

STAND. COM. REP. NO.

2155

Honolulu, Hawaii

, 2023

APR 17

RE: S.C.R. No. 104

S.D. 1

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.C.R. No. 104, S.D. 1, entitled:

"SENATE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO RE-INTRODUCE AND SUPPORT THE PASSAGE OF THE HAWAIIAN HOME LANDS PRESERVATION ACT, H.R. RES. 9614, 117TH CONG. (2ND SESS. 2022), TO LOWER THE REQUIRED MINIMUM BLOOD QUANTUM FOR CERTAIN DEPARTMENT OF HAWAIIAN HOME LANDS SUCCESSOR LESSEE BENEFICIARIES FROM ONE-QUARTER NATIVE HAWAIIAN BLOOD TO ONE THIRTY-SECOND,"

begs leave to report as follows:

The purpose of this measure is to urge the United States Congress to pass the Hawaiian Home Lands Preservation Act to lower the required minimum blood quantum for certain Department of Hawaiian Home Lands successor lessee beneficiaries from one-quarter native Hawaiian blood to one thirty-second.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, the Democratic Party of Hawaii, Kupuna for the Mo'opuna, Waimea Hawaiian Civic Club, ILWU Local 142, Kailapa Community Association, and nineteen individuals. Your Committee received testimony in opposition to this measure from two individuals. Your

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Committee received comments on this measure from the United States Department of the Interior - Office of the Solicitor.

Your Committee finds that the Hawaiian Homes Commission Act of 1920, as amended, is meant for the rehabilitation of the native Hawaiian people through a government-led homesteading program. However, in the near future, the minimum blood quantum requirement of one-half native Hawaiian blood will essentially bar all new applicants and thus frustrate the purpose and intent of the Hawaiian Homes Commission Act of 1920, as amended. In realizing the dilutive effect of interracial marriages on the blood quantum, the State reduced the minimum blood quantum requirement of certain lessees' successors from one-quarter to one thirty-second by enacting Act 80, Session Laws of Hawaii 2017 (Act 80). Your Committee believes that the passage of the Hawaiian Home Lands Preservation Act will align the federal minimum blood quantum requirement with that established by Act 80 and satisfy the legal requirement that Act 80 receives the consent of the United States Congress to become effective. This measure will help to ensure that future successor lessees can continue to qualify as beneficiaries of the Hawaiian Homes Commission Act of 1920.

Your Committee has amended this measure by:

(1) Incorporating the suggestion of the Department of Hawaiian Home Lands that the second WHEREAS clause be amended to read:

(A) WHEREAS, the Hawaiian Homes Commission Act of 1920, as amended, provides benefits to native Hawaiians such as the offering of ninety-nine-year homestead leases at an annual rent of one dollar; and

(2) Incorporating the suggestion of the Department of Hawaiian Home Lands that the fifth WHEREAS clause be amended to read:

(A) WHEREAS, Congress and the State lowered the minimum blood quantum requirement for certain qualified lessee successors to one-quarter native Hawaiian blood; the State further reduced the minimum blood quantum requirement of certain lessee successors from one-



quarter to one thirty-second by enacting Act 80, Session
Laws of Hawaii 2017; and

As affirmed by the record of votes of the members of your
Committee on Judiciary & Hawaiian Affairs that is attached to this
report, your Committee concurs with the intent and purpose of
S.C.R. No. 104, S.D. 1, as amended herein, and recommends that it
be referred to your Committee on Finance in the form attached
hereto as S.C.R. No. 104, S.D. 1, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



