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DEPARTMENT OF HEALTH  
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**Testimony in SUPPORT of SB1432 SD2 HD2  
RELATING TO CHANGES TO RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH  
CONCERNING PATIENTS, THE COUNTY OF KALAWAO, AND THE KALAUPAPA SETTLEMENT**

REPRESENTATIVE CHRIS TODD, CHAIR  
HOUSE COMMITTEE ON FINANCE

- 1 Hearing Date: April 2, 2026 @ 2:00 pm Room Number: 308
- 2 **Department Position:** The Department of Health supports the current version of SB1432 SD2  
3 HD2 and offers the following comments to clarify intent, responsibilities, and future authority.
- 4 **Context: Hansen's Disease Responsibilities (HRS §326)**
- 5 • HRS §326 establishes DOH's statutory responsibilities for caring for individuals affected  
6 by Hansen's disease statewide.
  - 7 • Historically, the State guaranteed continued care at Kalaupapa for individuals forcibly  
8 segregated before 1969 who chose to remain. These are the Kalaupapa registry  
9 patients.
  - 10 • Today, only five registry patients remain under DOH care.
  - 11 • When the last registry patient passes, DOH's legal requirement to provide care at  
12 Kalaupapa will end.
- 13 **Purpose of Bill – Part II (Updates to HRS §326)**
- 14 • When the last registry patient passes, DOH will no longer provide patient care at  
15 Kalaupapa. This bill will remove a number of sections that specifically reference patient  
16 care in Kalaupapa, including:

- 1           ○ statutory descriptions of the county of Kalawao, and
- 2           ○ DOH’s “jurisdiction and control” of the county (HRS §326-34).
- 3       • When patient care ends at Kalaupapa, DOH will still provide statewide care for Hansen’s
- 4       disease patients via the Hansen’s Disease Community Program, which currently serves
- 5       240 active patients at their homes or regular health facilities.
- 6       • The bill establishes a future “trigger point” for aligning statutes with DOH’s evolved role
- 7       at Kalaupapa after the last registry patient’s passing.

8       **Purpose of Bill – Part III (Other Statutory Updates)**

- 9       • Because this bill will remove DOH’s authority over Kalawao County, Part III proposes
- 10       amendments of other HRS sections that contain reference to “Kalawao County” or
- 11       “Kalaupapa Settlement.”

12       **Responsibility for planning for “transfer of powers and duties” – SECTION 43**

- 13       • This bill proposes repeal of portions of HRS §326 that relate specifically to “powers and
- 14       duties” related to the State’s commitment to provide patient care at Kalaupapa for the
- 15       remaining Kalaupapa registry patients. These powers and duties will not be transferred
- 16       to another entity.
- 17       • The transfer of NON-PATIENT CARE operational powers and duties (e.g., control of
- 18       visitor access, responsibility for infrastructure) to the National Park Service (NPS) is well
- 19       underway and will continue under terms of current plans and agreements.

20       **Future of Kalaupapa: DOH’s Role**

- 21       • Future use and management of Kalaupapa will rest with primary landowners DHHL and
- 22       DLNR, in coordination with the National Park Service (NPS) under existing agreements.
- 23       • Key planning documents guiding the area include:
  - 24           ○ [Public Law 96-565](#) (1980) establishing Kalaupapa National Historical Park.
  - 25           ○ The [2021 NPS General Management Plan](#).
  - 26           ○ The [2025 Superintendent’s Compendium](#).
- 27       • DOH defers to DHHL, DLNR, and NPS for future land use decisions regarding Kalaupapa,
- 28       but will participate as a subject matter expert on facility operations during transitions.

## 1 **Transition of Operations**

- 2 • Since 1980, DOH has been transferring nonpatient operational responsibilities to NPS  
3 under longstanding cooperative agreements and the 1991 Strategic Plan for Transition.  
4 Many duties have already shifted, and DOH will continue to transition powers and  
5 duties to NPS under terms of the current plans and agreements
- 6 • A transition plan update was created by all three involved state agencies (DOH, DHHL,  
7 DLNR) in conjunction with the National Park Service and submitted to the legislature in  
8 2024. DOH's specific transfer plan and timeline was also provided to the legislature in  
9 2025. Both of these documents are attached to this testimony.
- 10 • The bill does not interfere with the NPS General Management Plan, existing cooperative  
11 agreements, or the DHHL–NPS land lease (expiring July 14, 2041).

## 12 **Public Engagement**

- 13 • “Planning for the future of Kalaupapa” – e.g., land uses, structure/facility maintenance,  
14 tours/visitor access, etc. - shall be led by other government agencies (specifically:  
15 landowners DHHL/DLNR, NPS and possibly Maui County).
- 16 • Opportunities for public involvement regarding Kalaupapa's future will be provided by  
17 agencies other than DOH, and those opportunities are defined and guaranteed by  
18 existing federal, state, and county laws.

## 19 **Closing**

20 This measure clarifies DOH's future statutory responsibilities, aligns Hawai'i law with current  
21 and future realities at Kalaupapa, and ensures a thoughtful and orderly transition of DOH's  
22 remaining operational duties.

23 Thank you for hearing this measure and for the opportunity to testify.

# KALAUPAPA TRANSITION UPDATE

## AUGUST 2023

A collaborative summary by DOH, DHHL and DLNR

### 1. Overview

Kalawao County is the fifth county within the State of Hawaii, under the jurisdiction and control of the Department of Health per HRS 326. HRS 326 directs the DOH to “. . . establish and maintain facilities and services as are necessary for the care and treatment of persons with Hansen's Disease . . .” Kalawao County is comprised of DHHL land, upon which the Kalaupapa Settlement is located, and DLNR land.

- The U.S. National Park Service (NPS) has a general lease agreement with DHHL (lease term 1991-2041)
- NPS has a cooperative agreement with DLNR (agreement established in 1989 outlining the division of efforts to protect and preserve critical historic and natural resources on DLNR lands within Kalaupapa National Historical Park)
- NPS had a cooperative agreement with DOT that was established in 1987 outlining the division of responsibilities related to the Kalaupapa Airport; however, it is currently expired and a new agreement is in the process of being reviewed for approval by the U.S. Department of the Interior.

Since 1980, when Kalaupapa became a National Historical Park per an act of Congress (US PL 96-565), the National Park Service (NPS) has been a key partner with DOH in providing a well-maintained community that ensures the present patient-residents of Kalaupapa may live out their lives peacefully and comfortably. As the patient-residents age, and their population decreases over time, facilities and infrastructure repair and maintenance have transferred over to NPS. In recent years, NPS has taken on the larger capital and infrastructure projects such as the pier and harbor repair, the conversion of the large capacity cesspools to septic tanks, and the renovation and repair of the larger structures in Kalaupapa such as Paschoal Hall. These major projects cost upwards of tens of millions of dollars. NPS's next major facility project is the modernization of the electrical power grid, and the construction of an above ground fuel farm, both in Kalaupapa.

In anticipation of the passing of the last Hansen's Disease patient, and at the request of the 1989 Legislature, the DOH contracted with Pacific Basin Development Council to develop a transition plan, "[A Strategic Plan for Transition at Kalaupapa Settlement](#)", also referred to as the "Pink Book". The document was organized into five (5) sections (see sections below) and to this day has served as a detailed framework for transition efforts.

#### A Strategic Plan for Transition at Kalaupapa Settlement

- I. Introduction
- II. Assessment by Functional Areas

- III. Summary of Issues, Needs & Options
- IV. Endnotes and References
- V. Appendices

From 1990-2015 the DOH and National Park Service (NPS) met regularly to manage and transition operations as appropriate under the strategic framework of this document. In 2015 the “**Inter-Agency Transition Working Group**” was formed consisting of the following agencies:

- Department of Health (DOH)
- National Park Service (NPS)
- Department of Hawaiian Homelands (DHHL)
- Department of Land and Natural Resources (DLNR)
- Department of Transportation (DOT)
- Maui County
- U.S. Department of the Interior, Office of Native Hawaiian Relations

This group has been convening regularly, with periodic participation of executive level staff. Historically, the **Inter-Agency Transition Working Group** focused on the general operation of the settlement.

Under the new administration, all involved state departments are collaborating to provide leadership and direction for the next phase of Kalaupapa’s existence. At this year’s 2-day Annual Inter-Agency Meeting, convened in the beginning of August, Deputy Directors from DOH, DHHL, and DLNR were all present. DOT while absent from this year’s meeting has expressed willingness to be involved at the appropriate time (there are currently no urgent issues requiring DOT’s input). Maui County leadership has also been a regular participant but was not able to attend this year due to the Maui County wildfires.

With the current patient population at eight (8), ranging in age from 82 through 99, it is recognized that DOH’s statutory responsibility to provide care for Kalaupapa patients will soon be ending. All agencies recognize the urgency and need for a specific transition plan. The next steps will involve community engagement and higher-level direction regarding the vision for Kalaupapa’s future.

In the interim, all agencies are working collaboratively to address the tasks at hand.

## 2. What is the Transition?

The “transition” involves multiple agencies and multiple transitions. The trigger for the transitions to begin is when the last Kalaupapa patient passes.

An overly simplistic explanation is that when the last patient expires, DOH's statutory mandate to provide patient care ends, and DOH then terminates its cooperative agreement with NPS. The following are the subsequent changes that will occur.

- When the patient care role at Kalaupapa ends, DOH intends to request a repeal or sunset of HRS 326. It is anticipated that approximately 2 years will be required to close down existing care operations (physical relocation of and reassignment of employees to other positions) and general operations (disposition of DOH property and preparation of structures for transfer to DHHL).
- With the passing of the last Kalaupapa registry patient, all structures and facilities will revert to DHHL, per the Attorney General's July 30, 2010 opinion regarding the transfer of property.
- DOH transfers all operations to NPS.
- A new mutual aid agreement for police, fire and emergency response will need to be established between Maui County and NPS and/or the agency that assumes jurisdiction over Kalawao County.

NPS' relationships with other agencies will be governed by their corresponding lease or cooperative agreements which determine the administrative/operational responsibilities of Kalawao County.

The final transition decisions will be determined by who will take over jurisdiction of Kalawao County and how the Kalaupapa State Historic Park will continue to operate without DOH involvement or control. These higher-level decisions will require community engagement, executive direction, and interagency dialogue and collaboration.

### **3. Involved Agencies & Relationships**

#### **A. Hawaii Department of Health (DOH)**

- HRS 326-1 authorizes DOH to "...establish and maintain facilities and services as are necessary for the care and treatment of persons with Hansen's Disease and persons who were institutionalized for segregation by order of the Department of Health because of Hansen's Disease."
- Per HRS 326-34, Kalawao County is "under the jurisdiction and control of the department of health and ... governed by the laws, and rules relating to the department and the care and treatment of persons affected with Hansen's Disease..."
- DOH has a Cooperative Agreement with National Park Service which has been in place since 1984

#### **B. Hawaii Department of Hawaiian Home Lands (DHHL)**

- DHHL is the fee owner of one land parcel in Kalawao County (1,475 acres)

- Most of Kalaupapa’s structures are located on the DHHL land parcel (“Kalaupapa Settlement”)
- DHHL manages its lands in Kalaupapa through a partnership with NPS via a general lease with NPS (lease term 1991-2041)

### C. U.S. National Park Service (NPS)

- NPS has managed Kalaupapa National Historical Park (US PL 96-565) since 1980 with the primary purpose of preservation and interpretation of the Kalaupapa settlement for the education and inspiration of present and future generations; to provide a well-maintained community in which the Kalaupapa patient-residents are guaranteed that they may remain at Kalaupapa as long as they wish; to protect the current lifestyle of these patients and their individual privacy; to research, preserve, and maintain the present character of the community; to research, preserve, and maintain important historic structures, traditional Hawaiian sites, cultural values, and natural features: and to provide for limited visitation by the general public.
- NPS’s current lease agreement with DHHL runs through 2041 to manage DHHL lands in Kalaupapa
- The U.S. government is the fee owner of a small parcel of land that includes the lighthouse in Kalawao County
- NPS has Cooperative Agreements with DOH, DLNR and DOT

### D. Hawaii Department of Land & Natural Resources (DLNR)

- DLNR is the fee owner of multiple land parcels in Kalawao County outside of the settlement including the Eastern 2/3 of the peninsula, the Airport, and significant forest and native ecosystems
- Division of Forestry and Wildlife (DOFAW): Active land steward of the 1,330-acre Puu Alii Natural Area Reserve, the Makanalua and Kalawao sections of Molokai Forest Reserve, and Waikolu Valley. DOFAW activities: ungulate fence installation and maintenance, invasive species control, rare plant and animal surveys and monitoring, Waikolu stream habitat management, public hunting unit access and management in the Molokai Forest Reserve, wildfire response
- Land Division: owner of the unencumbered lands that comprise the Eastern 2/3 of the peninsula, and parcels at the Western boundary of Kalaupapa NHP. The proposed site for the Kalaupapa Memorial is on Land Division property. NPS manages Land Division’s properties for DLNR.
- State Historic Preservation Division (SHPD): Regulates proposals for historic site and building work.
- Division of Aquatic Resources (DAR) and Division of Conservation Enforcement (DOCARE): Provides guidance to NPS on marine resource protection. If access is opened or the population at Kalaupapa changes, both Divisions may need additional

staff and funding for natural and cultural resource management and enforcement at Kalaupapa

- DLNR has a Cooperative Agreement with NPS that expires in 2029

**E. Maui County**

- Maui County currently has a Mutual Aid Agreement with DOH (fire, police, emergency response)

**F. Hawaii Department of Transportation (DOT)**

- DOT administers and manages the Kalaupapa Airport
- DOT is a partner in facilitating emergency rescue and medical evacuation
- DLNR Land Division is the fee owner of the airport land tract
- DOT is currently developing a new Cooperative Agreement with NPS

**G. US Department of the Interior, Office of Native Hawaiian Relations**

- Any proposed future land transfers would require DOI review and approval
- Approval by the Secretary of the Interior is required for the Kalaupapa Memorial siting, design and inscriptions

**4. Current Projects & Activities**

**A. DOH**

Capital Improvement Projects FY23-24

| <b>Dept Org Code</b> | <b>Amount Funded</b> | <b>Description of CIP Project</b>  | <b>Justification</b>  |
|----------------------|----------------------|--|---|
| HTH100               | \$7,200,000          | Required Closure of the Kalaupapa Construction & Demolition Landfill                             | Final construction required to complete approved closure plan for the Construction & Demolition (C & D) landfill.                                       |
| HTH100               | \$945,000            | Re-roofing (Care Home & Warehouse) and other improvements  | Variety of building repairs & improvements - priorities: re-roofing of Care Home and storage warehouse  |
| HTH100               | \$580,000            | Assessment and Plan for Removal of Underground Storage Tanks (USTs) at the Kalaupapa Gas Station | Develop a plan for required removal of three USTs located at the Kalaupapa Gas Station that store gasoline (Additional CIP request will be necessary to |

|        |           |  |  |
|--------|-----------|--|--|
|        |           |  | implement removal plan prior to July 2028)   |
| HTH100 | \$540,000 | Lead/Asbestos assessment and abatement for Settlement structures | Project will assess Settlement structures for presence of Lead/Asbestos (Planning) and perform necessary Abatement (Construction). |

FY24-25 Potential Capital Improvement Projects

| <b>Dept Org Code</b> | <b>Amount Funded</b> | <b>Description of CIP Project</b>                                    | <b>Justification</b>   |
|----------------------|----------------------|--|--|
| HTH100               | \$2,300,000.00       | Kalaupapa MSW Landfill Artificial Cover                              | Natural cover has not fully covered the MSW landfill due to pigs, deer, and rainfall. Artificial cover, similar to what will be used on the C&D Landfill closure is being requested.           |
| HTH100               | \$150,000.00         | Assessment of Kalaupapa Care Home Wastewater System                  | Existing system is unable to handle the current volume, and often backs up. Includes cost estimate for repair/replacement.   |
| HTH100               | \$350,000.00         | Assessment of old Kalaupapa dump/landfill                            | Items from the old dump are falling into the ocean as the shoreline erodes. Assess the best way to address the issue and develop a cost estimate if remediation or containment is recommended. |
| HTH100               | \$350,000.00         | Assessment of approximately 30-50 Kalaupapa Buildings managed by DOH | Assessment of buildings' structural integrity, electrical, and plumbing systems actively used by DOH, and to determine cost to renovate and repair.  |
| HTH100               | \$350,000.00         | Assessment of Cesspools  | Locate and assess all cesspools that are required to convert to septic tank by 2050. Cost estimates for conversions.   |

Revisions to existing statutes

DOH intends to request a revision, sunset, or repeal of HRS 326 when the patient care role at Kalaupapa ends or to work with the Legislature to enact a law that would

become effective upon the passing of the last patient. The table below contains a preliminary list of other Hawaii Revised Statutes that **may require revision when HRS 326 is amended/repealed in any way** (these statutes either directly or indirectly reference Kalaupapa, Kalaupapa Settlement or Kalawao County).

| HRS Number | Citation and Link                | Description  |
|------------|----------------------------------|--|
| HRS 4      | <a href="#">HRS §4-1 (2) (F)</a> | Districts, generally. (For election, taxation, city, county, and all other purposes, the State shall be divided into the following districts; (2) The islands of Maui, Molokai, Lanai, and Kahoolawe and the <b>counties of Maui and Kalawao</b> shall be divided into seven districts as follows: (E)€ All that portion of the island of Molokai known as Kalaupapa, Kalawao, and Waikolu <b>forming the county of Kalawao, to be styled the Kalawao district</b> |
| HRS 6E     | <a href="#">HRS §6E-43.5</a>     | Island burial councils; creation; appointment; composition; duties. ( (a) There are established within the department five island burial councils, one each for Hawai`i, Maui/Lāna`i, Moloka`i, O`ahu, and Kaula`i/Ni`ihau, to implement section 6E-43... (3) <b>The Moloka`i council shall include</b> the following geographic regions: West Moloka`i, Central Moloka`i, East Moloka`i, and <b>Kalawao</b> )   |
| HRS 11     | <a href="#">HRS §11-61</a>       | "Political party" defined. (.....maintains a general organization throughout the State, including a regularly constituted central committee and county committees <b>in each county other than Kalawao</b> )   |
| HRS 15     | <a href="#">HRS§15-4</a>         | Request for absentee ballot. (Conducting an absentee ballot-only election for small population areas - < 180,000)  |
| HRS 23     | <a href="#">HRS§23-81 (c)(7)</a> | Review for 2028 and every tenth year thereafter. (Review of exemptions or exclusions under the general excise tax shall be reviewed in 2028 and every tenth year thereafter — applies to <b>HRS 237-23 (a) (9)</b> Persons affected with Hansen’s disease and kokuas with respect to business within the county of Kalawao   |
| HRS 26     | <a href="#">HRS§26-13</a>        | Department of health. (The appointed members shall include at least one resident of each of the major counties <b>including the county of Kalawao.</b> )   |
| HRS 101    | <a href="#">HRS §101-1</a>       | Definitions. (In this part, except where the context otherwise requires: "County" means a county <b>(except the county of Kalawao)</b> and any agency of a county, including the board of water supply thereof, duly authorized to exercise the power of eminent domain...)  |
| HRS 103F   | <a href="#">HRS§103F-202 (a)</a> | Community council. There is established a community council on purchase of health and human services... There shall be a member from each county, <b>except the county of Kalawao</b>  |
| HRS 127A   | <a href="#">HRS §127A-2</a>      | Definitions. (When used in this chapter, unless the context otherwise requires: "County" means the city and county of Honolulu, and the counties of Hawaii, Kauai, and Maui; <b>provided that the county of Maui shall include the county of Kalawao for the purposes of this chapter.</b> )   |

|          |                                    |   |
|----------|------------------------------------|---|
| HRS 128A | <a href="#">HRS §128A-2</a>        | Definitions. ("County" means any of the political subdivisions of the State, including the counties of Hawaii, Maui, and Kauai and the city and county of Honolulu, <b>but does not include the county of Kalawao.</b> )  |
| HRS 128E | <a href="#">HRS §128E-4</a>        | Establishment of emergency planning districts. (Each county is designated as an emergency planning district for the purposes of this chapter; provided that <b>the department shall be responsible for Kalawao county</b> ("Department" is defined as "department of health" in HRS §128E-1)  |
| HRS 231  | <a href="#">HRS §231-2</a>         | Taxation districts. (For the purpose of taxation, the State is divided into the following four districts: (1) The city and county of Honolulu, to be called the first district; (2) <b>The counties of Maui and Kalawao, to be called the second district</b> ; (3) The county of Hawaii, to be called the third district; and (4) The county of Kauai, to be called the fourth district.   |
| HRS 237  | <a href="#">HRS§237-23 (a) (9)</a> | Exemptions, persons exempt, applications for exemption. (This chapter shall not apply to the following persons: ... (9) Persons <b>affected with Hansen's disease and kokuas, with respect to business within the county of Kalawao</b> )   |
| HRS 243  | <a href="#">HRS §243-4 (d)</a>     | License taxes. (No tax shall be collected in respect to any liquid fuel, including diesel oil and liquefied petroleum gas, shown to the satisfaction of the department to have been <b>sold for use in and actually delivered to, or sold in, the county of Kalawao</b> )   |
| HRS 281  | <a href="#">HRS §281-1</a>         | Definitions. ("County" means the county in respect of which each commission has jurisdiction under this chapter; provided that <b>in the county of Kalawao liquor may be sold only by</b> such persons and only under such conditions as may be permitted or prescribed from time to time by the department of health.)   |
| HRS 329  | <a href="#">HRS §329D-2</a>        | Medical cannabis dispensaries; authorized; licensure. ( (d) <b>no dispensary license shall be issued for the county of Kalawao</b> )  |
| HRS 445  | <a href="#">HRS §445-13</a>        | License inspectors. ( <b>The deputy sheriff of Kalawao</b> , any police officer, or any authorized representative of the county director of finance duly authorized by a chief of police shall be ex officio license inspectors of the counties for which they are appointed or authorized, and as such, they shall from time to time report to the county director of finance the names of all persons within the county who are liable for the payment of license fees. |
| HRS 804  | <a href="#">HRS §804-5</a>         | By whom allowed. (.....and in cases, except under section 712-1207, where the punishment for the offense charged may not exceed two years" imprisonment with or without fine, the sheriff, the sheriff's deputy, the chief of police or any person named by the chief of police, <b>or the sheriff of Kalawao</b> , regardless of the circuit within which the alleged offense was committed, may admit the accused person to bail.)                                      |

## Monument

The involved agencies have been working with Ka Ohana O Kalaupapa to advance the progress of the long-planned Kalaupapa Memorial. In 2023, five million dollars in state funding was secured for this project. Please see the attached letter from stakeholders to Ka Ohana outlining the next steps for the monument and the funds.

## Ongoing Maintenance & Management of the Settlement & Transition Needs

Staffing: As DOH transitions out of Kalaupapa, positions will be transferred to other programs, with the employees placed in other positions or laid off per the civil service negotiated union process known as a reduction in force (RIF).

Below is a table of DOH positions currently appropriated for Kalaupapa and the anticipated time when the employees will be transferred, placed in other positions, or laid off. Efforts will be made to transition the employee to positions within Kalaupapa with NPS or other state agencies if feasible.

| Section                    | Positions  | Positions | Time Post Last Patient | Salaries per Year |
|----------------------------|--|-----------|------------------------|-------------------|
| Care Home                  | Supervisor, Nurses (7), Paramedical Assistant, Homemakers (3), Office Assistant    | 13        | 9 Months               | \$1,638,360       |
| Food Services              | Supervisor, Cooks (2), Kitchen Helpers (3)   | 6         | 9 Months               | \$343,692         |
| Housekeeping               | Supervisor, Janitors (2)   | 3         | 9 Months               | \$156,216         |
| Construction & Maintenance | Carpenters (2), Electrician, Painter   | 5         | 1 Year                 | \$270,384         |
| Administration             | OA IV, OA III  | 2         | 1 Year                 | \$79,680          |
| Housekeeping               | Janitor (1)  | 1         | 2 Years                | \$50,640          |
| Construction & Maintenance | Supervisor, Carpenter, Auto Mechanic, General Laborer, Building Maintenance Worker | 5         | 2 Years                | \$326,868         |
| Administration             | Institution Operations Manager, Business Services Supervisor, OA IV                | 3         | 2 Years                | \$204,204         |

## **B. DHHL**

DHHL is reviewing their building inventory list to determine which structures they may want to retain upon DOH's exit to help prioritize which structures DOH will need to maintain for the transfer.

DHHL is currently focused on community engagement and are in the process of identifying stakeholders and designing appropriate outreach methods to engage their community stakeholders.

### **C. DLNR**

The current twenty (20) year Cooperative Agreement (CA) entered into in 2009 between DLNR and NPS expires in 2029. The CA broadly describes the agreements between the DLNR and NPS. The area under the CA includes unencumbered state lands which is managed by NPS. The lands that are set aside for forest reserve and the Pu'u Ali'i Natural Area Reserve are managed by DOFAW that installs and maintain animal control fencing for feral ungulates and manages and controls the Molokai Public Hunting Areas.

DLNR and NPS are meeting to discuss the future of the CA, including redefined roles and responsibilities of management of state lands, coordinating of the hunting and trail access, continued management of the feral ungulates and invasive species.

In addition, DLNR and NPS are coordinating with Ka Ohana o Kalaupapa to support their efforts to plan, design, construct, and maintain a Kalaupapa Memorial. Ka Ohana received a \$5M appropriation from the Legislature (FY 22) for the Memorial. The funds have been appropriated to DOH to be released to Ka Ohana for the Memorial contingent upon several conditions. DLNR, NPS, and Ka Ohana are meeting to address those conditions.

Natural and Cultural Resources Stewardship including evaluating the feasibility and budgetary needs for the following potential projects and services:

- DOFAW axis deer control if NPS has limited capacity to control invasive species.
- DLNR DOFAW Firefighting crew, and the need for a revised fire safety and response plan.
- DOFAW - Determination of who will manage the trail to Kalaupapa, and what is the appropriate amount of access.
- DAR – issues related to management of nearshore waters for fishing and protection of marine resources.
- DOCARE- feasibility of enforcement, currently DOCARE has no capacity within Kalaupapa. Further discussions with NPS, MPD, and DOCARE on appropriate enforcement in Kalaupapa to address potential increased accessed for hiking, hunting, and fishing.

## **5. Long Range Planning**

The transition process is complex, requiring coordination between various government entities that have some responsibility for Kalaupapa. It will also require extensive

community engagement to ensure the plans and actions reflect the wishes of Kalaupapa patient descendants, DHHL beneficiaries, and the greater Moloka'i community.

The following are two key issues which require such discussion:

**A. Future use of Kalaupapa Settlement by DHHL**

Discussions between NPS and DHHL about NPS' management of DHHL lands have touched on how to identify and design appropriate outreach methods to engage community stakeholders; access to Kalaupapa for Native Hawaiian traditional and customary practices (i.e., fishing, hunting, and salt gathering), and facilitating native Hawaiian preference/first right of refusal for employment and commercial services contracts. Further discussions as to the future use of Kalaupapa will determine the number of residents, visitors, and business activities in Kalaupapa, which will help guide DOH, NPS and DLNR with their operational, capital, and personnel planning and future budget requests.

**B. Governance of Kalawao County**

Further research needs to occur to determine what the steps are to transfer jurisdiction from DOH to another entity once DOH exits Kalaupapa (HRS 326-34 -- County of Kalawao; governance). And a decision needs to be made as to who will assume jurisdiction over Kalawao County upon DOH's departure. The following were contemplated scenarios:

- Jurisdiction over Kalawao County could be assigned to a willing State agency (e.g., DHHL or DLNR)
- Jurisdiction over Kalawao County could be assigned to a willing County government (e.g., Maui County)
- Jurisdiction may not need to be assigned to any government entity (e.g., remaining government entities -- NPS, DLNR, DHHL, DOT -- would coordinate and enforce existing laws within the county boundaries)

**6. Closing Summary**

The associated state agencies are committed to working together to ensure a smooth transition that preserves the cultural legacy and natural resources of Kalaupapa. The **Inter-Agency Transition Working Group** will continue to address the ongoing operational needs and short-term transition issues until the vision for Kalaupapa's future is determined.

Enclosures:

Act by Congress to Establish Kalaupapa National Historic Park (1980)

A Strategic Plan for the Transition at Kalaupapa -- "Pink Book" (1990)

NPS-DHHL General Lease (1991)

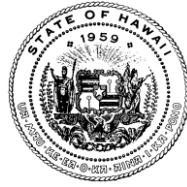
NPS-DOT Memorandum of Agreement (2007)

NPS-DLNR Cooperative Agreement (2009)

NPS Kalaupapa National Historic Park General Management Plan (2021)

NPS-DOH Cooperative Agreement (2021)

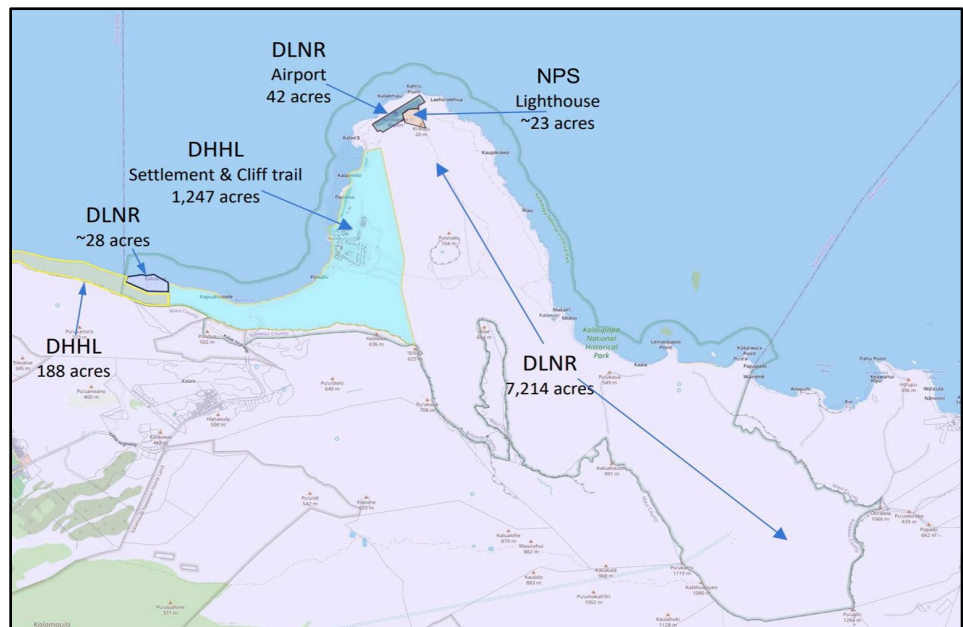
Letter of Intent to Award funds to Ka Ohana (2023)



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

**Kalaupapa Transfer Plan**  
November 2024

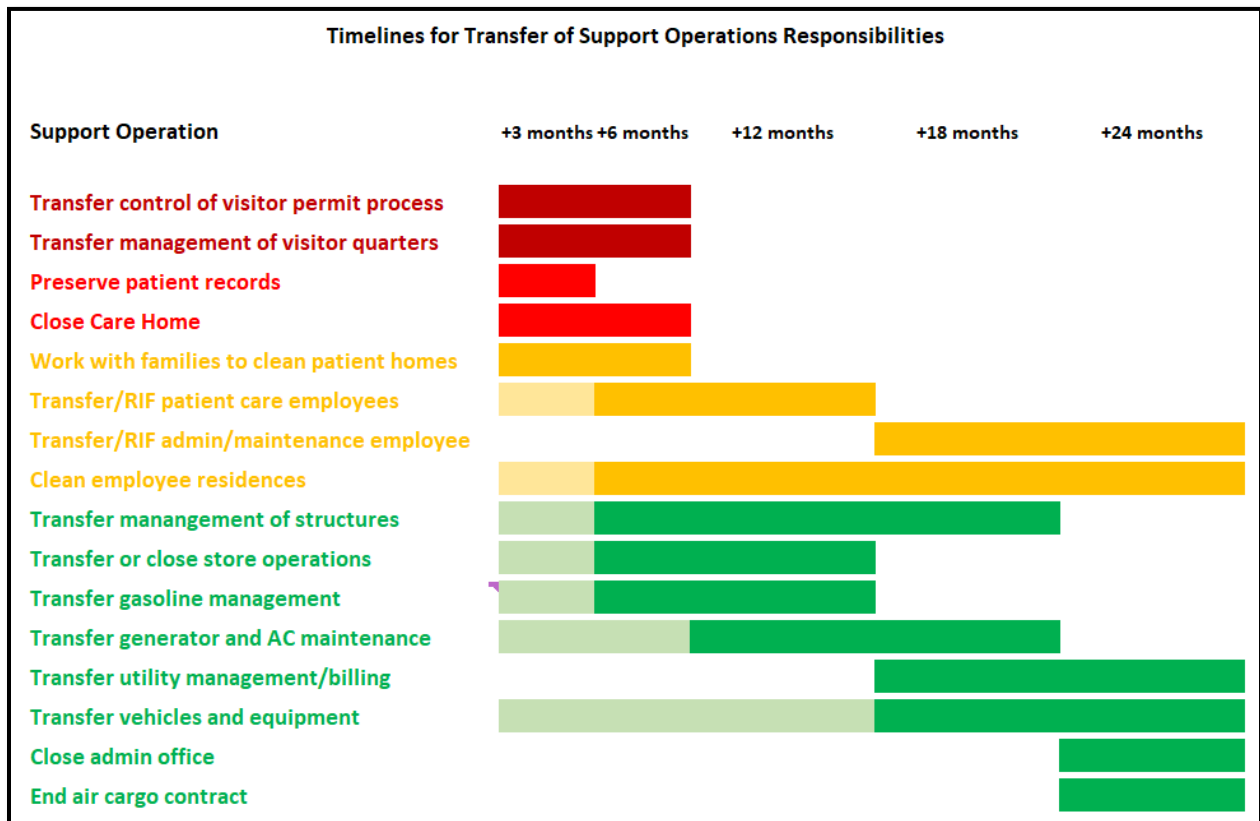
Kalaupapa National Historical Park (outlined in green in map below) was created by the U.S. Congress in 1980 and is managed by the National Park Service (NPS). “[Kalaupapa National Historical Park](#) honors the mo'olelo (story) of the isolated Hansen's disease (leprosy) community by preserving and interpreting its site and values. The historical park also tells the story of the rich Hawaiian culture and traditions at Kalaupapa that go back at least 900 years.” NPS has a [cooperative agreement](#) with the State of Hawaii Department of Land and Natural Resources (DLNR) for conservation and land management purposes that expires in 2029, and it has a [lease](#) with the State of Hawaii Department of Hawaiian Home Lands (DHHL), upon which the Kalaupapa settlement is located, to utilize its land to advance the purpose of the Kalaupapa National Historic Park that expires in 2041.



