

Honolulu, Hawaii

FEB 14 2017

RE: S.B. No. 849
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred
S.B. No. 849 entitled:

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

begs leave to report as follows:

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

Your Committee received testimony in support of this measure
from the Department of Hawaiian Home Lands, Advocacy and
Empowerment Committee of the Office of Hawaiian Affairs, Ka Lāhui
Hawaii Political Action Committee, Sovereign Councils of the
Hawaiian Homeland Assembly, Association of Hawaiian Civic Clubs,
Council for Native Hawaiian Advancement, Kailapa Community
Association, State Council of Hawaiian Homestead Associations,
Association of Hawaiian Civic Clubs' Benefits and Trusts
Committee, and numerous individuals.

Your Committee finds that many descendants of lessees of
Hawaiian home lands do not qualify as successors because
interracial marriages and blended families produce descendants who
are less than twenty-five percent Hawaiian. These disruptions
create undue hardships of displacement and interfere with
families' abilities to maintain the equity of their homes and
businesses.



Your Committee wishes to make clear that this measure allows the transfer of leases prior to the leaseholder's death. In doing so, this measure encourages current lessees to maintain and invest in their residences, as the lessees anticipate that their descendants will be able to make use of the properties for many generations to come. The State has a fiduciary duty to support the rehabilitation of the Hawaiian people, in part by ensuring long-term tenancies to beneficiaries, transferees, and successors of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended.

Your Committee is concerned about the potential for abuse of current wait list procedures in that lessees who transfer their leases may circumvent the wait list procedures by getting placed back onto the list after the lease is transferred or by purchasing another lease. Your Committee finds that this is a loop hole that was not intended.

Your Committee has amended this measure by adding language to clarify that any beneficiary who transfers by sale or gift any lease shall not be placed on the wait list again and shall be prohibited from purchasing another lease.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 849, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 849, S.D. 1, and be referred to your Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Hawaiian Affairs,



MAILE S.L. SHIMABUKURO, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:* SB 849	Committee Referral: HWN, JDL	Date: 2/7/2017		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SHIMABUKURO, Maile S.L. (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
ENGLISH, J. Kalani	✓			
GREEN, Josh	✓			
KIM, Donna Mercado				✓
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes