STAND. COM. REP. NO. 1068

Honolulu, Hawaii

MOYCH 7 , 2017

RE: H.B. No. 860

H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 860 entitled:

"A BILL FOR AN ACT RELATING TO ACTIONS FOR QUIET TITLE," begs leave to report as follows:

The purpose of this measure is to establish quiet title action procedures for kuleana lands, including:

- (1) At the request of a defendant, court-ordered mandatory mediation to resolve the action;
- (2) At the request of defendants, court-ordered consolidation of separate actions under specified conditions;
- (3) Prohibiting the extinguishment or alienation of the defendant's access to the land for native Hawaiian cultural and traditional practices; and
- (4) Prohibiting a plaintiff from recovering costs, expenses, and attorney's fees from a defendant.

The Office of Hawaiian Affairs, Ho'omana Pono, LLC., We Are One, Inc., and numerous concerned individuals supported this bill.

The Land Use Research Foundation of Hawaii opposed this measure. A concerned individual submitted comments.

Your Committee has amended this bill by changing its effective date to July 1, 2050, to facilitate further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 860, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 860, H.D. 1.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

SCOTT Y. NISHIMOTO, Chair

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: サラミし O	Committee Referral:	Date	= 2/20/17	
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. NISHIMOTO, Scott Y. (C)			14.00	
2. SAN BUENAVENTURA, Joy A.	(VC)			
3. BELATTI, Della Au		3 11 MM		
4. BROWER, Tom				
5. JOHANSON, Aaron Ling				
6. LEE, Chris				
7. MORIKAWA, Dee			-	
8. NAKASHIMA, Mark M.				
9. OSHIRO, Marcus R.				
10. McDERMOTT, Bob				
11. THIELEN, Cynthia				
				-
			·	
				<u>"</u>
TOTAL (11)	9	l		
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				