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February 2, 2016

**TESTIMONY OF KIPUKAI KUALI'I
COUNCILMEMBER, KAUA'I COUNTY COUNCIL
ON**

**HB 2339, RELATING TO THE QUALIFICATIONS OF SUCCESSORS TO
LESSEES UNDER THE HAWAIIAN HOMES
COMMISSION ACT, 1920, AS AMENDED**

House Committee on Ocean, Marine Resources & Hawaiian Affairs

Wednesday, February 3, 2016

10:15 a.m.

Conference Room 325

Dear Chair Ing and Members of the Committee:

Thank you for this opportunity to offer comments on HB 2339, Relating to the Qualifications of Successors to Lessees Under the Hawaiian Homes Commission Act, 1920, as amended. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council, Chair of the Kaua'i County Council Economic Development & Intergovernmental Relations Committee, and member of the National Association of Counties Board of Directors.

The purpose of this measure is to lower the required blood quantum to one-thirty second Hawaiian for the lessee's relatives currently eligible to succeed to a lease who are one-thirty second Hawaiian, including a lessee's husband, wife, children, grandchildren, brothers or sisters. HB 2339 should also be amended to include a lessee's niece, nephew, and cousins with one-thirty second Hawaiian to be eligible successors to a lease.

For the reasons stated above, I urge the House Committee on Ocean, Marine Resources & Hawaiian Affairs to support this measure. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

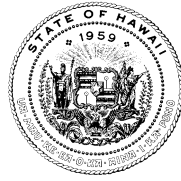
Sincerely,

KIPUKAI KUALI'I
Councilmember, Kaua'i County Council

AMK:aa

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,
AND HAWAIIAN AFFAIRS**

IN SUPPORT OF

HB 2339 RELATING TO THE HAWAIIAN HOMES COMMISSION ACT

February 1, 2016

Aloha Chair Ing and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) strongly supports this Administration bill that amends Section “§209. Successors to Lessees.” of the Hawaiian Homes Commission Act, reducing to one-thirty second the blood quantum requirements for successorship to a Hawaiian Homelands lease.

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 amendment will provide DHHL lessees with greater flexibility to retain homestead leases within their families.

Thank you for your consideration of our testimony



COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT

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TESTIMONY IN SUPPORT OF HB 2339 RELATING TO QUALIFICATION OF SUCCESSORS TO LESSEES UNDER THE HHCA OF 1920, AS AMENDED

COMMITTEE ON OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS (OMH)
Wednesday, February 3, 2016

Chair Ing, Vice Chair Lowen and members of the OMH Committee, on behalf of the Council for Native Hawaiian Advancement (CNHA), I offer testimony in strong support of HB 2339. CNHA supports this bill, which lowers the required blood quantum for successors.

Founded in 2001, CNHA is a Native Hawaii non-profit membership organization with more than 150 voting members. CNHA's mission is to enhance the well being of Hawaii through the cultural, political, economic, and community development of Native Hawaiians. At our Annual Native Hawaiian Convention, we convene a homestead caucus in partnership with the Sovereign Councils of the Hawaiian Homelands Assembly and work throughout the year with homestead leaders from across the state.

In 2013, CNHA adopted a policy priority to conduct Beneficiary Consultation with homestead and waitlist beneficiaries to discuss an amendment to the Hawaiian Homes Commission Act to address eligibility and stability of homestead beneficiaries, including blood quantum, how to address conflicts of interests of state versus beneficiary interests, and strengthening the self-determination of beneficiary organizations cited in the HHCA.

In 2014, CNHA worked with the SCHHA to do a round of statewide consultations with homestead leaders to get feedback on the issue of blood quantum. We confirmed that homesteaders support the lowering of blood quantum specifically for successors. However, due to the extensive waitlist where the average age of beneficiaries is 55, it was agreed that the 50% blood quantum is required to apply for the original lease. Beneficiaries of the HHCA agree that until the State Department of Hawaiian Homelands can address the needs of the current waitlist, lowering the blood quantum for the initial lease would increase the current waitlist of more than 20,000 existing beneficiaries whose needs must be addressed.

CNHA supports HB 2339 and lowering the required blood quantum to one-thirty second Hawaiian for the lessee's relatives currently eligible to succeed to a lease including the lessee's husband, wife, children, grandchildren, brothers or sisters.

Mahalo for the opportunity to provide testimony on this measure.

Michelle Kauhane
President & CEO

In reference to HB 2339 - Aloha, my name is Tanya Mendiya and I support this bill to reduce the Hawaiian blood quantum from one quarter to one thirty-second in order to be eligible for successorship to Hawaiian Home Lands.

