

Richard Spacer, Kauai

Submitted on: 2/12/2019 11:00:03 AM

Testimony for JUD on 2/13/2019 2:01:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Noa Lincoln	Individual	Support	No

Comments:

I think quiet title as a whole is a flawed process. Furthermore, announcements are only made in newspapers, which now are a PRIVATE organization. We have to pay to get a newspaper, and therefore such quiet title announcements discriminate against rural and impoverish peoples. Just like being innocent until proven guilty, people should be allowed to keep their land until proven they do not want it. It should be on the burden of the purchaser/initiator to locate and deal with the landowners, not the burden of the landowner to prove they exist.

Submitted on: 2/12/2019 4:26:34 PM

Testimony for JUD on 2/13/2019 2:01:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Whispering Wind	Individual	Support	No

Comments:

Please, SUPPORT KULEANA LAND OWNERS

Submitted on: 2/12/2019 4:28:16 PM

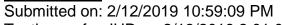
Testimony for JUD on 2/13/2019 2:01:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Murphy	Individual	Support	No

Comments:

Please, SUPPORT KULEANA LAND OWNERS





Testimony for JUD on 2/13/2019 2:01:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Robert Keli?iho?omalu	Individual	Support	No

Comments:

I strongly support this bill.

Quiet title has been instrumental in the theft of land from the Kanaka Maoli (Native Hawaiian) people. There should be more done to help protect Kuleana land owners in cases of quiet title however, this is a half-decent start.

Mahalo

 RK