

Honolulu, Hawaii

February, 2016

RE: H.B. No. 1931

H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Ocean, Marine Resources, & Hawaiian  
Affairs, to which was referred H.B. No. 1931 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION  
ACT,"

begs leave to report as follows:

The purpose of this measure is to reduce the blood quantum  
requirement for certain successors or transferees of lessees of  
Hawaiian home lands from one quarter to one thirty-second.

Your Committee received testimony in support of this measure  
from a member of the Kaua'i County Council, Council for Native  
Hawaiian Advancement, Sovereign Councils of the Hawaiian Homelands  
Assembly, Keaukaha Community Association, KAFarmers Hui, and  
several individuals. Your Committee received testimony in  
opposition to this measure from the Center for Hawaiian  
Sovereignty Studies. The Department of Hawaiian Home Lands  
submitted comments.

Your Committee notes the testimony of the Department of  
Hawaiian Home Lands which discusses an unintended consequence of  
the current law regarding transfer of leases. Because the current  
law allows for both the purchase of a lease and multiple lease  
applications, a qualified applicant of fifty percent blood quantum  
may be able to receive or purchase one lease, transfer that lease  
to a relative of at least twenty-five percent blood quantum, and  
then receive or purchase one or more subsequent leases, which the

HB1931 HD1 HSCR OMH HMS 2016-1555



applicant can also transfer in the same manner. Since there are currently no limits on lease transfers, some beneficiaries have taken advantage of this provision to secure home land leases for multiple relatives who would not otherwise qualify as native Hawaiian applicants of at least fifty percent blood quantum. Your Committee agrees with the Department that no further changes should be made to lease transfer provisions until the Department is able, in consultation with its beneficiary community, to develop a transfer policy that is fair to both the native Hawaiian beneficiaries with wait-listed lease applications and to current lease holders.

Your Committee further notes that many native Hawaiian beneficiaries are never able to secure a home land lease at all because they pass away during the pendency of their lease applications. Your Committee notes that the successors of these beneficiaries may never be able to receive a home lands lease because the successors may not be qualified as native Hawaiian applicants although they would have qualified as successors or transferees. Your Committee respectfully requests that the Department of Hawaiian Home lands consider proposing a solution to this issue, which may include the reconsideration of applicant eligibility criteria, to the Legislature at some time in the future.


Your Committee has amended this measure by:

- (1) Deleting language that would have reduced blood quantum requirements for transferees of lessees;
- (2) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Ocean, Marine Resources, & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1931, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1931, H.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committee on Ocean, Marine  
Resources, & Hawaiian Affairs,

  
KANIELA ING, Chair



State of Hawaii  
House of Representatives  
The Twenty-eighth Legislature

HSCR 113-16

**Record of Votes of the Committee on Ocean, Marine Resources, & Hawaiian Affairs**

Bill/Resolution No.: <b>HB 1931</b>	Committee Referral: <b>OMH, JUD, FIN</b>	Date: <b>2/3/16</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
OMH Members	Ayes	Ayes (WR)	Nays	Excused
1. <b>ING, Kaniela (C)</b>	✓			
2. <b>LOWEN, Nicole E. (VC)</b>	✓			
3. <b>CULLEN, Ty J.K.</b>	✓			
4. <b>EVANS, Cindy</b>	✓			
5. <b>LEE, Chris</b>	✓			
6. <b>NISHIMOTO, Scott Y.</b>	✓			
7. <b>SAY, Calvin K.Y.</b>	✓			
8. <b>YAMANE, Ryan I.</b>	✓			
9. <b>POUHA, Feki</b>	✓			
10. <b>THIELEN, Cynthia</b>		✓		
<b>TOTAL (10)</b>	<b>9</b>	<b>1</b>		
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				