

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of SB3123 SD1
RELATING TO ACCESS TO VITAL RECORDS FOR THE DEPARTMENT OF
HAWAIIAN HOME LANDS.

SEN. KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: February 25, 2024

Room Number: 016

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** The Department of Health (DOH) strongly supports SB3123 SD1,
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
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 20, 2024

TO: The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Cathy Betts, Director

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

Hearing: February 23, 2024, 9:30 a.m.
Conference Room 016, 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, aims to increase participation, and will lead to beneficiaries obtaining affordable housing.

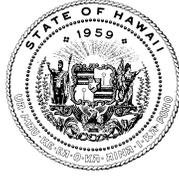
PURPOSE: This bill authorizes the Department of Hawaiian Home Lands to access vital records for purposes of verifying native Hawaiian ancestry for beneficiary programs. Requires the Department of Health and the Department of Hawaiian Home Lands to enter into a Memorandum of Agreement to assure appropriate access and handling of confidential records and sealed records that have been unsealed pursuant to court order. (SD1)

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

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
Hawaii'i*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia'āina o ka Moku'āina
'o Hawaii'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
Ka 'Oihana 'Āina Ho'opulapula Hawaii'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF KALI WATSON, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON JUDICIARY
HEARING ON FEBRUARY 23, 2024 AT 9:30AM IN CR 016

**SB 3123, SD1, RELATING TO ACCESS TO VITAL RECORDS FOR THE
DEPARTMENT OF HAWAIIAN HOME LANDS**

February 23, 2024

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) **supports with amendments** 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.

On page 2, line 21 of SB3123, SD1, DHHL request that “native Hawaiian” be amended to read “Native Hawaiian” with a capital “N” as previously noted in the original version of SB3123. The lower case “n” in “native Hawaiian” refers to any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778. The upper case “N” in “Native Hawaiian” refers to all Native Hawaiians including those who are less than fifty per cent native Hawaiian. DHHL uses vital records to qualify twenty-five per cent Native Hawaiian transferees and

successors, as well as fifty per cent native Hawaiian awardees. DHHL would appreciate this amendment in the bill to provide clarity.

The current time length for DHHL to receive vital records once requested is approximately 4-6 weeks. SB3123, SD1 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.

Thank you for your consideration of our testimony.