



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

ON THE FOLLOWING MEASURE:

S.B. NO. 849, S.D. 2, RELATING TO THE HAWAIIAN HOMES COMMISSION.

BEFORE THE:

HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, AND HAWAIIAN AFFAIRS

DATE: Tuesday, March 14, 2017

TIME: 10:00 a.m.

LOCATION: State Capitol, Room 312

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Katie L. Lambert, Deputy Attorney General

Chair Ing 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. 2, 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;

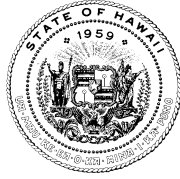
These amendments are suggested because Hawaiian Home Lands beneficiaries are made up of more than just those holding leases. Beneficiaries include people who are on the wait list and people who are qualified, but who may not have yet applied. Thus, we suggest that the term “beneficiary” be replaced with “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.

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 HOUSE COMMITTEE ON
OCEAN MARINE RESOURCES & HAWAIIAN AFFAIRS**

COMMENTS

SB 849, SD2 RELATING TO THE HAWAIIAN HOMES COMMISSION ACT

March 14, 2017

Aloha Chair Ing 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
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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 as reflected in HB451 and previously advanced by this Committee.

Thank you for your consideration of our testimony.



SB849 SD2
RELATING TO THE HAWAIIAN HOMES COMMISSION ACT
House Committee on Ocean, Marine Resources, & Hawaiian Affairs

March 14, 2017

10:00 AM

Room 312

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB849 SD2, 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 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 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 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. OHA notes that this is consistent with sound estate planning.

OHA acknowledges the concern that reducing the minimum successorship or lease transfer blood quantum may decrease homestead waitlist applicants' opportunities to receive homestead awards, when waitlisted 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 potentially held for generations, OHA believes that this waitlist backlog may best be addressed by meeting DHHL's development and other needs.

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

OHA notes that the preamble to this bill does not reflect the amendments made in the current SD1 that would also reduce the required Native Hawaiian blood quantum for certain **transferees** of a Hawaiian home lands lease. We therefore recommend that the language beginning on page 2, line 7 be amended to read as follows:

- (2) Reduce the minimum Hawaiian blood quantum requirement of certain successors **and transferees** to lessees of Hawaiian home lands from one quarter to one thirty-second.

For the foregoing reasons, OHA urges your Committee to **PASS** SB849 SD2. Mahalo nui for the opportunity to testify on this measure.

HAWAIIAN AFFAIRS CAUCUS
Democratic Party of Hawaii
e-mail: leimomikhan@gmail.com

LEGISLATIVE TESTIMONY
Committee on Ocean Resources, Marine Resources and Hawaiian Affairs
Hearing: Tuesday, March 14, 10:00 a.m., Conference Room 312

COMMENTS
SB 849 SD2, Relating to the Hawaiian Homes Commission Act

Rep. Kaniela Ing, Chair
Rep. Cedric Asuega Gates, Vice Chair
Members of the Ocean Resources, Marine Resources and Hawaiian Affairs

Aloha mai kākou

SB849, SD2 proposes to prohibit any lessee who transfers a lease from being placed on the wait list again and from purchasing another lease; and reduce the minimum Hawaiian blood quantum requirement of certain conditions and successors to lessees of Hawaiian Home lands from one-quarter to one thirty-second.

The Hawaiian Affairs Caucus of the Democratic Party of Hawai‘i supports the reduction of the minimum Hawaiian blood quantum requirement of certain **successors** to lessees of Hawaiian home lands from one-quarter to one thirty-second. When our Caucus discussed this issue, it was the sentiment of the members who attended the general membership meeting to not apply this provision to “transferees” because of the potential impact such persons would have on the wait list. Nevertheless, we take no position regarding the prohibition concerning any lessee who transfers a lease from being placed on the wait list again and from purchasing another lease as the membership of the Caucus has not had the opportunity to discuss this proposal that was not in the original version of SB849. We are concerned, too, that Hawaiian Home Land beneficiaries have not had opportunity to consult on this proposal of the bill.

The authors and introducers of the original bill recognized that passage of a family home to a successor member of the family ensures the integrity of the “ohana”. A house is more than just a building. It is where adults raise their children, where spiritual and cultural values are learned and practiced; it is where love is nurtured; it is where self-esteem is built; it is where we feel most safe; it is where our personalities are developed; it is where memories are made. Thus, it is understandable why families on Hawaiian homelands would wish to retain their home within family.

