

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

SHAN S. TSUTSUI
LT. GOVERNOR
STATE OF HAWAII

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

**TESTIMONY OF JOBIE M. K. MASAGATANI, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON JUDICIARY AND LABOR**

IN SUPPORT OF

HB 451, HD1, SD1 RELATING TO THE HAWAIIAN HOMES COMMISSION ACT

April 4, 2017

Aloha Chair Keith-Agaran and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) strongly supports this bill that reduces the minimum Hawaiian blood quantum requirement of certain successors to lessees of Hawaiian home lands from one-quarter to one-thirty second. This bill is almost identical to an administration bill introduced this session.

The Department continues to receive requests from beneficiaries, particularly lessees in our older homestead communities, to reduce the blood quantum requirement for successors. As these communities age, the lessees with one-quarter Hawaiian blood are facing the possible loss of a homestead lease that has been within the family for several generations because their descendants lack the required blood quantum. This amendment will provide DHHL lessees with greater flexibility to retain homestead leases within their families.

Thank you for your consideration of our testimony.



HB451 HD1 SD1
RELATING TO THE HAWAIIAN HOMES COMMISSION ACT
Committee on Judiciary and Labor

Apelila 4, 2017

9:45 a.m.

Lumi 'Aha Kūkā 016

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB451 HD1 SD1, which lowers the required Native Hawaiian blood quantum from one-quarter to one-thirty-second for certain relatives to be eligible to succeed to a Hawaiian Home Lands homestead lease. This would allow homestead families to maintain and invest in their residences or businesses, and ensure a reasonable level of stability for homestead family members who, due to having less than the currently required blood quantum, may otherwise face severe disruption to their housing and business circumstances upon a homestead lessees' death.

The issue of reducing the blood quantum for successorship was a recurring theme expressed by beneficiaries of the Hawaiian Homes Commission Act when the Department of Hawaiian Home Lands (DHHL) conducted beneficiary consultation meetings on its new proposed rules package. Homestead organizations and individual beneficiaries expressed concerns that immediate family members of homestead lessees may not have the required one-quarter blood quantum to succeed to homestead leases, and face possible loss of a homestead that has been in the family for several generations. This measure will help address those concerns, and create incentives for lessees to invest in their homesteads knowing that their descendants will succeed to their leases, thereby providing valuable housing opportunities for their families.

OHA notes that after extensive outreach, homestead leaders, including the Sovereign Councils of Hawaiian Homeland Assembly, have also advocated for amendments to section 208 of the HHCA, to similarly reduce the blood quantum for transfers during the lifetime of the lessee, to further families' abilities to maintain the homestead, as well as the equity in their homes and businesses. For example, elderly or retired homesteaders may not be able to financially qualify for home renovation loans or business loans because of their limited incomes. However, if they are able to transfer their homestead lease during their lifetime to a child or grandchild who can financially qualify for these loans, necessary homestead repairs or business investments can be made, and sound successorship planning can occur. OHA notes that this is consistent with sound estate planning. OHA respectfully encourages the committee to consider adding such amendments as it did in SB849 SD2.

Finally, OHA acknowledges assertions that reducing the minimum successorship blood quantum could decrease homestead waitlist applicants' opportunities to receive homestead awards, OHA notes, however, that HB451 does not reduce the blood quantum for original homestead lease awards, and suggests that prioritizing the issuance of homestead awards would address the waitlist. The longstanding need to address the homestead waitlist backlog is clear: according to the DHHL's 2014 Annual Report, the DHHL's waiting list as of June 30, 2014, reflected a combined total of 43,795 lease applications for residential, agricultural, and pastoral leases, submitted by a total of 27,341 individual applicants. Rather than disrupt current homestead families' housing security and tenancy of lands held for generations, the waitlist backlog may best be addressed by prioritizing the issuance of homestead awards that waitlisters can afford and ensuring the appropriate use and allocation of sufficient resources.

For the foregoing reasons, OHA urges the Committee to **PASS** HB451 HD1 SD1.

Mahalo nui for the opportunity to testify on this measure.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: mkkapuniai@gmail.com
Subject: Submitted testimony for HB451 on Apr 4, 2017 09:45AM
Date: Sunday, April 2, 2017 3:46:25 PM

HB451

Submitted on: 4/2/2017

Testimony for JDL on Apr 4, 2017 09:45AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Marion K A Kapuniai	Sovereign Councils of Hawaiian Homelands Assembly	Support	No

Comments: Appreciation to Chairman Keith-Agaran for scheduling this bill. We, all, lessees, successor lessees, and applicants (prospective lessees), stand in great need of this amendment to the Hawaiian Homes Commission Act, both Sections 208 (5) and Section 209. We, all would appreciate your support to pass this bill. I will be faxing my attachment. Mahalo nui, M Kapuniai

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To: [JDL Testimony](#)
Cc: maliolani69@yahoo.com
Subject: *Submitted testimony for HB451 on Apr 4, 2017 09:45AM*
Date: Friday, March 31, 2017 9:53:04 PM

HB451

Submitted on: 3/31/2017

Testimony for JDL on Apr 4, 2017 09:45AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
ASTI MERINO	Individual	Support	No

Comments:

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From: Brent K. Nakihei
Kaunakakai, Hawaii 96748

Date: April 4, 2017

Time: 9:45 A.M.

