



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2017**

ON THE FOLLOWING MEASURE:

S.B. NO. 849, S.D. 1, RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Friday, February 24, 2017 **TIME:** 9:15 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Katie L. Lambert,
Deputy Attorney General,

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General appreciates the intent of this bill and provides the following comments.

This bill, in its original form, reduced the minimum Hawaiian blood quantum requirement for being able to succeed to a Hawaiian homes land lease from one quarter to one thirty-second, by amending section 209 of the Hawaiian Homes Commission Act ("HHCA"). This would increase the number or availability of successors to a Hawaiian home lands lease after the death of a lessee.

S.B. No. 849, S.D. 1, similarly reduces the minimum Hawaiian blood quantum in section 208 of the HHCA. This would allow lessees, during their life, to transfer their Hawaiian home lands lease to qualified persons who are at least one thirty-second Hawaiian. Lessees who transfer their lease under section 208 would thereafter be prevented from returning to the wait list and prohibited from purchasing another lease.

We have two comments:

First, on page 2, lines 4-5, we suggest the following changes to the first paragraph explaining the purpose of the Act:

- (1) Clarify that any [~~beneficiary~~] lessee who transfers by sale or gift any lease shall not be placed on the wait list again;

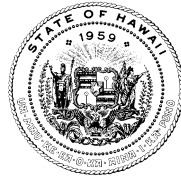
These amendments are suggested because Hawaiian Home Lands beneficiaries are made up of more than just those holding leases. Beneficiaries include people who are on the wait list and people who are qualified, but who may not have yet applied. Thus, we suggest that the term “beneficiary” be replaced with “lessee” as a more accurate description of a native Hawaiian or Hawaiian who holds a Hawaiian Home Lands lease. We also note the term “lessee” is used in the proposed amendment to section 208. We suggest the insertion of the word “the” as a nonsubstantive edit.

Second, we suggest that the terms “husband” and “wife” in section 208, found on page 4, line 9, be replaced with “spouse,” in order to be consistent with the amendments concerning the same terms made to section 209.

We respectfully request that if this bill should pass, that it be passed with the recommended amendments.

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

SHAN S. TSUTSUI
LT. GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

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**

COMMENTS

SB 849, SD1 RELATING TO THE HAWAIIAN HOMES COMMISSION ACT

February 24, 2017

Aloha Chair Keith-Agaran and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) offers comments on this bill that reduces the minimum Hawaiian blood quantum requirement of certain successors to lessees and transferees of Hawaiian home lands from one-quarter to one-thirty second and prohibits any lessee who transfers a lease from being placed on the wait list again and from purchasing another lease.

The original version of this bill, SB 849, is almost identical to an administration bill introduced this session and DHHL is in strong support of that version of the bill. 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 original version of the bill, SB 849, will provide DHHL lessees with greater flexibility to retain homestead leases within their families.

The Senate Hawaiian Affairs Committee amended the bill in response to testimony from the Sovereign Councils of the Hawaiian Homelands Assembly (SCHHA) Executive Council and Association of Hawaiian Civic Clubs that the bill amend section 208 of the Hawaiian Homes Commission Act, as amended to reduce the minimum Hawaiian blood quantum requirement of certain transferees from one-quarter to one thirty-second and attempted to also address concerns expressed by DHHL that lowering the blood quantum for transferees allows a lessee to transfer their lot to a qualified family member and then apply for another homestead lease and receive another award or purchase a lease and transfer yet another lot to a qualified family member ahead of others on the waitlist. Unfortunately, the amendment proposed by the Senate Hawaiian

*Department of Hawaiian Home Lands
SB 849, SD 1
JDL, 2-24-2017
Page 2*

Affairs Committee is extremely broad and would have significant implications for lessees. Given these potential implications, DHHL continues to advocate in strong support of reducing the blood quantum requirement of certain successors to lessees of Hawaiian home lands from one-quarter to one thirty-second by amending only section 209 of the Hawaiian Homes Commission Act, as amended.

Thank you for your consideration of our testimony.



SB849 SD1
RELATING TO THE HAWAIIAN HOMES COMMISSION ACT
Senate Committee on Judiciary and Labor

February 24, 2017

9:15 AM

Room 016

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB849 SD1, which lowers the required Native Hawaiian blood quantum from one-quarter to one-thirty second for certain relatives to be successors or transferees of a Hawaiian Home Lands homestead lease. This would allow a current homestead lessee to ensure a reasonable level of stability for his or her close 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 the lessee's death or during the lessee's lifetime.

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 lease that has been in the family for several generations. This measure will help address those concerns, and will create incentives for lessees to invest in their homestead knowing their descendants will succeed to the lease, and provide valuable housing opportunities for their families.

Similarly, reducing the blood quantum for transfers will further families' abilities to maintain the homestead, as well as the equity and value of 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 income. 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 repairs to the homestead or necessary business investments can be made. OHA submits that sound estate planning favors this.

OHA respectfully notes the concern that reducing the minimum successorship or lease transfer blood quantum may decrease homestead waitlist applicants' opportunities to receive homestead awards, when applicants themselves are required to be at least 50% Native Hawaiian. 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. However, rather than disrupt current homestead families' housing security and tenancy of lands held for generations, OHA believes that this waitlist backlog may best be addressed by meeting DHHL's development and other needs.

This measure also addresses the potential for abuse of current wait list procedures, by clarifying that any beneficiary who transfers a lease shall not be placed on the wait list again and shall be prohibited from purchasing another lease.

For the foregoing reasons, OHA urges your Committee to **PASS** SB849 SD1. Mahalo nui for the opportunity to testify on this measure.



Association of Hawaiian Civic Clubs

P. O. Box 1135

Honolulu, Hawai`i 96807

e-mail: president@aohcc.org phone (808) 753-1895, www.aohcc.org

February 20, 2017

To: Senator Gilbert S.C. Keith-Agaran, Chair and Senator Karl Rhoads, Vice Chair and Members of the Senate Committee on Judiciary and Labor

From: Annelle Amaral, President, Association of Hawaiian Civic Clubs

Re: Testimony on SB 849, SD1 Relating to the Hawaiian Homes Commission Act (Written testimony only, no oral testimony accepted)

Aloha, Senator Agaran, Senator Rhoads and Members of the Senate Committee on Judiciary and Labor. I am Annelle Amaral, President of the Association of Hawaiian Civic Clubs (AHCC), an organization whose first club was founded in 1918 by Delegate to Congress Prince Jonah Kuhio Kalaniana'ole. Hawaiian Civic Clubs have thrived and there are now sixty-three active clubs in Hawaii and on the North American continent. **The AHCC supports SB 849, SD1 with reservations.**

A century ago, Prince Kuhio established the Hawaiian Civic Club of Honolulu with other prominent Hawaiian leaders to assist with legislation pending in the Congress to establish a homesteading program for native Hawaiians similar to that of the federal homestead program.

Kuhio recognized that Hawaiians were racially inter-marrying and wisely advocated for requirements of only one-thirty-second blood quantum. As we know, however, the blood quantum qualification was raised to fifty percent by the Congress, eventually resulting in dividing Hawaiian families and removing too many from the lands tended by their own parents and grandparents.

In our annual AHCC conventions individual clubs offer resolutions for discussion and consideration by the delegates assembled. Consistently, resolutions relating to the blood quantum requirement have been passed at AHCC conventions and our most recent convention in 2016 was no exception.

Resolution 16-3, from the Waimea Hawaiian Civic Club, advocates to:

SUPPORT THE REDUCTION OF THE MINIMUM HAWAIIAN BLOOD QUANTUM REQUIREMENT OF CERTAIN TRANSFERREES OF AND SUCCESSORS TO LESSEES OF HAWAIIAN HOMELANDS FROM ONE-QUARTER TO ONE-THIRTY-SECOND.

The resolution notes: "Whereas, the Hawaii State Legislature emphasizes that many descendants of lessees of Hawaiian home lands do not qualify as transferees or successors

because interracial marriage and blended families produces descendants who are less than twenty-five percent Hawaiian resulting in hardship where families are displaced and their continued stewardship of the land and livelihood are disrupted;"

It notes further: "Whereas, such a change to the law would allow homestead land that has been in families for generations to continue to be passed down to descendants that may currently lack the prerequisite blood quantum; "

And further notes: "Whereas, reducing the blood quantum requirement for purposes of transfer or succession will allow expanding opportunities to family members who have already invested time, talent, resources, commitment and aloha for the "aina" to continue the legacy initiated by their kupuna and makua".

