

KA LĀHUI HAWAI‘I KŌMIKE KALAI‘ĀINA

BEFORE THE SENATE HAWAIIAN AFFAIRS COMMITTEE

FEBRUARY 9, 2020

SENATE BILL 1318
RELATING TO KULEANA LANDS

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

Ka Lāhui Hawai‘i Kōmike Kalai‘āina submits the following written COMMENTS for Senate Bill 1318 allowing claimants to seek quiet title of kuleana land if they own more than fifty per cent of the land.

Kuleana lands were granted to native Hawaiians and their descendants aka Kanaka Maoli who were tenant farmers between 1850 and 1855. These land awards 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. 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.

Ka Lāhui Hawai‘i Kōmike Kalai‘āina supports the intent of this measure. The issues dealing with Kuleana lands are complex due to the fact that Kuleana lands are in a category of their own. It is not clear if this measure makes it *mandatory* for someone who wanted to quiet title kuleana lands to own more than 50% interests and if the 20 year occupation of the land still applies. If that was the case we may be able to support this as it would make it that much more difficult to "legally steal" kuleana lands from Kanaka Maoli who many times have the economic stress of defending themselves against Quiet title actions. Having paid fees and taxes for these lands for 170 years many of owners who are the descendants of the original awardee don't have the economic means of hiring attorneys for costly court cases to defend their lands against big landowners. Special protections should be awarded to these lands to help Kanaka Maoli families hold on them.

Ka Lāhui Hawai‘i Kōmike Kalai‘āina would also like to see language that makes it mandatory that the Plaintiffs shall bear the cost of quiet title court fees. There should be no situation where the defendants should have to bear the cost for someone trying to quiet title or "legally steal" their lands.

Me ka oiai'o,

M. Healani Sonoda-Pale
Public Affairs Officer, Ka Lāhui Hawai‘i Kōmike Kalai'āina

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Submitted on: 2/4/2021 8:42:04 PM

Testimony for HWN on 2/9/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sharron Gonzalez	Individual	Support	No

Comments:

I support the intent of this measure. I would like to see language that makes it mandatory that the Plaintiffs shall bear the cost of quiet title court fees. Defendants should not have to bear cost of someone trying to quiet title or "legally steal" their lands.

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Submitted on: 2/8/2021 11:36:47 AM

Testimony for HWN on 2/9/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alec Marentic	Individual	Comments	No

Comments:

The language of this bill requires clarification in relation to whether or not it is *mandatory* for someone who wanted to quiet title kuleana lands to own more than 50% interests and if the 20-year occupation of the land still applies. Kuleana lands should under no circumstances be subject to "legal theft" from the hands of Kanaka Maoli.

Additionally, language regarding the cost burden of court fees requires modification. Defendants (Kanaka Maoli) should not bear the cost for someone trying to quiet title their lands.

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Submitted on: 2/8/2021 7:11:21 PM

Testimony for HWN on 2/9/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Forest Frizzell	Individual	Support	No

Comments:

Aloha Committee,

I strongly support this bill.

Mahalo,

Forest

LATE

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Submitted on: 2/9/2021 9:08:11 AM

Testimony for HWN on 2/9/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Malia Ellis	Individual	Support	No

Comments:

As Kanaka Maoli I support SB1318.

Sincerely,

Malia Ellis