Place: Conference Room 016

State Capitol

415 South Beretania Street

Submitted on: March 31, 2017

Testimony in support of HB 451 HD1, SD 1, Relating to Reducing Blood Quantum for Successors

Submitted to: House Committee on Judiciary and Labor

Aloha Chair Gilbert S.C. Keith-Agaran and Committee Members,

I strongly support HB 451 HD1, SD1, as it pertains to reducing the blood quantum for Native Hawaiian successors.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: hynmahi@yahoo.com
Subject: Submitted testimony for HB451 on Apr 4, 2017 09:45AM
Date: Friday, March 31, 2017 2:10:28 PM

HB451

Submitted on: 3/31/2017

Testimony for JDL on Apr 4, 2017 09:45AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
carol lee kamekona	Individual	Support	No

Comments: I am in support of lowering the blood quantum for successors of Lessees of the Hawaiian Homes Commission Act to 1/32. Ultimately, I would like to see the blood quantum measurement removed and lineal descendants be proven through their mo'oku'auhau.

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Cc: cckapiolani_q@hotmail.com
Subject: Submitted testimony for HB451 on Apr 4, 2017 09:45AM
Date: Saturday, April 1, 2017 11:52:01 AM

HB451

Submitted on: 4/1/2017

Testimony for JDL on Apr 4, 2017 09:45AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
claudia c k quintanilla	Individual	Comments Only	No

Comments: I am in favor of HB451

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Cc: cantodoreen@gmail.com
Subject: *Submitted testimony for HB451 on Apr 4, 2017 09:45AM*
Date: Friday, March 31, 2017 1:53:39 PM

HB451

Submitted on: 3/31/2017

Testimony for JDL on Apr 4, 2017 09:45AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Doreen Canto	Individual	Support	No

Comments:

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Cc: Kapaakeahomestead@gmail.com
Subject: Submitted testimony for HB451 on Apr 4, 2017 09:45AM
Date: Sunday, April 2, 2017 4:58:05 PM

HB451

Submitted on: 4/2/2017

Testimony for JDL on Apr 4, 2017 09:45AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Doreen Gaspar	Individual	Support	No

Comments: We believed our Prince kuhio wanted this from the beginning,And it's our time to see this thru.I asked that HB451 gets full support .

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Senate committee on Hawaiian Affairs

Rep Maile S.L Shimabukuro Chair

Rep Brickwood Galuteria Vice Chair

Senate committee on Judiciary and Labor

Rep Gilbert S.C Keith-Agaran Chair

Rep Karl Rhoads Vice Chair

Emilygrace H Kaaikamanu

University of Hawai'i at Manoa

Myron B Thompson School of Social Work

Comments for House Bill 451, relating to the Hawaiian Homes Commission Act

Aloha, My name is Emilygrace Kaaikamanu and I am a student at the Myron B Thompson School of Social Work and I am testifying for the bill HB 451. The bill pushes for the lessening of the blood quantum for certain successors from one quarter to one thirty-second. I would just like to comment that as a person of a quarter of Hawaiian blood I see how hard it is for someone to receive homelands to begin with. I personally will not inherit any lands myself but for those who will, the process should not be so strenuous. These are our lands and we should have access to them. Lastly I would like to comment saying that having blended families should not scare us into not passing this bill. Hawaii will always be one of the most diverse places to live in the world but, we have already known this and therefore having blended families will never cease. So, yes, more interracial families arise the less Hawaiian blood may be present in a person but, that should not disqualify them from ownership of Hawaiian lands, having a blended family should not be made into something that is looked at as wrong for the sake of attaining land so please don't make it out to be. My point being that 1) For Hawaiians we have a right to these lands whether we are two percent or fifty, 2) Hawaii will always be blended, let's not make it a bad thing and 3) Hawaiian blood is Hawaiian blood. Mahalo for allowing me to testify and for your time.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: rossdavis777@yahoo.com
Subject: Submitted testimony for HB451 on Apr 4, 2017 09:45AM
Date: Monday, April 3, 2017 11:07:09 AM

HB451

Submitted on: 4/3/2017

Testimony for JDL on Apr 4, 2017 09:45AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Gene Ross K. Davis	Individual	Support	No

Comments: Aloha Chair and members of this committee. Please consider HB451, I am a Homestead Beneficiary and fully support this bill which contains the future well being for our Hawaiian People. I humbly ask for your support. Mahalo Gene Ross Davis

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Chair Keith-Agaran

Date: Tuesday, April 4, 2017

Time: 9:45 a.m.