I am a quarter Hawaiian, but that doesn't make me any less Hawaiian than my father, who taught me to take care of the 'aina that was handed to him from his grandfather. Tutu was among the first homesteaders on the island of Molokai who endured the trials of leaving their homes and sent to a dry barren island to prove that giving Hawaiians back their lands would be beneficial for future generations, and hence the Homestead Act was born.

The blood quantum in Hawaiians today is diminishing. We are a dying race. Soon to be extinct. Let us enjoy, along with future generations, the lands given to us by our ancestors.

From my understanding, the Department of Hawaiian Homes seems to be the only entity I know of that requires a Hawaiian to prove they have enough blood quantum to enjoy the benefits associated with being Hawaiian.

Approving this bill will guarantee my children and their children will be able to enjoy the benefits of being Hawaiian. In a time and age where the cost of living in Hawaii is so unbearable that many Hawaiians are forced to move to foreign lands. Why can't we stay where our ancestor's 'iwi are buried. From the earth we have toiled long and hard to keep. What is Hawaii without its host culture, Hawaiians?

Thank you for allowing me to share my feelings on this matter.

Me Ke Aloha Pumehana,
Tanya Mendiya

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 02, 2016 12:28 PM
To: omhtestimony
Cc: schha.associations@gmail.com
Subject: Submitted testimony for HB2339 on Feb 3, 2016 10:15AM

HB2339

Submitted on: 2/2/2016

Testimony for OMH on Feb 3, 2016 10:15AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Danner	SCHHA	Comments Only	No

Comments: Support this measure IF the eligibility is expanded to be any individual with 1/32nd blood quantum that is related in any capacity to the original lessee. Nieces, Nephews, etc.

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Lesson Plan:

Date
Time

Standards:

Class Objectives

Materials

Suggested Time	INSTRUCTION
5-10 minutes	Bellwork:
10 minutes	"I do..."
20 minutes	"We do..."
15 minutes	"You do..."
5-10 minutes	Transition to ending class
5 minutes	Exit Slip

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 02, 2016 10:12 AM
To: omhtestimony
Cc: bnakihei@gmail.com
Subject: *Submitted testimony for HB2339 on Feb 3, 2016 10:15AM*

HB2339

Submitted on: 2/2/2016

Testimony for OMH on Feb 3, 2016 10:15AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brent Keliokamalu Nakihei	Individual	Support	No

Comments:

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Representative Kaniela Ing, Chair
Committee on Ocean, Marine Resources and Hawaiian Affairs
BILL NO. HB1931, HB2339
Wednesday, February 3, 2016
10:15 a.m. Conference Room 325 State Capitol

Aloha, my name is Stephanie Kapuamaeole Kalama Lauifi. I am a fourth generation homesteader in Kalamaula, Molokai. My great grandfather was Henry A. Wise who was one of the original homesteaders. My great grand Uncle was Senator John Wise who went with Prince Kuhio to the US Congress and worked hard to get the HHC Act passed.

Today I represent myself and my family as homesteaders. I also, represent Kalamaula Homesteaders Association as the Vice President. We are in support of these two bills.

If you read the book written by Davianna McGregor, Aina Ho'opulapula: Hawaiian Homesteading, you will come to find out that this movement had started back in 1914 and how much work and compromise they had to do with the Big Five and the US Congress. Prince Kuhio wanted anyone with Hawaiian blood to have land, in his first version of the bill. In the second version, the US wanted 100% Hawaiian ancestry. In the third version, Kuhio came back with 1/32nd Hawaiian ancestry. The final version that was passed on July 9, 1921 and signed into law stating a one-half or 50% blood quantum as a qualification for a lot.

The original homesteaders received lands that were dry and barren, with no water. The original homesteaders persevered and self-sustained themselves and were so successful that after the trial period of 5 years, the HHCA was then extended. Today, I have mango trees that are older than me and are still bearing fruit.

So, this year we are going to celebrate our 95th year and we will be facing an uncertain future. We need to make sure that our families and our next generations have something that can be passed down to them. We work our land just as our Kupuna did, teaching the young about the land and how to malama what we have.

Let's support what Prince Kuhio initially intended in this act, to have Hawaiians on the land. Again, I support HB1931 and HB2339 for our future generations.

Thank you

Stephanie K. Lauifi

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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 Wednesday, February 03, 2016

Re: HB2339 RELATING TO THE QUALIFICATION OF SUCCESSORS TO LESSEES UNDER THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.

Lowers the required blood quantum to one-thirty second Hawaiian for the lessee's relatives currently eligible to succeed to a lease with one-thirty second Hawaiian including a lessee's husband, wife, children, grandchildren, brothers or sisters.

