



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 Plaintiffs 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	Dear House Water, Land and Hawaiian Affairs Committee Chair Yamano	Dear House Water, Land and Hawaiian Affairs Committee Vice Chair Todd	Dear House Water, Land and Hawaiian Affairs Committee Representative Har	Dear House Water, Land and Hawaiian Affairs Committee Representative Lowen	Dear House Water, Land and Hawaiian Affairs Committee Representative Tamas	Dear House Water, Land and Hawaiian Affairs Committee Representative Wildberger	Dear House Water, Land and Hawaiian Affairs Committee Representative Thiel	My name is First	My name is Last	My email is	I reside at	I am Kanaka Maoli aka Native Hawaiian	I am non-Kanaka Maoli aka non-Native Hawaiian	Other value	I am Registered to vote in Hawaii	I am Registered to vote outside of Hawaii	I am Not registered to vote	I SUPPORT HOUSE BILL 600-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.	I SUPPORT HOUSE BILL 600-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.	I SUPPORT HOUSE BILL 600-Mandatory mediation and consolidation of quiet title actions helps to reduce costs for Kanaka Maoli Kuleana land owners.	I SUPPORT HOUSE BILL 600- On page 6 after Kuleana Lands please add due to their special status under Kingdom law and the state constitution	I SUPPORT HOUSE BILL 600-Please delete everything after mediation on line 3 on page 5 OR delete lines 3 to 6 on page 5 altogether.	I SUPPORT HOUSE BILL 600-Please amend the bill to only allow those with at least 50% interests in the Kuleana lands to take quiet title action.	Additional Comments:		
2/5/2019 11:44	yes	yes	yes	yes	yes	yes	yes	Keene	Smith	keene@smith	Maena Maui	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/5/2019 11:49	yes	yes	yes	yes	yes	yes	yes	Kimber	Marshall	kimber@marshall	Kaliha Kona	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/5/2019 11:07	yes	yes	yes	yes	yes	yes	yes	Suzannah	Goodman	suzannah@goodman	Papaohai, Hawaii	no	yes	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/5/2019 10:26	yes	yes	yes	yes	yes	yes	yes	Victoria Ai	White	tobie@white	2328 Tantalus	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes	As a recognized lineal descendant to all adjoining Kuleana lands	
2/5/2019 4:37	yes	yes	yes	yes	yes	yes	yes	Nicole	Gonzales	nicole@gonzales	Kealahouka	no	yes	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/4/2019 20:54	yes	yes	yes	yes	yes	yes	yes	Debra	Javar	debrajavar@javar	Captain cook	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes	KULEANA LAND PRIVILEGE SHOULD APPLY TO ALL LANDS THAT HAVE BEEN IN HAWAIIAN HANDS FOR 100 YEARS. WE HAVE LAND THAT HAVE BEEN IN THE CHAINA FOR OVER 100 YEARS, BUT DO NOT QUALIFY FOR KULEANA PRIVILEGE. PLEASE ALLOW FAMILIES TO HAVE THE SAME PRIVILEGE IF THE HAWAIIAN LANDS IN HAWAIIAN HANDS FOR AT LEAST A CENTURY! THAT'S THE LEAST THEY CAN DO TO HELP US KEEP OUR HAWAIIAN LANDS IN HAWAIIAN HANDS. MAHALO KUI LIDA.	
2/4/2019 18:43	yes	yes	yes	yes	yes	yes	yes	Lyn	Scott	alohabonnie@scott	Honolulu, Hawaii	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/4/2019 17:59	yes	yes	yes	yes	yes	yes	yes	Uabani	Bohomo	ehupu@bohomo	Nanakuli, Oahu	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/4/2019 11:45	yes	yes	yes	yes	yes	yes	yes	Pono	Kealoha	pono@kealoha	Pearl City	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes	No Treaty No Annexation No Jurisdiction We are coming for our lands!	
2/4/2019 10:20	yes	yes	yes	yes	yes	yes	yes	Hakaha	Patolo	kahakapa@patolo	Honolulu, Hawaii	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/4/2019 10:13	yes	yes	yes	yes	yes	yes	yes	Mokihana	Lida	charlotte@lida	Waimanalo	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/4/2019 9:57	yes	yes	yes	yes	yes	yes	yes	Allison	Shiozaki	shiozaki@com	Berkeley, CA	no	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	The Hawaiian kingdom was illegally overthrow. Respect to indigenous people and their rights to land and water. Time and time again, indigenous people's connection to land show how remaining in deep connection to place is central to being good stewards- true spirit of aloha aina.	
2/4/2019 9:47	yes	yes	yes	yes	yes	yes	yes	Kupono	Aina	sovereign@kupono	Honolulu, Hawaii	no	no	yes	yes	no	no	yes	yes	yes	yes	yes	yes	yes	respect the host culture, we see the evidence, not the crime.	
2/2/2019 9:13	yes	yes	yes	yes	yes	yes	yes	Leilani	Lindsay Kappuni	leilani@kappuni	Hilo, Hawaii	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/2/2019 3:52	yes	yes	yes	yes	yes	yes	yes	Lanwood	Aperto	laperote@aperto	Fountain, Colo	yes	no	no	no	no	no	yes	yes	yes	yes	yes	yes	yes	Huhano Ohana Kuleana Aina	
2/1/2019 18:31	yes	yes	yes	yes	yes	yes	yes	Christine	Davis	cdavis11385	Hana, Maui	no	yes	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes	Enough homeless Hawaiians, they need more protections to help hold onto the lands that as rightful heirs inherited in perpetuity.	
2/1/2019 13:17	yes	yes	yes	yes	yes	yes	yes	Jennifer	Zigler	jz4@hawaii	Makawana, Ma	no	yes	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes	Please help preserve Hawaii by making sure Kuleana land stays within the family it belongs to. Don't let Hawaii be sold out! Birth rites are not entitlements... they are there for the family to enjoy and preserve. What's? Hawaii without Hawaiians?	
2/1/2019 8:57	yes	yes	yes	yes	yes	yes	yes	Tyette	Huan	walsh@huan	Waikane	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 8:56	yes	yes	yes	yes	yes	yes	yes	Azary	Maunaloa	kakapa@azary	Waikane	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 8:55	yes	yes	yes	yes	yes	yes	yes	Robert	Farouhar	kakapa@robert	Waikane	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 8:54	yes	yes	yes	yes	yes	yes	yes	Francis	Huan	francis@huan	Waikane	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 8:54	yes	yes	yes	yes	yes	yes	yes	Kelley	Farouhar	kakapa@kelley	Waikane	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 8:46	yes	yes	yes	yes	yes	yes	yes	Syle	Nanaloa	syle@nanaloa	Kalihi, Maui	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 6:18	yes	yes	yes	yes	yes	yes	yes	Kapua	Kelikoaka	kapua@kelikoaka	Waipane, Oahu	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes	My extended 'ohana and I suffered the loss of our lands via quiet title years ago. Legislation like this, with the proposed amendments, would have provided an equitable opportunity to continue the case and thoroughly fight it out in court. But having to shoulder all case related fees, including the defendant's, was too costly to pursue. Laws that favor corporations over people should be repealed. Government should ensure equity amongst its citizens and corporations. Mahalo for this opportunity to testify and FULLY SUPPORT SB 600 RELATING TO ACTIONS FOR QUIET TITLE. Please pass SB 600 with it's proposed amendments out of your committee.	
2/1/2019 5:52	yes	yes	yes	yes	yes	yes	yes	Meredith	Buck	meredith@buck	Kalihi Kona, HI	no	yes	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes	This land is just about land ownership, this is about cultural perpetuation. Preserving Kuleana land stewardship is preserving Hawaiian culture. Please implement the changes above to create more opportunity for Kanaka Maoli wealth.	
2/1/2019 2:34	yes	yes	yes	yes	yes	yes	yes	Paul	Keahi	keahi@keahi	Lahaina, Maui	no	no	no	no	no	no	yes	yes	yes	yes	yes	yes	yes	indication, whatsoever, that we have acquiesced our collective or individual rights, claims, title to our kingdom or to our national territory. I would be with great sorrow and regret for Kanaka Maoli to succumb to such an indignation. To the contrary, we hold our heads high with our hearts emboldened by the truth. The truth is more than 95 percent of Hawaiians rejected annexation by the United States. Two attempts failed. We know that despite this significant opposition, the all-white oligarchy were still powerful enough to wrest control from our ali'i, and that the collusion between the plantations and the United States could result only in alienating our people from the land. Indeed, the	
2/1/2019 2:33	yes	yes	yes	yes	yes	yes	yes	Danielle	Lymon	danielle@lymon	Waipahoehoe, Maui	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes	yes	