Place: Conference Room 016

I strongly support House Bill 451, which reduces the minimum Hawaiian blood quantum requirement of certain successors to lessees of Hawaiian homelands from one-quarter to one thirty-second. I am a professional genealogist.

Kindest Aloha,

James Sonny Gay

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: kaalab@gmail.com
Subject: Submitted testimony for HB451 on Apr 4, 2017 09:45AM
Date: Monday, April 3, 2017 8:41:08 AM

HB451

Submitted on: 4/3/2017

Testimony for JDL on Apr 4, 2017 09:45AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kaala	Individual	Support	No

Comments: Please pass this bill! Mahalo

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Subject: *Submitted testimony for HB451 on Apr 4, 2017 09:45AM*
Date: Saturday, April 1, 2017 6:00:39 AM

HB451

Submitted on: 4/1/2017

Testimony for JDL on Apr 4, 2017 09:45AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kalola Kaulili	Individual	Support	No

Comments:

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Cc: KANOELEHUA11@GMAIL.COM
Subject: *Submitted testimony for HB451 on Apr 4, 2017 09:45AM*
Date: Friday, March 31, 2017 9:52:11 PM

HB451

Submitted on: 3/31/2017

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Submitted By	Organization	Testifier Position	Present at Hearing
KANOE MERINO	Individual	Support	No

Comments:

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Cc: kimberlee.uno@gmail.com
Subject: *Submitted testimony for HB451 on Apr 4, 2017 09:45AM*
Date: Monday, April 3, 2017 7:17:37 AM

HB451

Submitted on: 4/3/2017

Testimony for JDL on Apr 4, 2017 09:45AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kimberlee Woodward	Individual	Support	No

Comments:

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Cc: lorry_merino@yahoo.com
Subject: *Submitted testimony for HB451 on Apr 4, 2017 09:45AM*
Date: Friday, March 31, 2017 4:26:40 PM

HB451

Submitted on: 3/31/2017

Testimony for JDL on Apr 4, 2017 09:45AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Lorry A Merino	Individual	Support	No

Comments:

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HB 451

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Name: Marion K A Kapuniai *

Email address: mkkapuniai@gmail.com *
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Testifying on behalf of:

- Individual (ex. testifying as an individual citizen)
- Organization (ex. representing government agency, non-profit, business, etc.)
Sovereign Councils of Hawaiian H

Testifier position:

- Support
- Oppose
- Comments Only

Will you be testifying in person at the hearing?

- Yes
- No

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Additional Comments (alphanumeric and punctuation characters only)

Appreciation to Chairman Keith-Agaran for scheduling this bill. We, all, lessees, successor lessees, and applicants (prospective lessees), stand in great need of this amendment to the Hawaiian Homes Commission Act, both Sections 208 (5) and Section 209. We, all would appreciate your support to pass this bill. I will be faxing my attachment.

Mahalo nui. M Kapuniai

Next

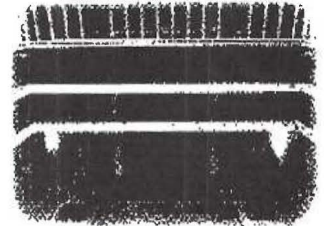
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TO: COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S. C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair

RE: **HB 451, HD1, SD1 – RELATING TO THE HAWAIIAN HOMES COMMISSION ACT**

DATE: Tuesday, April 4, 2017 9:45 a.m. Conference Room 016
State Capitol, Hawaii

FROM: M Kapuniai, **Committee Chair for DHHL Compliance**
Sovereign Council of Hawaiian Homelands Assembly

I, on behalf of the SCHHA, **SUPPORT** reducing the Minimum Hawaiian blood quantum requirement for qualified relatives to succeed to leases of Hawaiian home lands, from one-quarter to one thirty-second.

The SCHHA, for many years has supported lowering the blood quantum for eligible successors. The Council for Native Hawaiian Advancement has continually identified lowering the blood quantum for eligible successors as a policy priority. The Office of Hawaiian Affairs has also supported this initiative in the past, and, currently. The Association of Hawaiian Civic Clubs have, on previous occasions, and, during annual Convention 2016, has unanimously adopted Resolution 16-3 which specifies this reduction effective for Section 208 (5), as well as Section 209 of the HHCA, as amended. *Please consider amending this bill to include Section 208 (5) for the same qualified relatives.*

I speak for current lessees, and, applicants who will be eligible as soon as they become lessees. I speak for relatives of aged lessees who have been grateful stewards and who have shared that stewardship with their children, grandchildren and great-grandchildren. Lessees of successful farms and ranches could not have managed without the willful assistance of family members who have invested time, talent, backbone, resources, and love for the 'aina and their kupuna, all without concern for "Hawaiian blood quantum".

