

LINDA LINGLE
GOVERNOR
STATE OF HAWAII



MICAH A. KANE
CHAIRMAN
HAWAIIAN HOMES COMMISSION

KA ULANA H. PARK
DEPUTY TO THE CHAIRMAN

ROBERT J. HALL
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF MICAH A. KANE, CHAIRMAN
HAWAIIAN HOMES COMMISSION

BEFORE THE HOUSE COMMITTEE ON HAWAIIAN AFFAIRS

ON HB 1397
RELATING TO HAWAIIAN HOME LANDS

February 11, 2009

Chair Carroll, Vice-Chair Shimabukuro and Members of the Committee:

The Hawaiian Homes Commission and the Department of Hawaiian Home Lands understands the issue and sentiments prompting HB 1397 but respectfully requests that this committee defer this bill.

The purpose of this bill is to prohibit alienation of a lease by a lessee for consideration, except to immediate family. DHHL is in the process of addressing this matter through amendments to Chapter 3 of our administrative rules. These amendments were drafted in response to concerns raised by our beneficiaries regarding this issue.

In 2006, DHHL held eight consultation meetings in Hawaiian homestead areas across the state to better understand concerns related to the transfer of a homestead lease from one beneficiary to another

for remuneration. An initial report was drafted on August 19, 2007 summarizing the communities' concerns and proposing a new policy governing the transfer of leases. DHHL intends to incorporate these sentiments as it continues beneficiary consultation through its administrative rule revision process.

DHHL believes that passage of HB 1397 would disrupt the ongoing consultation process, and more importantly, would limit the opportunity for DHHL's beneficiaries to determine the best solution for this issue. We urge this committee to defer this bill.

Thank you for the opportunity to testify on this measure.

Sovereign Councils
of the



Hawaiian Homelands
Assembly

1050 Queen St. Suite 200
Honolulu, HI 96814
Ph: (808) 529.1627
Fax: (808) 356.3556

Kamaki Kanahale
Chair
O'ahu

Leah K. Pereira
Vice-Chair
Kaua'i

Louise M. Bush
Secretary
Moloka'i

M. Kanani Kapuniai
Treasurer
Hawai'i

Rev. N. Tasha Kama
Executive Officer
Maui

Richard Soo
Executive Director

TO: Rep Mele Carroll, Chair
Rep Maile S L Shimabukuro, Vice Chair

FROM: Richard Soo, SCHHA Executive Director

RE: **HB1397**
RELATING TO HAWAIIAN HOME LANDS
Prohibits alienation of lease by a lessee for consideration, except to Immediate family.

Date/Time: Wednesday, February 11, 2009 9:30 a.m.
Place: Conference Room 329
State Capital, 415 So Beretania St

We write to **DEFER. WE ARE NOT IN SUPPORT OF THIS BILL.**

This measure further limits the rights of the beneficiaries of the Hawaiian Homes Commission Act, 1921 as amended.

As beneficiaries of this trust, we are already limited to transferring to a person with certain qualifications, those who must have a blood quantum of 50% Hawaiian, except to specified family members who can have no less than 25% Hawaiian.

"SECTION 1. Section 208, Hawaiian Homes Commission Act, is amended to read as follows:

*"§208. **Conditions of leases.** Each lease made under the authority granted the department by section 207 of this Act, and the tract in respect to which the lease is made, shall be deemed subject to the following conditions, whether or not stipulated in the lease:...*

(5) The lessee shall not in any manner, for monetary consideration or other remuneration, transfer to, or otherwise hold for the benefit of, any other person or group of persons or organizations of any kind, ~~except a native Hawaiian or Hawaiians, and then only upon the approval of the department,~~ or agree so to transfer, or otherwise hold, the lessee's interest in the tract; except that the lessee, with or without monetary consideration or other remuneration and with the approval of the department,

This bill if passed will further limit the rights of beneficiaries to transfer his/her lease to only immediate family members meeting the blood quantum requirements and/or rights of successorship if a beneficiary is not assigned.

The SCHHA was founded more than 20 years ago to unite homestead communities and to advocate for the beneficiaries of the Hawaiian Homes Commission Act of 1920.

Thank you for the opportunity to appear before you and your committee to express our desire for deferral of HB 1397. If there are any further questions or requests for additional information, please feel free to contact me via my cell phone, (808)227-2239 or email me at soor001@hawaii.rr.com.

Sincerely,

Richard Soo,
Executive Director
SCHHA

Cc: Executive Council
DHHL

WAIMEA HAWAIIAN HOMESTEADERS' ASSOCIATION, INC.

P. O. Box 6753

Kamuela, Hawaii 96743

February 4, 2009

M KANANI KAPUNIAI
Pu'ukapu-Pastoral '90+
Director- **President**

N DUKE KAPUNIAI
Honokaia
Director - **Vice-President**

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Puu Pulehu
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A HOPPY BROWN
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Kuhio Village
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Kuhio Village
Director

HENRY "SOLI"NIHEU"
Pu'ukapu-Farm '85+
Director

DERRICK HONDA
Pu'ukapu-Pastoral <90
Director

TO: Rep Mele Carroll, Chair
Rep Maile S L Shimabukuro, Vice Chair

FROM: M Kapuniai, President

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In contrast, any citizen of this state may transfer his fee simple or leasehold rights to anyone, without discrimination.

This is a subject for "Beneficiary Consultation", and until the Hawaiian Homes Commission through the Department of Hawaiian Home Lands discusses this proposed remedy with the beneficiaries, no one else has the right to discuss or even change the law.

DHHL has held focused group (hand-picked participants) sessions on this subject, about two years ago, but has not shared their remedy for the challenge with the very people who will be affected.

WE CANNOT SUPPORT THIS EFFORT AND REQUEST THAT YOU ALL DEFER THIS BILL.

Phone: (808) 890-2311 (Res) 936-0157(Cell)
Email: duke@sandwichisles.net