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."

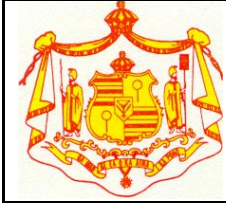
How often do we hear that there are tens of thousands of racially certified 50% blood native Hawaiians who have been sitting on the waiting list for decades? Let's give them a lease instead of guaranteeing the inheritance of a lease by grandchildren, great-grandchildren, cousins, etc. whose connection 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!

Please defeat this bill.



Association of Hawaiian Civic Clubs

P. O. Box 1135
Honolulu, Hawai'i 96807

HB 2339 RELATING TO THE QUALIFICATION OF SUCCESSORS TO LESSEES UNDER THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED

LATE

HOUSE COMMITTEE ON OCEAN, MARINE
RESOURCES & HAWAIIAN AFFAIRS

Wednesday, 02/03/16; 10:15 am; Room 325

Aloha Chairman Ing, Vice Chair Lowen and members of the committee. I am Annelle Amaral, president of the Association of Hawaiian Civic Clubs(AHCC) and I regret that as a delegate to the Native Hawaiian `Aha currently in session I am unable to testify in person. As of yet, the AHCC has taken no position on this issue as it took us by surprise, however I would like to offer some comments.

As some of you may know, the first Hawaiian Civic Club was formed by Prince Kuhio while he was in the US Congress pushing the Hawaiian Homesteads Act. He gathered a group of prominent Hawaiians to help advocate for the Act here in Hawaii, when the original legislation he introduced was for a 1/32% blood quantum qualification. Unfortunately, as we know, the blood quantum was raised to 50% and the Hawaiian people had to bear that burden since 1922.

In the not too distant past, the AHCC supported lowering the blood quantum qualification to one-quarter blood quantum, and that was helpful, but not quite enough. This bill will finally acknowledge Prince Kuhio's intent to put as many Hawaiians back on the land as possible under very specific conditions. This bill appears to be carefully constructed to be inclusive, but cause no harm.

There is adequate land, and as we recently learned, funding that should have provided homes on that land was not used for that purpose and even not used at all.

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 02, 2016 8:25 PM
To: omhtestimony
Cc: dkanealii02@gmail.com
Subject: Submitted testimony for HB2339 on Feb 3, 2016 10:15AM

HB2339

Submitted on: 2/2/2016

Testimony for OMH on Feb 3, 2016 10:15AM in Conference Room 325

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

Comments: I support decreasing blood quantum for successorship for Hawaiian Homelands from 1/4 to 1/32 as initially proposed by Prince Kuhio. This will allow family members to stay on or move onto homestead lands when the initial 50% Native Hawaiian passes on.

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To: omhtestimony
Cc: naregion9@gmail.com
Subject: *Submitted testimony for HB2339 on Feb 3, 2016 10:15AM*

HB2339

Submitted on: 2/2/2016

Testimony for OMH on Feb 3, 2016 10:15AM in Conference Room 325

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

Comments:

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Sent: Wednesday, February 03, 2016 10:05 AM
To: omhtestimony
Cc: dkapua@gmail.com
Subject: Submitted testimony for HB2339 on Feb 3, 2016 10:15AM

HB2339

Submitted on: 2/3/2016

Testimony for OMH on Feb 3, 2016 10:15AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kapua Keliikoa-Kamai	Individual	Support	No

Comments: Aloha kakou, HB2339 RELATING TO THE QUALIFICATION OF SUCCESSORS TO LESSEES UNDER THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED. Lowers the required blood quantum to one-thirty second Hawaiian for the lessee's relatives currently eligible to succeed to a lease with one-thirty second Hawaiian including a lessee's husband, wife, children, grandchildren, brothers or sisters I stand in FULL SUPPORT and request passage of Bill HB 2339. Mahalo for your support. Aloha, Kapua Keliikoa-Kamai, Concerned Wai'anae resident.

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Sent: Wednesday, February 03, 2016 9:33 AM
To: omhtestimony
Cc: lilia@papakolea.org
Subject: *Submitted testimony for HB2339 on Feb 3, 2016 10:15AM*

HB2339

Submitted on: 2/3/2016

Testimony for OMH on Feb 3, 2016 10:15AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lilia Kapuniai	Individual	Support	No

Comments:

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To: omhtestimony
Cc: kamakane73@gmail.com
Subject: *Submitted testimony for HB2339 on Feb 3, 2016 10:15AM*

LATE

Categories: Green Category

HB2339

Submitted on: 2/3/2016

Testimony for OMH on Feb 3, 2016 10:15AM in Conference Room 325

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

Comments:

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