This is the position of the Association of Hawaiian Civic Clubs, to reduce the blood quantum for transfers (Section 208, HHCA) and succession (Section 209, HHCA) from one-quarter to one-thirty-second blood quantum.

When we saw the bill SB 849 we noted that it did not provide for "transfers" ie. Section 208 and thought it was merely an oversight of the committee (Sen. Cmte on Hawaiian Affairs) . However, we then heard the Director of DHHL assert that "qualified lessees" ie fifty percent blood quantum are "transferring" their leases to qualified beneficiaries (twenty-five percent, husband, wife, child or grandchild) and then jump to the head of the list and buy homestead land! The Director was asked how many times this occurred, she could not answer. She was asked if this could be solved by changing the rules, she said no. And now, without evidence of this alleged behavior....the Legislature "finds that a reduction in blood quantum requirements for certain successors will lead to a reduction in the trend of "highest bid" and "leapfrog" homestead lease sales." Therefore, to solve this problem, the Legislature clarifies that any beneficiary who "transfers by sale or gift any lease shall not be placed on wait list again and shall be prohibited from purchasing another lease";

We object to this language. First, how can the Legislature forbid an otherwise "qualified Hawaiian ie. 50% blood quantum" from purchasing a house on Hawaiian Homelands? If the individual is 50% Hawaiian and has sufficient funds to purchase the house and has a "willing" qualified seller....what disqualifies the sale? Is it the intention of the Legislature to require that all owners of houses on the Homelands, must wait until DHHL identifies the qualified people on the "waiting list" to be first offered the house? Just so we are clear now....DHHL must first, move people of fifty percent Hawaiian blood off the waitlist and onto Hawaiian Homes land. My grandparents died on that list, waiting....my grandfather was 100% Hawaiian, my grandmother was 75% Hawaiian. Then, DHHL must create a list of less than 50% Hawaiians who are transferees and successors...onto the Homes land....and then....find a "qualified buyer to link with a qualified seller" for 50% Hawaiians wishing to sell their homes!

When does this paternalistic system end?

In the alternative we suggest that the Committee approve the reduction of blood quantum for transferees and successors to one thirty-second blood quantum and charge DHHL with developing rules to implement the amendment through consultation with the community. This will allow for the Hawaiian community to testify on the day to day experience of

keeping leases in their families, maintaining care and cultivation of the Homes Lands, and the "sense of place" that comes with inheritance of kuleana. We ask that you strike all references to "transferees" being denied placement on the waitlist and prohibitions from purchasing a lease. Mahalo for allowing me to testify today.



BEFORE THE COMMITTEE ON JUDICIARY AND LABOR

Hawaii State Legislature
February 24, 2017

Senate Bill 849 SD1
Relating to Hawaiian Homes Commission Act

Aloha Chair Gilbert, Vice Chair Rhoads, and Members of the Committee,

The Ka Lāhui Hawaii Political Action Committee (KPAC) supports SB849 which would lower the required blood quantum to one-thirty-second Hawaiian for certain successors to Hawaiian Home Lands Lessees. The lowering of the blood quantum for successors would help ensure that lands remain in Kanaka Maoli families for generations to come.

The lowering of blood quantum should only be used for successors who are related to Hawaiian Home Lands Lessees. With over 20,000 applicants on the list waiting to receive land awards the State Legislature should work to ensure that the needs of the 50% plus quantum lessees are addressed in a timely manner by properly funding the Department of Hawaiian Home Lands. Studies have shown that Kanaka Maoli have shorter life expectancies, higher infant mortality rates and are much more likely to die from controllable diseases like diabetes than other ethnicities in Hawai'i. This is a travesty for the Kanaka Maoli people who often wait years to receive a homestead award with many dying on the waitlist.