Prince Kūhiō who is credited for the Hawaiian Homes Commission Act knew this. He actually wanted every Hawaiian to have a home and advocated for a blood quantum

requirement of one-thirty-second. We believe he had the vision to know that there would be inter-marriages in Hawaii. Hawaiians should not be penalized for having married non-Hawaiians. Like others, they wish to have their homes passed down to their children, grandchildren, and great-grandchildren.

We appreciate that the State recognizes its commitment to Hawaii's first people. Your continued support and commitment are needed to help us ensure we can continue to have our people on the lands of our ancestors.

Respectfully

LEIMOMI KHAN, Chair

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 10, 2017 9:16 PM
To: omhtestimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/10/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We continue to STRONGLY SUPPORT this bill. Please pass this bill as is. Mahalo.

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Ke One O Kākuhihewa

O'ahu Council of the Association of Hawaiian Civic Clubs
P.O. Box 37874
HONOLULU, HAWAII 96837-1122

LEGISLATIVE TESTIMONY

Committee on Ocean Resources, Marine Resources and Hawaiian Affairs

Hearing: Tuesday, March 14, 10:00 a.m., Conference Room 312

COMMENTS

SB 849 SD2, Relating to the Hawaiian Homes Commission Act

Rep. Kaniela Ing, Chair

Rep. Cedric Asuega Gates, Vice Chair

Members of the Ocean Resources, Marine Resources and Hawaiian Affairs

Aloha mai kākou

SB849, SD2 proposes to prohibit any lessee who transfers a lease from being placed on the wait list again and from purchasing another lease; and reduce the minimum Hawaiian blood quantum requirement of certain conditions and successors to lessees of Hawaiian

Home lands from one-quarter to one thirty-second.

Ke One O Kākuhihewa supports the reduction of the minimum Hawaiian blood quantum requirement of certain **successors** to lessees of Hawaiian home lands from one-quarter to one thirty-second in line with our support of Association of Hawaiian Civic Clubs resolution 16-3, Support the Reduction of the Minimum Hawaiian Blood Quantum Requirement of Certain Transferees of and Successors to Lessees of Hawaiian Homelands from One-Quarter to One-Thirty-Second.

Regarding that provision that proposes to prohibit any lessee who transfers a lease from being placed on the wait list again and from purchasing another lease, we take no position as we have not had the opportunity to discuss this provision with our membership.

Respectfully,

Roth K. PuaHALA

ROTH K. PUAHALA
President, Ke One O Kākuhihewa
O'ahu Council of the Association of Hawaiian Civic Clubs

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 13, 2017 9:36 AM
To: omhtestimony
Cc: lawrence@molokaicommunityfcu.com
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/13/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Lawrence K. Lasua	Kalamaula Homestead Association	Support	No

Comments: I support in favor of lowering the blood quantum only and not the prohibition of any lessee who transfers a lease from being placed on the wait list again or from purchasing another lease.

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Center for Hawaiian Sovereignty Studies
46-255 Kahuhipa St. Suite 1205
Kane'ohe, HI 96744
Tel/Fax (808) 247-7942
Kenneth R. Conklin, Ph.D. Executive Director
e-mail Ken_Conklin@yahoo.com
Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

For hearing Tuesday, March 14, 2017

Re: SB849,SD2 RELATING TO THE HAWAIIAN HOMES COMMISSION ACT Prohibits any lessee who transfers a lease from being placed on the wait list again and from purchasing another lease. Reduces the minimum Hawaiian blood quantum requirement of certain conditions and successors to lessees of Hawaiian home lands from one-quarter to one thirty-second. Takes effect on 1/7/2059. (SD2)

TESTIMONY IN OPPOSITION

In homage to Archie Bunker, this bill should be given the name "All In The Family." Its obvious purpose is to allow a family to keep a DHHL lease in the family even after the original lessee has died, and the spouse and children have died, etc. -- so long as the successor leaseholder has at least 1/32 Hawaiian native blood and is related to

the original lessee from decades ago by blood or marriage. The only way to pry the lease away from the family is if the lease expires after the statutory period of 100 years. Indeed, we are approaching the 100th anniversary of passage of the Hawaiian Homes Commission Act, so in the next few years we will see leases in Papakolea (the first homestead) beginning to expire. Therefore we will probably soon see legislation automatically extending leases for an additional century, to keep them "all in the family."