Reducing the Minimum Hawaiian blood quantum will facilitate provisions of the Hawaiian Homes Commission Act and the Hawaii State Administrative Rules, Title 10: Initial lease is for the term of 99 years, with the option to extend another 99 years, upon written request.

Positive support for the bill by this committee will enhance further self-sufficiency, self-determination for family members and will benefit the greater community.

I greatly appreciate the fact that Chairman Keith-Agaran has kept this bill alive by scheduling **HB451, HD1, SD1** for decision-making, and the opportunity to **SUPPORT HB 451 HD1 SD1**, reducing the minimum Hawaiian Blood quantum requirement for qualified relatives to succeed to leases of Hawaiian home lands, from one-quarter to one thirty-second.

Respectfully, Marion K A Kapuniai

email: mkkapuniai@gmail.com
Cell: 808-936-0157

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: maxinekla@gmail.com
Subject: Submitted testimony for HB451 on Apr 4, 2017 09:45AM
Date: Sunday, April 2, 2017 5:49:08 PM

HB451

Submitted on: 4/2/2017

Testimony for JDL on Apr 4, 2017 09:45AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Maxine Anderson	Individual	Support	No

Comments: Reducing the blood quantum for inheritance is a first of many steps to making the Hawaiian Homelands program accessible to all Hawaiians. Blood quantum only serve to divide and disenfranchise members of our lahui. Please note: I still would not qualify for HHL if this bill is passed. I have no personal interest or benefit from the passage of this bill; yet I still support it.

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Cc: tasha96792@yahoo.com
Subject: Submitted testimony for HB451 on Apr 4, 2017 09:45AM
Date: Sunday, April 2, 2017 9:04:01 PM

HB451

Submitted on: 4/2/2017

Testimony for JDL on Apr 4, 2017 09:45AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Natasha Boteilho	Individual	Support	No

Comments: Aloha Natasha Boteilho, writing again to ask for your vote and SUPPORT of HB 451. This bill would help to keep Hawaiian lands in Hawaiian hands for the next generation especially for the successors that do not have the 25% required for their children or grandchildren. Please, I ask you to approve HB451 for the future of DHHL and for the future of my children. Malama Pono, Natasha Boteilho

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Date: Friday, March 31, 2017 3:52:53 PM

HB451

Submitted on: 3/31/2017

Testimony for JDL on Apr 4, 2017 09:45AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Kaipo Pomaikai	Individual	Support	No

Comments: When I die, and my wife dies, and our children dies, our hopes and future of our entire list of future decendants will die. my grand children, great grand and future generations will disconnect with the kanaka maoli nation with nothing to connect them to this land other that memories of a time of ohana once had. there will leave nothing of the pomaikai's in a matter of years. but they will always be my ohana. without a moku. it doesn't make me sad. it makes me angry. pkp, sr

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Cc: paul_28827@msn.com
Subject: Submitted testimony for HB451 on Apr 4, 2017 09:45AM
Date: Friday, March 31, 2017 2:20:34 PM

HB451

Submitted on: 3/31/2017

Testimony for JDL on Apr 4, 2017 09:45AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Paul P Richards	Individual	Support	No

Comments: Thank you for allowing us to submit our testimony and this revision will assist with the upcoming generation of Native Hawaiians below the current minimum blood quantum requirement.

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Cc: waiola01@gmail.com
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Date: Friday, March 31, 2017 2:22:32 PM

HB451

Submitted on: 3/31/2017

Testimony for JDL on Apr 4, 2017 09:45AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Akau	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: shonbowden@yahoo.com
Subject: Submitted testimony for HB451 on Apr 4, 2017 09:45AM
Date: Monday, April 3, 2017 10:59:22 AM

HB451

Submitted on: 4/3/2017

Testimony for JDL on Apr 4, 2017 09:45AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Shon Bowden III	Individual	Support	No

Comments: I strongly support HR 451. I am a 70 year old lessee and my lease is from my mother. My birth father is unknown so my blood quantum is based on my mother only. I have a 6 acre ag lease here in Panaewa on the Big Island. I have worked very, very hard developing this raw land with rambutan orchards, irrigation, buildings and infrastructure. As the current law is, I cannot pass it down to my children, but with this new law, I'll be able to pass down my farm to my children and grandchildren. Please help me. Shon Bowden

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