

STAND. COM. REP. NO. **3027**

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 749

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 749 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:

- (1) Require mandatory mediation upon request of any defendant in a quiet title action when any portion of the land claimed by the plaintiff is kuleana land; and
- (2) Provide that the plaintiff shall bear the reasonable costs of the mediation and limit the costs recoverable.

Your Committee received testimony in support of this measure from the Office of Hawaii Affairs; Ka Lāhui Hawai'i Political Action Committee; We Are One, Inc.; twenty-nine individuals; and a form letter containing ninety-nine signatories.

Your Committee finds that existing law does not require mediation in quiet title actions filed against owners of kuleana lands. Many kuleana land parcels have been passed down over many generations of heirs, representing the traditional Native Hawaiian tenure of ancestral lands. Defense of quiet title actions places economic stresses on the numerous family members to assert their interest in the lands. This measure would alleviate the economic stress of defendants against quiet title actions by providing



mandatory mediation to help resolve the dispute or narrow the issues in dispute, thus lowering the complexity and costs of litigation, especially for parties not represented by counsel.

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 S.B. No. 749 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



