

**HB 922**



**HB 922**  
**RELATING TO PUBLIC LANDS**  
Senate Committee on Hawaiian Affairs

March 21, 2011

3:30 p.m.

Room 224

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The Office of Hawaiian Affairs (OHA) supports the intent of HB922. This measure would expand the potential assignees of a 999-year homestead lease to include trustees of land trusts created for the purpose of managing and holding a homestead for the benefit of the lessee and lessee's family members.

The unique structure of the 999-year leases continues to pose challenges for lessees and causes significant conflict in families. Despite past legislative efforts, many homestead families continue to live in substandard conditions and are unable to maintain their homes or otherwise effectively use the land. In 2000, the Legislature amended section 171-99, Hawaii Revised Statutes, to, *inter alia*, make the leases more freely available to members of the lessee's family. Uncertainty regarding this amendment's effect on existing legal rights, however, has made it difficult to identify the rightful leaseholder and hampers the orderly transfer of leases. This uncertainty has exacerbated the problems experienced by lessees and their families and added to the confusion.

OHA supports the intent of HB 922 to provide 999-year homestead lessees and their families the option of utilizing a land trust to collectively and cooperatively share in the responsibilities and benefits. As a majority of the lessees are of Native Hawaiian ancestry, OHA supports the possibility that this measure could provide an appropriate mechanism for these families to keep these lands for future generations.

Mahalo nui for the opportunity to testify.

## galuteria1 - Ikaika

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 7:28 PM  
**To:** HWN Testimony  
**Cc:** jeannine@hawaii.rr.com  
**Subject:** Testimony for HB922 on 3/21/2011 3:30:00 PM

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for HWN 3/21/2011 3:30:00 PM HB922

Conference room: 224  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Jeannine Johnson  
Organization: Individual  
Address:  
Phone:  
E-mail: [jeannine@hawaii.rr.com](mailto:jeannine@hawaii.rr.com)  
Submitted on: 3/15/2011

### Comments:

The Department of Hawaiian Home Lands provides direct benefits to native Hawaiians in the form of 99-year homestead leases at an annual rental of \$1. Why is the State of Hawai'i offering 999-year homestead leases? Why are there non-native Hawaiians on this list? What is the purpose of offering low lease rents to millionaires living on Tantalus under the condition that they grow a few trees? I believe the reason was to take away these ceded lands from Kānaka maoli and the Department of Hawaiian Home Lands forever.

I am appalled that this travesty was allowed to happen. Please do not perpetuate this injustice to native Hawaiians. I respectfully ask that you do what is pono and return these ceded lands to the DHHL.

**galuteria1 - Ikaika**

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**From:** Alex M Luka [lukalex1@gmail.com]  
**Sent:** Sunday, March 20, 2011 12:02 PM  
**To:** HWN Testimony  
**Subject:** HB 922, HB 1063, HD 1

Notice of Hearing, Mar 21, 2011, 3:30 pm, at Conference Room 224, State Capitol, 415 S. Beretania St, Honolulu, Hawaii.

Dear Senator Brickwood Galuteria,

I am in support of HB 922 (HSCR 637), HB 1063 and HD 1 (HSCR 872).  
Mahalo i ke akua. E malama e.

Alex M. Luka

Aloha Representative Legislative Body of the State of Hawaii,

My name is Michael Padeken, a direct Great Grandson to John Kimokeo Kamalolo from Hauula, Oahu, located on the Windward side of the island. I am an educated Hawaiian with a Master's degree in the field of Education and have been a teacher of Special Education students for the past 27 years. I am a graduate of the Kamehameha Schools (Class of '67) and received my Bachelor's and Master's degrees from Brigham University in Provo, Utah.

Our family has lived on the old Homestead farm in Hauula for generations and are appealing to your 'mana' to help our family maintain our right reserved through the 999 Year Lease action instituted for the benefit of the Hawaiian people. As the aboriginal people of Hawaii, who no longer own their 'aina' because of the laws that have been instituted by the State Government through the legislative process over the succeeding years since being annexed by the United States of America, we have seen our Hawaiian people lose their 'aina' in piece meal portions over the years through illegal and legal means that were not understood by our ancestors. I, for one, realize that we cannot bring back the old ways and have no desires to do so. However, I would want to preserve that which is good of the past generations and look forward to a blending of that which was good in the olden days with that which is good for our people's future. I feel that every determined effort should be exercised so as to not lose what we presently have with regards to our land and will work through whatever level of governmental policy making body who maybe understanding and sympathetic to our cause to save what we have for the good of the Hawaiian People.

It is the opinion and expressed desire of most of our Kamalolo Ohana, that holding our 999 Year Lease in a Trust would be the best way to preserve our ancestral land so as not to lose our land over family squabbles where family members become ugly, unsupportive, greedy, or vindictive towards one another because of the land lease and not pay the taxes due. We feel that by holding the Lease in a Trust would resolve most of the issues that could occur between family members because there will be an organized body of likeminded family members interested in preserving the land and lease rights in a cooperative way where all share in the responsibility for the upkeep of the land and the expenses. 'The Farm', as we affectionately call it, is where we have had opportunities to gather, as we and previous generations have gathered for years, to celebrate the family events that binds our families together from the past and on into the future.

For this underlying reason, the Kamalolo family members who wish to preserve our right to this land lease, wish to solicit your support in the PASSING of House Bill 922 with regards to the 999 Year Leases that were given out to our people back in the early 1900s. We respectfully ask for your support in preserving the rights of the Hawaiian people who have lost so much by way of land rights. We are only asking for your help to preserve what we already have and desire with great concern not to lose more to the sometimes uncaring attitudes of government powers who lose sight of those who do not know how to defend for themselves what they already have due to ignorance of the processes involved.

Please support our cause to preserve our rights as now constituted in the 999 Year Lease in the form of a Land Lease Trust.

Sincerely and with as much 'ho'o pono pono' as we can send your way, may you continue to bless the Hawaiian people who need and desire good, caring legislators who will campaign for the rights of our people. If you would like to talk to me personally, about my feelings, please contact me anytime.

Mahalo,

Michael Padeken

Phone # 801-592-2054

Email: [mspadeken@hotmail.com](mailto:mspadeken@hotmail.com)