2/1/2019 2:33	yes	yes	yes	yes	yes	yes	yes	Hoce	Kaunaloa	hoce@kaunaloa	15 Awaikiwi	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 2:28	yes	yes	yes	yes	yes	yes	yes	Jacelyn	Pupuni	jacelyn@pupuni	Waikuku, Maui	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 2:25	yes	yes	yes	yes	yes	yes	yes	Kahaulani	Nahoonokala	kahaulani@nahoonokala	Ohonalo, Maui	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 2:21	yes	yes	yes	yes	yes	yes	yes	Suzanne	Kepa	kepa@suzanne	Lahaina, Maui	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 2:21	yes	yes	yes	yes	yes	yes	yes	Clayton	Nahoonokala	clayton@nahoonokala	811 Olowalu	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 2:17	yes	yes	yes	yes	yes	yes	yes	Rosemary	Keahi-Hua	rosemary@keahi-hua	25 W Alupua	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 2:16	yes	yes	yes	yes	yes	yes	yes	Shayon Na	Honohono	shayon@honohono	Lahaina, Maui	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 2:14	yes	yes	yes	yes	yes	yes	yes	Beverly	Shambili	bshambili@shambili	Hana, Maui	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 2:05	yes	yes	yes	yes	yes	yes	yes	Tanya	Pala	tanya@pala	Kaunaloa, Maui	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 2:05	yes	yes	yes	yes	yes	yes	yes	Kristal	Ruck	kristal@ruck	Kula, Hawaii	no	yes	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 2:02	yes	yes	yes	yes	yes	yes	yes	Kullana	Moa-eli	kullana@moa-eli	Waianae, Hawaii	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 20:12	yes	yes	yes	yes	yes	yes	yes	mapuana	gali	mapuana@gali	lahaina maui	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes	keep kanaka maoli lands in kanaka maoli hands... stop building for the rich...	
2/1/2019 19:51	yes	yes	yes	yes	yes	yes	yes	mapuana	gali	mapuana@gali	lahaina maui	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes	I support House Bill 600. Please restore lands to their rightful owners and protect lands from the highly immoral and unethical practice of quiet title.	
2/1/2019 19:53	yes	yes	yes	yes	yes	yes	yes	Marquett	Etemad	marquett@etemad	Farmer reside	no	yes	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes		
2/1/2019 19:33	yes	yes	yes	yes	yes	yes	yes	Jacqueline	hala	jacqueline@hala	lahaina, maui	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes	I am a Kuleana Land owner	
2/1/2019 18:38	yes	yes	yes	yes	yes	yes	yes	Rochelle	Kapu	rochelle@kapu	Lahaina, Maui	yes	no	no	yes	no	no	yes	yes	yes	yes	yes	yes	yes	My husband is a Kuleana land owner which we were subjected to quiet title claims by a new land owner who purchased the land from Pioneer Hill and through our Kupuna names out which forced us into litigation for the past 17 years. We have succeeded in 1 and lost in 1 and have 2 more which these lands are all next to each other. This should not happen to any Kanaka Maoli. We are people of this land and no where else and we should not be subjected to these situations.	





**LATE**

**HB-600-HD-1**

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

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
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](http://www.WeAreOne.cc)

**HB-600-HD-1**

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

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Spacer	Individual	Support	No

Comments:

Aloha Hawaii Legislators:

I SUPPORT HB 600. Mahalo.

Richard Spacer, Kauai

**HB-600-HD-1**

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

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
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.



**HB-600-HD-1**

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

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Whispering Wind	Individual	Support	No

Comments:

**Please, SUPPORT KULEANA LAND OWNERS**

**HB-600-HD-1**

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

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Murphy	Individual	Support	No

Comments:

**Please, SUPPORT KULEANA LAND OWNERS**

**LATE**

**HB-600-HD-1**

Submitted on: 2/12/2019 10:59:09 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
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