There are now 27,000 racially certified 50% blood native Hawaiians who have been sitting on the waiting list for decades. Let's give them a lease instead of guaranteeing the inheritance of a lease by grandchildren, great-grandchildren, cousins, etc. whose connection with Hawaiian culture and with the 'aina may be greatly attenuated or virtually imperceptible.

The most obvious result of enacting this bill would be to permanently establish a hereditary elite caste among native Hawaiians and Native Hawaiians -- families who got a lease early in the history of DHHL would remain forever an elite group of ali'i while those who placed their names on the waiting list in later years remain consigned to the lower caste maka'ainana with no hope of moving up. People with as little as 1/32 Hawaiian native ancestry but who are blood relatives of existing lessees would have an insurmountable preference over the native Hawaiians of greater than 50% native ancestry who were the intended beneficiaries of the Hawaiian Homes Commission Act but now find they have no hope of getting a lease because they belong to a family from the "wrong side of the tracts."

Many Hawaiians believe that the 50% blood quantum requirement in the Hawaiian Homes Commission Act is terribly divisive, pitting high-blood natives against low-blood Natives. It's often said that Prince Jonah Kuhio Kalaniana'ole, Territorial Representative of Hawaii who sponsored the HHCA, wanted the blood requirement to be set at 1/32, which in 1920 would have allowed virtually every ethnic Hawaiian to

qualify (although I have not seen actual written evidence to support the legend that he proposed 1/32). Now that four more generations have occurred, Kuhio's rationale would need to be updated to say the quantum should be 1/512, to ensure that everyone with a drop of the magic blood is eligible.

But here's my view. I believe that 1/2 is too high, 1/32 is too high, 1/512 is too high, and even one drop is too high. The native blood requirement for a homestead lease on public lands should be zero. During the Republic and early Territorial periods Hawaii had a homesteading law that allowed any citizen of Hawaii, regardless of race, to select a vacant piece of public land, live on that land for a period of years while putting it to good use, and thereby acquire ownership of the land in fee simple. That perfectly fine race-neutral homesteading law fell by the wayside when the well-intentioned but hopelessly racist HHCA was enacted. So now we have a huge bureaucracy costing megabucks to administer in order to ensure that only people of the favored race can establish a homestead on public land; and that they can only lease the land but are denied the most secure way for a family to build wealth -- fee-simple ownership of land. What a shame!

SB849,SD2 proposes to establish 1/32 as the blood quantum needed to inherit a homestead lease. Did you know that Michelle Obama is 1/32 Caucasian, and would therefore be eligible to inherit a lease on a Caucasian homestead? Isn't that amazing! See "How the Obama Family Will Benefit from the Caucasian Government Reorganization Act of 2040"

<http://www.angelfire.com/big09a/CaucasianGovReorgAct.html>

Please defeat this bill.

On the next page you will find a copy of a letter to editor published in the Honolulu Star-Advertiser of December 22, 2016, from a Hawaiian with 3/8 native blood.

Keep Hawaiian blood quantum rule

I am not in favor of reducing the Hawaiian blood quantum requirement to 1/32 Hawaiian for the transfer of leases to relatives. I am in favor of the current requirement of 25 percent Hawaiian.

To qualify for Hawaiian Homes land, a person needs to be at least 50 percent Hawaiian. There are 27,000 qualified applicants on the wait list. These people have waited many years to obtain a lease and may not get a lease during their lifetime because Native Hawaiians on the wait list have died while waiting.

They deserve priority before land is transferred to someone who is only 1/32 Hawaiian.

Those who are objecting to the current 25 percent transfer requirement should be extremely grateful for all the years they lived on Hawaiian Homes property.

I am three-eighths Hawaiian. My late mother, Hannah Bailey Pang, was three-fourths Hawaiian. My grandmother Hannah Kaholowaa Kamahele Bailey was pure Hawaiian.

I do not qualify for Hawaiian Homes property, but I am very concerned about those who qualify, are not given a fair chance to obtain such property, and are on the wait list of 27,000.

Bertha Pang Drayson

Wailuku, Maui

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 13, 2017 9:24 AM
To: omhtestimony
Cc: Kalani.johnston@yahoo.com
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/13/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Kalani Johnston	Individual	Support	No

Comments: As a Hawaiian homestead lessee in Kalama'ula Molokai. I am in support of this bill for the future generation of my ohana.