Respectfully submitted,

M. Healani Sonoda-Pale
Chair, KPAC

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB849 on Feb 24, 2017 09:15AM
Date: Wednesday, February 22, 2017 6:26:29 PM

SB849

Submitted on: 2/22/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Alvin K Pelayo	Individual	Support	No

Comments: Aloha, I fully support SB849 in it's original version, the added amendment deprives Beneficiaries of any future opportunities. I am a Hawaiian Homelands Beneficiary. My family and I were blessed in being able to build a home as a lessee. I fully recognize and support that homes and land must be prioritized for those Hawaiians that are of 50% or more blood quantum. For those of us that are in homes or on land that was passed to us from our Kupuna it is a GREAT concern that my ohana will not be able to inherit the same legacy because they do not possess the 25% required quantum. We have a severe homeless situation now in our communities. We have 3 - generations in our home now. If there is no change to the 25% requirement, then when I die my ohana will have very few options on the table for living in Hawaii. Please pass this bill in it's original version and open the door to opportunity for our future generations. Mahalo for your consideration. Kai Pelayo

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SB849

Submitted on: 2/19/2017

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

Comments:

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From: Brent K. Nakihei

Submitted on: February 21, 2017

Testimony in support of SB849, SD1 Relating to Reducing Blood Quantum for Successors (House Companion HB451)

Submitted to: Senate Committee on Judiciary and Labor in Conference Room 016

Aloha Chair Keith-Agaran and Committee Members,

I strongly support SB849, SD1, as it pertains to reducing the blood quantum for Native Hawaiian successors.

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Cc: *Submitted testimony for SB849 on Feb 24, 2017 09:15AM*
Date: Friday, February 17, 2017 10:03:46 PM

SB849

Submitted on: 2/17/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Carl M Jellings Sr	Individual	Support	No

Comments:

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Date: Monday, February 20, 2017 11:24:32 PM

SB849

Submitted on: 2/20/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
charlie white	Individual	Support	No

Comments: I support the measure to lower the blood quantum to 1/32 so that my children can be successors to our home on Hawaiian Home Lands.

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SB849

Submitted on: 2/21/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Derek Kimura	Individual	Support	No

Comments: In support of SB849,SD1

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Date: Saturday, February 18, 2017 8:05:17 PM

SB849

Submitted on: 2/18/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

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

Comments:

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Date: Monday, February 20, 2017 3:32:22 PM

SB849

Submitted on: 2/20/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

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

Comments:

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EDITH KAWAI

February 23, 2017

Hawaii State Capital
Judiciary Committee
415 South Beretania Street
Honolulu, HI 96813

Re: SB 849, SD1 RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.
Reduces the minimum Hawaiian blood quantum requirement of certain successors to lessees of Hawaiian home lands from one-quarter to one-thirty-second.

Dear Chair and Committee Members:

Thank you for the opportunity to offer testimony on SB 849 SD1 Reduces the minimum Hawaiian blood quantum requirement of certain successors to lessees of Hawaiian home lands from one-quarter to one thirty-second.

My name is Edith Kawai and I thank you for supporting the change of the minimum Hawaiian blood quantum requirement of certain successors to lessees of Hawaiian home lands from one-quarter to one thirty-second in sections 208 and 209 for the Hawaiian Home Act as it supports the original intent of Prince Kuhio to rehabilitate Hawaiians.

I strongly oppose the SD 1 proposed language in section 208 (8) ...”Any lessee who transfers a lease under this section shall not be placed on the wait list again and shall be prohibited from purchasing another lease” as legislative over reaching. First of all, if a person is otherwise qualified to be a lessee, 50% Hawaiian, and there is a valid offer and acceptance to purchase another lease, the legislature cannot interfere with a legal sale.

In addition to the above, the Department of Hawaiian Homes operates on administrative rules. An avenue for change to rules is already established and available there. A change to the administrative rules, in this case the prohibition of transferring a lease and then getting back on the awardee list then purchasing another lease, would require NOTICE and public hearings on the proposed changed. This requirement prevents backroom changes from being slipped in without appropriate and adequate public notice and public testimony. The process also allows for information gathering by the department on the topic. The limited hearing, February 24, 2017, where NO oral testimony will be accepted violates the public access and input protections required by

the DHHL administrative rules. I do not believe that actual data on any allegedly “leapfrogging” practices has been made part of the committee record. That data can be obtained by the Department of Hawaiian Home Lands as provided by the administratively rules.

Thank you.

Sincerely,

Edith Kawai

2/20/17

Aloha e,

Regarding HB451/ SB849, I am submitting written testimony in support of the lowering of the current blood quantum requirement from 50% to 1/32, for inheritance purposes. This important homestead successorship difference should be legislated to reflect the changing needs of Native Hawaiians today.

