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DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawai'i

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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 3363, SD2, RELATING TO HAWAIIAN HOME LANDS

March 12, 2024

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

The Department of Hawaiian Home Lands (DHHL) submits comments on this bill which 1) provides that a living beneficiary's place on the DHHL's waitlist for any residential, agricultural or pastoral tract may be designated for transfer to a successor if the living beneficiary dies before receiving an offer for a tract; provided that the successor shall be at least 1/32 Hawaiian and 2) takes effect 4/14/2112.

A lease transfer refers to when a living lessee transfers their lease to another living, qualified beneficiary. Successorship refers to when a lessee or applicant dies, and a qualified beneficiary succeeds to a lessee's lease or an applicant's position on the DHHL waiting list.

Section 10-3-7 of the Hawaii Administrative Rules relating to priority and preference for the award of leases notes that "applicants shall be considered for award in the order in which their completed applications were received by the department." In other words, waiting list priority has historically been by chronological application date. Successors to a deceased applicant on the DHHL waiting list only succeed to the deceased applicant's position on the DHHL waiting list, they do not receive a lease as a result of the death of the previous applicant whom they succeeded.

Lastly, any such program must ensure that any qualified successor of a beneficiary who died while on the waiting list is native Hawaiian, defined by the Hawaiian Homes Commission Act, 1920, as amended (HHCA) as DHHL is authorized to issue leases to native Hawaiians pursuant to section 207(a) of the HHCA. Amendments to the HHCA, including its blood quantum requirement, is subject to review and approval by the U.S. Department of the Interior and the U.S. Congress.

Thank you for your consideration of our testimony.

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Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

For hearing Tuesday, March 12, 2024

Re: SB 3363, SD2 RELATING TO HAWAIIAN HOME LANDS.

Provides that a living beneficiary's place on the Department of Hawaiian Home Land's waitlist for any residential, agricultural or pastoral tract may be designated for transfer to a successor if the living beneficiary dies before receiving an offer for a tract; provided that the successor shall be at least 1/32 Hawaiian. Takes effect 4/14/2112. (SD2)

TESTIMONY IN OPPOSITION

What's bad about this bill is the whole concept of the Hawaiian Homes Commission Act which was unconstitutional under the 14th Amendment equal protection clause when HHCA was introduced in Congress in 1920 and enacted in 1921; and which has drained billions of dollars from the State's fisc since it was incorporated into the State's Constitution under terms of the Statehood Act of 1959 -- money which otherwise could be used for the benefit of all Hawaii's people regardless of race, including native Hawaiians. The bad is not solely about money. The worst element of the bad is violating a fundamental moral principle of diversity, equity, and inclusiveness -- The lands and people of Hawaii should not be divided along racial lines.

What's even worse in this bill is the attempt to greatly expand the scope of HHCA to allow a mere 1/32 native blood quantum to qualify a person to inherit a lease. When HHCA was enacted in 1921 an applicant was required to have at least 50% native blood in order to be granted a lease. Decades later HHCA was amended to allow lessee's children with only 25% native blood to inherit the lease. In recent years there have been repeated attempts by this legislature, as in the present bill, to persuade Congress to amend HHCA to allow inheritance of a lease by a descendant with as little as 1/32 native blood. Exactly how far into the pit of racism are we prepared to descend? A one-drop rule seems to be the goal. Archie Bunker would be proud [TV show "It's All in the Family"].

This bill should be defeated.

SB-3363-SD-2

Submitted on: 3/9/2024 5:08:13 PM

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

Submitted By	Organization	Testifier Position	Testify
Keoni Shizuma	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and members of the committee,

I am in support of SB3363.

Many Hawaiians die while on the waiting list to receive land from the Department of Hawaiian Home Lands, which is unacceptable. As time goes by, blood quantum levels tend to decrease as we welcome non-Hawaiians into our families, but we are still Native Hawaiian, and still deserve to receive land from DHHL.

Native Hawaiians continue to undergo the same challenges as their kupuna did when they were placed on the waiting list decades ago, including poverty, health conditions (physical and mental), and financial challenges. For many, conditions are worse than they were in the past.

While I support SB3363 and the ability to transfer the a beneficiary's place on the waiting list to a successor of at least one thirty-second Hawaiian, I also believe that this ability to transfer to a successor of at least one thirty-second Hawaiian should also be applied to leases that have been awarded to families in the past. I hope to see that come forward as a bill in the future.

Mahalo nui loa for your time and consideration.

Keoni Shizuma

SB-3363-SD-2

Submitted on: 3/12/2024 8:27:05 AM

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

Submitted By	Organization	Testifier Position	Testify
DKQ	Individual	Comments	Written Testimony Only

Comments:

The effective date of the amended Section 8 is concerning. With the date set for April 14, 2112, it seems unlikely that this change will benefit any families who currently need it. This perpetuates the discriminatory blood quantum requirement that the amendment sought to address in the first place.