

Honolulu, Hawaii

FEB 12 2019

RE: S.B. No. 1495

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred
S.B. No. 1495 entitled:

"A BILL FOR AN ACT RELATING TO ACTIONS FOR QUIET TITLE,"

begs leave to report as follows:

The purpose and intent of this measure is to establish quiet
title action procedures for kuleana land by:

- (1) Allowing court-ordered mandatory mediation at the
request of the defendant and with costs allocated to the
plaintiff; and
- (2) At the request of defendants in separate actions,
consolidating separate quiet title actions located
within the same court circuit and commenced by the same
plaintiff.

Your Committee received testimony in support of this measure
from the Office of Hawaiian Affairs; We Are One, Inc.; Ka Lāhui
Hawai'i Political Action Committee; Na Kupuna Moku O Keawe;
Ho'omanapono Political Action Committee; Democratic Party of
Hawai'i, Hawaiian Affairs Caucus; and eighty-eight individuals.

Your Committee finds kuleana land parcels, many of which have
been passed down from original awardees through multiple
generations of heirs, represent a vital legal recognition of
native Hawaiian families' traditional tenure of ancestral lands.



Although quiet title actions under the Kingdom of Hawaii government were a beneficial legal tool for native Hawaiian kuleana awardees to resist adverse possession claims made by large agricultural landowners, the current framework of quiet title action leaves kuleana owners vulnerable to dispossession, including through the use of complex and cost-prohibitive legal processes that effectively foreclose quiet title defendants from challenging quiet title actions and adverse possession claims. Your Committee finds this measure will create a more equitable and timely process to resolve disputes and hardships stemming from quiet title actions filed against owners of kuleana lands.

Your Committee notes concerns raised by the Democratic Party of Hawai'i, Hawaiian Affairs Caucus and Ka Lāhui Hawai'i Political Action Committee that this measure could be strengthened further by reinforcing kuleana land owners' special status under Kingdom of Hawaii law and the state constitution, preserving defendants' access to or through the land for native Hawaiian cultural and traditional practices in cases where the plaintiff prevails, and limiting actions to quiet title to kuleana land to plaintiffs who own at least a fifty percent interest in the land.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1495 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Hawaiian Affairs,

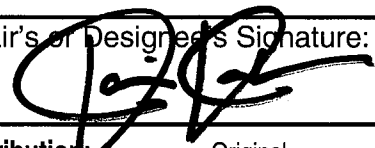


MAILE S.L. SHIMABUKURO, Chair



The Senate
 Thirtieth Legislature
 State of Hawai'i

Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:* SB 1495	Committee Referral: HWN, JDC	Date: 2/7/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended <small>2312</small>				
<input type="checkbox"/> Pass, with amendments <small>2311</small>				
<input type="checkbox"/> Hold <small>2310</small>				
<input type="checkbox"/> Recommit <small>2313</small>				
Members	Aye	Aye (WR)	Nay	Excused
SHIMABUKURO, Maile S.L. (C)	✓			
KAHELE, Kaiali'i (VC)	✓			
IHARA, Jr., Les				✓
KEOHOKALOLE, Jarrett	✓			
FEVELLA, Kurt				✓
TOTAL	3			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution	Original	Yellow	Pink	Goldenrod
	File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy

*Only one measure per Record of Votes