I submit this testimony on behalf of myself, my ohana, and the Waiohuli Undivided Interest (WUI) Lessees. I am born and raised on Maui and currently awaiting my lot assignment with WUI. It is of the utmost importance that I am able to ultimately pass to my son my homestead. This will be his legacy.

DHHL beneficiaries to date are required to be of at least 50% Native Hawaiian blood, and may name a directly related successor to their homestead who is of 25% blood quantum. Those 25% blood quantum recipients of a homestead lease, under the current statute, are unable to name a successor with less than 25% Native Hawaiian blood. This means that on most occasions, successors are unable to pass the family homestead to their less than 25% blood quantum children and grandchildren. This is unacceptable. Greater numbers of Native Hawaiian offspring are of mixed ethnicity and this will surely continue to be the case. The current legislation requiring 25% blood quantum for inheritance purposes restricts and destabilizes families and communities. This is not what Prince Kuhio would have wanted for his people, and this is not the intention of the origins of the homestead act. With a change to homestead inheritance legislation in favor of reducing blood quantum to 1/32, we will see family legacies continue, we will see growth in homestead communities, and we will see improved well-being.

Please accept my testimony in favor of blood quantum reduction to 1/32, for inheritance purposes.

Mahalo,

Harry Rodrigues
President, Waiohuli Undivided Interest Lessees

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Subject: *Submitted testimony for SB849 on Feb 24, 2017 09:15AM*
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SB849

Submitted on: 2/23/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jerry Wayne FlowersJr	Individual	Support	No

Comments:

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SB849

Submitted on: 2/18/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Cisler	Individual	Comments Only	No

Comments: E Hawaii au. AFTER adhering to the law, and all existing rules, AFTER adhering to ALL subsequent “procedures” imposed on me by those who now represent the original land grabbers, you are telling me I have 2 choices: 1) Allow 3 more generations of my descendants to be on the land that is rightfully ours (and theirs) BUT 2) Give up my original right to remain a beneficiary, despite my previous actions and efforts under existing law. So, as a Hawaiian on the land, my ancestor’s land, I am expected to “concede” that lawful right of homestead just because I receive the “privilege” of transferring my leasehold to a legitimate descendant, with a legitimate claim on an existing leasehold. This makes no sense to a reasonable Hawaiian. Additionally, the criticism of “highest bid,” and “leapfrog” conduct referenced in the legislation as submitted, is an administration problem and needs to be addressed at that level! Please break this ongoing cycle of “give-a-little, take-a-lot,” from us Kanaka Maoli. SB849 was not meant to create a plus-one, minus-one statute. It was meant to expand the opportunities of Native Hawaiians. I support THAT original intent! Jim Cisler Kailapa Community Dept. of Hawaiian Home Lands Kawaihae-Mauka Island of Hawaii

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SB849

Submitted on: 2/18/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

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

Comments: I am in support of SB 849.

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Date: Monday, February 20, 2017 10:56:31 PM

SB849

Submitted on: 2/20/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kama Hopkins	Individual	Support	No

Comments: Aloha Chair Keith-Agaran, Vice Chair Rhodes and members of the committee, My name is Kama Hopkins. I am a former Hawaiian Homes Commissioner. I support this Bill, but would ask that you strike this part of the Bill. "Any lessee who transfers a lease under this section shall not be placed on the wait list again and shall be prohibited from purchasing another lease." The reason I believe it should be taken out of the Bill is that it potentially diminishes the rights of the beneficiaries of the Hawaiian Homes Commission Act, as amended. This would likely open up the Hawaiian Homes Commission, DHHL and the State of Hawaii to a lawsuit. Mahalo for the opportunity to testify.

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SB849

Submitted on: 2/19/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

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

Comments:

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SB849

Submitted on: 2/20/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
LYLE K BARGAMENTO	Individual	Support	No

Comments: i support this bill to lower the blood quantum 1/4 to 1/32 hawaiian, as i am a homestead lessee and my intended beneficiaries are 3/16 hawaiian. my homestead lease property was transferred to me from my mother who waited 30 years for her award. the home took over 2 years for dhhl to construct, because their contractor defaulted. my mother lived to enjoy only 2 months in her house before passing. the home carries my mother's legacy and i would like to pass it to my niece and nephew (i have no children). thank you for considering my testimony. lyle bargamento

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From:
To: [JDLTestimony](#)
Subject: SB849SD1
Date: Thursday, February 23, 2017 9:14:17 AM

I submit testimony to SUPPORT SB849SD1.