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Sent: Monday, March 13, 2017 9:20 AM
To: omhtestimony
Cc: Noelani01@yahoo.com
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/13/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

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

Comments: As a Hawaiian homestead successor in Kalama'ula Molokai, i support this bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 13, 2017 11:19 AM
To: omhtestimony
Cc: JIMCISLER@YMAIL.COM
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/13/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

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

Comments: I support SB849 as it was originally submitted. The proposed amendment which removes the original leaseholder from access to Hawaiian Home Lands, once an appropriate successor is in place works to remove another Native Hawaiian from enjoying the benefits of the Hawaiian Homes Act. Please do not enact more legislation that takes one benefit, while it offers to extend another benefit. This only reflects unnecessary political manipulation, not an extension of legal and moral rights of existing law. And please explain that the proposed effective date of this bill (Jan. 7, 2059) forty years from now, is simply for consideration purposes.

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Sent: Monday, March 13, 2017 11:03 AM
To: omhtestimony
Cc: lalaauiwohi@yahoo.com
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/13/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Kainea Aiwohi	Individual	Oppose	No

Comments: I support reducing the blood quantum requirement for successors but I am strongly opposed to not allowing lessee's who transfer their lease to be put back on the waitlist. I believe this should be a case by case basis and not a "one-size" fit all. I know of families who have to transfer a lease to their children or parents because they cannot afford to make their loan or continue their loan. However, when the parent or child is back on their feet, the lease is transferred back to the original person.

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Sent: Monday, March 13, 2017 9:51 AM
To: omhstestimony
Cc: naregion9@gmail.com
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/13/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

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

Comments: I am in support of SB849, SD2.

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Sent: Monday, March 13, 2017 7:36 AM
To: omhtestimony
Cc: jflowers7733@gmail.com
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/13/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

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

Comments: Aloha and Good Morning All I would like to support this bill due to yes our Hawaiians are in need of homes and Yes we have a waiting list as long as you can see. I feel that if you sell or transfer a lease to someone then you have forfeited this right to the list and should either be removed from it or be placed on the bottom of the list and start from the beginning like all the others thus far.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 12, 2017 9:40 PM
To: omhtestimony
Cc: rossdavis777@yahoo.com
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/12/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

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

Comments: Please support the original version of this Bill, worried about the implications of change that may have not been thoroughly vetted.

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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

March 12, 2017

To: Rep. Kaniela Ing, Chair and Rep. Cedric Gates, Vice Chair and Members of the House Committee on Ocean, Marine Resources and Hawaiian Affairs

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

Re: Testimony on SB 849, SD2 Relating to the Hawaiian Homes Commission Act

Aloha, Rep. Ing and Rep. Gates and Members of the House Committee on Ocean, Marine Resources and Hawaiian Affairs. 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 opposes SB 849, SD2.**

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, to 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?

Here is the problem....descendants of lessees of Hawaiian homes land do not qualify as buyers because they don't have sufficient funds to purchase. But now, in the case of a "qualified buyer" ie. one with funds and 50% blood and a "qualified seller" one on homestead land...we will now add another prohibition...ie. that they "transferred " their lease to a 1/32nd Hawaiian to be put on a list....

In the alternative we suggest that if the Committee is concerned by the issues raised by the Director, then, simply 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 address the issue of "seeming leapfrogging" or otherwise "taking advantage" of this legislation and more importantly, to testify on the day to day experience of keeping leases in their families, maintaining care and cultivation of the Home Land, 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.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 12, 2017 2:02 PM
To: omhtestimony
Cc: mendezj@hawaii.edu
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/12/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments: I support the original version of this bill, without amendments.

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 11, 2017 8:01 PM
To: omhtestimony
Cc: dkanealii02@gmail.com
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/11/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Kanealii	Individual	Support	No

Comments: Once a lessee transfers their lease to a family member or sells the lease, they should NOT be allowed to go back on the waitlist for another award. There are thousands of beneficiaries waiting for their chance to get an award, so in all fairness to everyone, it is a one time transfer. PERIOD (Unless of course they get an AG or Pastoral lot, that should not change)

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 11, 2017 7:28 PM
To: omhtestimony
Cc: cantodoreen@gmail.com
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/11/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

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

Comments: I am in strong support of the original version of this bill. Mahalo for allowing me to comment.

