

JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII



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Testimony in SUPPORT of SB3123 SD2
RELATING TO ACCESS TO VITAL RECORDS FOR THE DEPARTMENT OF
HAWAIIAN HOME LANDS.

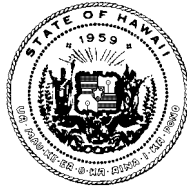
SEN. DAVID TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Hearing Date: March 8, 2024

Room Number: 329

- 1 **Fiscal Implications:** N/A.
- 2 **Department Testimony:** The Department of Health (DOH) strongly supports SB3123 SD2,
- 3 which is part of the Governor's Administrative Package.
- 4 This measure will greatly reduce the administrative burden for staff from the Department of
- 5 Hawaiian Home Lands (DHHL) for genealogical research to establish eligibility for certain
- 6 programs, such as Hawaiian Home Lands homestead leases.
- 7 DOH and DHHL have recently executive a Memorandum of Agreement to codify our roles and
- 8 responsibilities, and continue to plan and refine operations.
- 9 If this measure is not enacted, DHHL staff will have to request genealogical research services
- 10 for each individual claimant, one at a time, with documentation substantiating their right to
- 11 access confidential records. Each request must then be reviewed and vetted, and then sent to the
- 12 queue for research. If enacted, this measure, in combination with the MOA, will permit DHHL
- 13 staff to work side-by-side with DOH staff in a secure area having direct access to the minimum
- 14 necessary records, greatly accelerating the process.
- 15 Thank you for the opportunity to testify.

JOSH GREEN, M.D.
GOVERNOR
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CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

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March 10, 2024

TO: The Honorable Representative David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Cathy Betts, Director

SUBJECT: **SB 3123 SD1 – RELATING TO ACCESS TO VITAL RECORDS FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS.**

Hearing: March 12, 2024, 2:00 p.m.
Conference Room 325, State Capitol & Video Conference

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this administration measure. This measure will accelerate the verification process for Hawaiian Home land beneficiaries, to increase participation, and will lead to beneficiaries obtaining affordable housing. DHS defers to the Department of Health and Department of Hawaiian Home Lands regarding implementation.

PURPOSE: This bill authorizes the Department of Hawaiian Home Lands to access vital records for purposes of verifying Native Hawaiian ancestry for beneficiary programs. Requires the Department of Health and the Department of Hawaiian Home Lands to enter into a Memorandum of Agreement to assure appropriate access and handling of confidential records and sealed records that have been unsealed pursuant to court order. (SD2)

The Committees on Hawaiian Affairs and Health and Human Services (SD1) amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

March 10, 2024

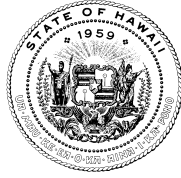
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The Committee on Judiciary (SD2) further amended the measure by clarifying that the Department of Hawaiian Home Lands is authorized to access vital records for purposes of verifying Native Hawaiian ancestry for beneficiary programs.

Thank you for the opportunity to provide testimony on this measure.

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia'āina o ka Moku'āina 'o
Hawai'i*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia'āina o ka Moku'āina
'o Hawai'i*



KALI WATSON
CHAIRMAN, HHC
Ka Luna Ho'okele

KATIE L. DUCATT
DEPUTY TO THE CHAIRMAN
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
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TESTIMONY OF KALI WATSON, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
HEARING ON MARCH 12, 2024 AT 2:00PM IN CR 325

**SB 3123, SD2, RELATING TO ACCESS TO VITAL RECORDS FOR THE
DEPARTMENT OF HAWAIIAN HOME LANDS**

March 12, 2024

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) supports this bill which would 1) authorize the DHHL to access vital records for purposes of verifying native Hawaiian ancestry for beneficiary programs and 2) require the Department of Health (DOH) and the DHHL to enter into a Memorandum of Agreement to assure appropriate access and handling of confidential records and sealed records that have been unsealed pursuant to court order.

Granting authorization for DHHL to access vital records to verify native Hawaiian and Hawaiian ancestry for beneficiary programs will greatly assist the DHHL in fulfilling the requirements of the Hawaiian Homes Commission Act of 1920, as amended (HHCA), at sections 201, 207, 208 and 209, and as further outlined by its administrative rules at HAR §§ 10-3-2, 10-3-8 and 10-3-36. In sum, the above referenced HHCA provisions, together with the relevant administrative rules pertaining to DHHL, require that an applicant for a new lease award be at least fifty per cent native Hawaiian, or that transfers or successorship of a lease be to certain qualified relatives who are no less than twenty-five per cent Hawaiian. DHHL must therefore verify the requisite amounts of native Hawaiian or Hawaiian lineage, which is a fundamental component of the program.

The current time length for DHHL to receive vital records once requested is approximately 4-6 weeks. SB3123, SD2 will ease certain administrative inefficiencies for DHHL by creating a way to access necessary information quicker than the current process affords. This directly benefits DHHL beneficiaries, who suffer the most when the requirement to get, and then verify, certain records delays requests to transfer their application or lease rights, as the case may be. The DHHL and DOH continue to meet and work through inter-agency processes, which includes developing a Memorandum of Agreement.

Department of Hawaiian Home Lands
March 12, 2024
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Thank you for your consideration of our testimony.



SB3123 SD2

RELATING TO ACCESS TO VITAL RECORDS FOR THE DEPARTMENT OF HAWAIIAN
HOME LANDS

House Committee on Judiciary & Hawaiian Affairs

March 12, 2024

2:00 p.m.

Conference Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS SB3123 SD2**, which authorizes the Department of Hawaiian Home Lands (DHHL) to access vital records for purposes of verifying Native Hawaiian ancestry for beneficiary programs. Requires the Department of Health (DOH) and the Department of Hawaiian Home Lands to enter into a Memorandum of Agreement to assure appropriate access and handling of confidential records and sealed records that have been unsealed pursuant to court order.

DHHL has shared previously that access to vital records that are necessary to establish eligibility for native Hawaiians can take four to six weeks. This is an unnecessary inefficiency that hinders the department and beneficiaries' timely applications. OHA appreciates that this measure enshrines in law a collaboration between DHHL and DOH to serve native Hawaiian applicants more efficiently.

We understand that DHHL previously requested an amendment for clarity so the bill will read "native Hawaiian" instead of "Native Hawaiian." We defer to the department and support amendments they believe are necessary to achieve the purpose of this bill to alleviate inefficiencies.

Mahalo for the opportunity to testify on this important issue. OHA respectfully requests this committee **advance SB3123 SD2**.

SB-3123-SD-2

Submitted on: 3/8/2024 10:04:08 AM

Testimony for JHA on 3/12/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lu Ann Mahiki Lankford-Faborito	Individual	Support	Written Testimony Only

Comments:

support