I have concern with SECTION 2

-Section 208/HHCA-after subsection 8 - prohibition - is this constitutional?

There should be a way to consider first, the applicants, then allowing the transaction if no applicant is interested in the offer.

Thank you!

Marion K Kapuniai SCHHA

M. Kanani Kapuniai
Friends of the Future

www.fofhawaii.org

a 501c3 nonprofit organization
dedicated to creating trust and harmony
among the diverse cultures of Hawai`i
through a process where all people can
openly contribute their deepest values,
create shared visions,
and continuously improve their communities.

MAULILI W. G. DICKSON

February 23, 2017

Hawaii State Capital
415 South Beretania Street
Honolulu, HI 96813

Re: SB 849, SD1 RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.
Reduces the minimum Hawaiian blood quantum requirement of certain successors to lessees of Hawaiian home lands from one-quarter to one-thirty-second.

Dear Chair and Committee Members:

Thank you for the opportunity to offer testimony on SB 849 SD1 Reduces the minimum Hawaiian blood quantum requirement of certain successors to lessees of Hawaiian home lands from one-quarter to one thirty-second.

My name is Maulili Dickson and I thank you for supporting the change of the minimum Hawaiian blood quantum requirement of certain successors to lessees of Hawaiian home lands from one-quarter to one thirty-second in sections 208 and 209 for the Hawaiian Home Act as it supports the original intent of Prince Kuhio to rehabilitate Hawaiians.

I strongly oppose the SD 1 proposed language in section 208 (8) ...”Any lessee who transfers a lease under this section shall not be placed on the wait list again and shall be prohibited from purchasing another lease” as legislative over reaching. First of all, if a person is otherwise qualified to be a lessee, 50% Hawaiian, and there is a valid offer and acceptance to purchase another lease, the legislature cannot interfere with a legal sale.

In addition to the above, the Department of Hawaiian Homes operates on administrative rules. An avenue for change to rules is already established and available there. A change to the administrative rules, in this case the prohibition of transferring a lease and then getting back on the awardee list then purchasing another lease, would require NOTICE and public hearings on the proposed changed. This requirement prevents backroom changes from being slipped in without appropriate and adequate public notice and public testimony. The process also allows for information gathering by the department on the topic. The limited hearing, February 24, 2017, where NO oral testimony will be accepted violates the public access and input protections required by

the DHHL administrative rules. I do not believe that actual data on any allegedly “leapfrogging” practices has been made part of the committee record. That data can be obtained by the Department of Hawaiian Home Lands as provided by the administratively rules.

Thank you.

Sincerely,

Maulili W. G. Dickson

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB849 on Feb 24, 2017 09:15AM
Date: Saturday, February 18, 2017 9:56:38 PM

SB849

Submitted on: 2/18/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa Rietfors	Individual	Support	No

Comments: I am a mother of 2 in Waimanalo. My husband and I are both hawaiian, but only my side is documented to DHHL standards. As our lease was passed from my great aunt, to my mother, to me, I feel it is only right that I am allowed to pass our homestead onto my children. Allow us to keep our home in our family line, allow all of our hard work through the generations to continue to support our Ohana. Thank you.

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Subject: *Submitted testimony for SB849 on Feb 24, 2017 09:15AM*
Date: Tuesday, February 21, 2017 9:51:00 AM

SB849

Submitted on: 2/21/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Micah Alameda	Individual	Support	No

Comments:

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Date: Thursday, February 23, 2017 10:34:44 AM

SB849

Submitted on: 2/23/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Minette Kuupoli Fernandez	Individual	Support	No

Comments:

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Subject: Submitted testimony for SB849 on Feb 24, 2017 09:15AM
Date: Saturday, February 18, 2017 8:10:11 AM