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 11, 2017 1:07 PM
To: omhtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SB849 on Mar 14, 2017 10:00AM*

SB849

Submitted on: 3/11/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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

Re: SB 849, SD2 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 SD2 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 2 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.

Finally, as has been strongly pointed by Robin Danner of SCHHA, the DHHL leases many thousands of acres to NON-HAWAIIANS while a tiny number of acres in comparison are made available to qualified Hawaiians. Rather than placing Hawaiians even deeper down the `a`ama syndrome bucket, the DHHL should develop lands for Kuhio's children and get them on the land which DHHL's PRIMARY DUTY & OBLIGATION.

Sincerely,

EDITH KAWAI

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

Re: SB 849, SD2 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 SD2 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 2 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.

Finally, as has been strongly pointed by Robin Danner of SCHHA, the DHHL leases many thousands of acres to NON-HAWAIIANS while a tiny number of acres in comparison are made available to qualified Hawaiians. Rather than placing Hawaiians even deeper down the `a`ama syndrome bucket, the DHHL should develop lands for Kuhio's children and get them on the land which DHHL's PRIMARY DUTY & OBLIGATION.

Sincerely,

MAULILI DICKSON

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 10, 2017 10:08 PM
To: omhtestimony
Cc: panioloron@hawaii.rr.com
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/10/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Lee	Individual	Support	No

Comments: I am in strong support of SB 849. It is important that this bill be passed for the benefit of all Hawaiians. To push a family off a Homestead after being on it for over seventy years is not only cruel, but it falls into the original plan of the United States to take back the land once there are no more Hawaiians with 50% or more. At the time of passing the 1920 Hawaiian Homes Commission Act there were fewer than forty thousand Hawaiians left and a good number of them were over 50% in blood quantum, but declining. Prince Jonah Kuhio Kalaniana'ole wanted the blood quantum to much lower, but he faced much opposition from congress. The thinking at the time were, Hawaiians were dying out and the land would eventually go back to the state leaving Hawaiians with less than 50% Hawaiian Blood with no land for them or their descendants. Throughout the next ninety plus years since 1920, Hawaiians have made a comeback and we number nearly 500,000 around the world, but to make that comeback Hawaiians married outside of the blood. The blood quantum diminished therefore we have more and more Hawaiians with less than 50% in blood quantum and even more with 25% or less. To ensure that Hawaiians given a Homestead in the past can pass it down to their children and keep it in the Ohana, especially after doing all that work on the land, it is imperative that this legislation to lower the blood quantum to 1/32 be passed and sent to the Department of Interior for rule change for all generations to come. Again, I am in support of SB 849. Submitted by, Ron Lee Waianae, Hawaii

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 13, 2017 11:49 AM
To: omhtestimony
Cc: kaipelayo@gmail.com
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/13/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

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

Comments: Aloha, I fully support SB849,SD2 in it's original version. 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 and open the door to opportunity for our future generations. Mahalo for your consideration. Kai Pelayo

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 13, 2017 7:37 PM
To: omhtestimony
Cc: molokailori@gmail.com
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/13/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Lori Buchanan	Individual	Oppose	No

Comments: I do not support the current draft but did support the original version.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 13, 2017 7:04 PM
To: omhtestimony
Cc: kalamaula1@gmail.com
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/13/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Tanya Lauifi	Individual	Support	No

Comments: I support SB849 in its original form. Not for transfers only successorship upon death of the current lessee.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 13, 2017 6:33 PM
To: omhtestimony
Cc: shaye4@hawaii.edu
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/13/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Shaye K Lauifi	Individual	Support	No

Comments: I support SB849 in its original form. Not to include transfers.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 13, 2017 6:24 PM
To: omhtestimony
Cc: kalamaula@live.com
Subject: Submitted testimony for SB849 on Mar 14, 2017 10:00AM

SB849

Submitted on: 3/13/2017

Testimony for OMH on Mar 14, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Lauifi	Individual	Support	No

Comments: I support bill SB849 in its original form. I know allowing for transfer of leases when alive has caused much pilikia. But adding that stipulation may cause more harm than good. (My Opinion). This lowering of the blood quantum was for a certain class of successors and will happen only upon death of the current lessee. It is my hope that we will come out with a bill in the end that helps the lessees now who will otherwise lose their homesteads upon their death. To perpetuate their legacy for their next generations to come.

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