SB849

Submitted on: 2/18/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

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

Comments: BEFORE THE COMMITTEE ON HAWAIIAN AFFAIRS Hawaii State Legislature;February 24, 2017 Senate Bill 849 Relating to Hawaiian Homes Commission Act Aloha Chair Shimabukuro, Vice Chair Galuteria and Members of the Committee, My wife (25%) Donna and I support SB849 which would lower the required blood quantum to one-thirty-second Hawaiian for certain successors to Hawaiian Home Lands Lessees. I believe there should be no Quantum. a person of Hawaiian Koko is entitled to live in perpetuity on this aina of their ancestors, and so should their decendants. The lowering of the blood quantum for successors would help ensure that lands remain in Kanaka Maoli families for generations to come. Donna and I, have invested well over a 100k into our home and are not done yet. we live in an area where I believe if community planners had it any other way, there would exist no DHHL properties. alas there are 3 and counting. My decendants will remain in our home; forever. Again we are strongly in support of SB849. To you all, long life, fair winds. Kapena Paul Kaipo Pomaikai SR., JR Engr, Donna L. Defreitas, Pomaikai, U.S. Merchant Marine's

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Subject: *Submitted testimony for SB849 on Feb 24, 2017 09:15AM*
Date: Friday, February 17, 2017 5:36:35 PM

SB849

Submitted on: 2/17/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Puanani Etcheverry	Individual	Support	No

Comments:

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Subject: Submitted testimony for SB849 on Feb 24, 2017 09:15AM
Date: Thursday, February 23, 2017 10:12:26 AM

SB849

Submitted on: 2/23/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Reis Haituka	Individual	Support	No

Comments: As a young native Hawaiian I believe that future generations should be given the right to uphold the legacies of their kupuna. I support this bill.

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Subject: Submitted testimony for SB849 on Feb 24, 2017 09:15AM
Date: Thursday, February 23, 2017 6:47:49 AM

SB849

Submitted on: 2/23/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Gene Ross K. Davis	Individual	Support	Yes

Comments: I Strongly support SB849

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Testimony re: SB849 – on Blood Quantum for HHCA

Aloha Committee Members:

I am a beneficiary of Hawaiian homelands and farm my ag lot here in Puukapu, Waimea. I believe that lowering the blood quantum for certain successors only, to 1/32, will help all beneficiaries to keep our lands/homes in our family for generations to come. Our homes and sweat shouldn't be in vain because of intermarriage. I do however firmly believe that for the original awardee that blood quantum should be kept at 50%. This will ensure that the 29000 on the waitlist will keep their position in line.

Although I agree with the original bill I do have a very important revision to SB849 regarding an added on amendment by DHHL to Sec. 208. That prohibition amendment on page 7, lines 19-20-21 should be completely deleted. It reads: "Any lessee who transfers a lease under this section shall not be placed on the wait list again and shall be PROHIBITED from purchasing another lease."

Here is another way that the DHHL hopes to shackle the hands of Hawaiians and keep us confined to the crumbs they hand out. This is bad policy and yet they disrespect the waitlist everyday with their demanding that we "financially qualify" for lots and homes that are being offered. You can be #1 but if you don't qualify, #100 moves right in. DHHL should concentrate on the 1/32 blood quantum reduction and not try to deceivingly attach another attempt to prohibit us from trying to make the best of our situations.

Thank you very much for your time and I hope your understand what is best for the beneficiaries of the HHCA and not what the DHHL says is best for us. They have no clue what is best for the Hawaiians.

Scott Mahoney
Puukapu, Hawaii

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB849 on Feb 24, 2017 09:15AM
Date: Thursday, February 23, 2017 10:32:47 AM

SB849

Submitted on: 2/23/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Shane Nelsen	Individual	Support	No

Comments: Aloha, I support the original intent of this measure and to include section 208(5) however feel that the language that prohibits the transferor from going back on the wait should be stricken. The issue of people waiting to get off the wait list is based on other qualifying issues such as finances and preference of land selection. To prohibit someone from applying multiple times is going against the intent of placing a large family on land that was intended for Hawaiians. If a family has five children, this means only one child will be able to receive land, the others must be able to find other means. The issue of the wait list should not be mixed with the lessening of the blood quantum. Although I support best practices and the intent to make available resources accessible to all, I urge this committee to strike the prohibition of a transferor to go back onto the wait list, and support the intent of the lowering the blood quantum to 1/32nd. The "Waitlist" should be dealt with separately. Mahalo nui, Shane Nelsen

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Subject: *Submitted testimony for SB849 on Feb 24, 2017 09:15AM*
Date: Monday, February 20, 2017 1:15:46 PM

SB849

Submitted on: 2/20/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne Marciel	Individual	Support	No

Comments:

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