Prior to the creation of the Kalaupapa National Historical Park, Kalawao County was established and placed under the control and jurisdiction of the State of Hawaii Department of Health (DOH) as described in [Hawaii Revised Statutes §326](#). DOH has a mission to provide care for patients who had Hansen's Disease and administers operations to support the care of patients there such as utilities, maintenance, and supplies. These general support operations also support the NPS mission at Kalaupapa National Historical Park. DOH has operated under a [cooperative agreement with NPS](#) since 1984, and the two parties have been collaborating to gradually transfer responsibility of support operations from DOH to NPS.

When DOH's patient care mission at Kalaupapa National Historical Park concludes, it will begin the final transfer of its responsibilities in Kalaupapa to NPS based on the estimated timeline below. This timeline

represents the key activities that DOH anticipates embarking on when the Department’s patient care role at Kalaupapa ends but is not intended as an exhaustive list. Additions and changes are expected.



\*Support operations are grouped by category.  
 \*\*Lighter colors indicate the timeline of planning and preliminary efforts for that operation with bright colors indicating estimated official start of that activity.

DOH will maintain responsibility for environmental remediation until completion. The timing is dependent on the availability of funding. The currently identified projects are:

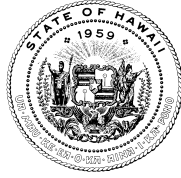
- Applying synthetic cover to closed municipal solid waste (MSW) landfill
- Closing the construction and demolition (C&D) landfill
- Reroofing the care home building and the storage warehouse
- Coordinating with NPS and DHHL on abandoned vehicle removal
- Cesspools closure
- Hazardous material identification and abatement

The cooperative agreement between NPS and DLNR as well as the lease between NPS and DHHL will continue beyond DOH’s role in managing Kalaupapa Settlement/Kalawao County, and NPS will continue to manage the Park for the foreseeable future under the guidance outlined in its [General Management Plan \(2021\)](#). Should a landowner seek to change the use of its land in the National Historical Park, this would be negotiated between the landowner and NPS.

DOH will continue to work closely with all stakeholders to ensure a smooth transfer of its responsibilities at Kalaupapa and will frequently review and update this plan as conditions change.

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

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



KALI WATSON  
CHAIRPERSON, HHC  
*Ka Luna Ho'okele*

KATIE L. LAMBERT  
DEPUTY TO THE CHAIR  
*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, CHAIR**  
**HAWAIIAN HOMES COMMISSION**  
**BEFORE THE HOUSE COMMITTEE ON FINANCE**  
**ON APRIL 2, 2026 AT 2:00PM IN CR 308**

**SB1432, SD2, HD2, RELATING TO CHANGES TO RESPONSIBILITIES OF THE**  
**DEPARTMENT OF HEALTH CONCERNING PATIENTS, THE COUNTY OF**  
**KALAWAO, AND THE KALAUPAPA SETTLEMENT**

April 2, 2026

Aloha Chair Todd, Vice Chair Takenouchi, and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) **supports** this bill which 1) authorizes the Department of Health to continue providing services statewide to Hansen's disease patients living in the community 2) repeals sections of Chapter 326, HRS, to take effect upon the two-year anniversary of the passing of the last patient resident of Kalaupapa, as affirmed in a Governor's proclamation and 3) requires future planning for the Kalaupapa Settlement to include community organizations, including one selected in consultation with the Molokai community.

The area identified by tax map key: 6-1-01:01 located in Kalaupapa is Hawaiian Home Lands. The Hawaiian Homes Commission, as codified in the Hawaii State Constitution has exclusive land use and zoning authority for Hawaiian Home Lands. Thus, any land designation changes regarding Hawaiian Home Lands would be subject to Hawaiian Homes Commission approval and beneficiary consultation.

Additional beneficiary consultation on the future of Kalaupapa will be conducted as part of the DHHL Molokai Island Plan update (2026-2027), and the issue of transfer of jurisdiction and control of Kalawao County will be included in that consultation process. At this time DHHL does not have a position on whether Kalawao County should be incorporated into Maui County upon the departure of the Department of Health and would like to gather more comments from its beneficiaries before taking a position.

DHHL intends to continue to participate in all multi-agency transition planning processes including the annual report required by this measure. DHHL supports full transparency and inclusion of a representative of a Molokai community organization selected in consultation with the Molokai community.

Thank you for your consideration of our testimony.



**COMMENTS ON SENATE BILL 1432 SD2 HD2  
RELATING TO KALAUPAPA**

Senate Committees on Judiciary and Ways and Means  
Hawai'i State Capitol

February 26, 2025

10:05 am

Room 211

---

Aloha e Chairs Rhoads, and Dela Cruz, Vice Chairs Gabbard and Moriwaki, and Members of the Senate Committees on Judiciary and Ways and Means:

The Office of Hawaiian Affairs (OHA) **PROVIDES COMMENTS** on SB1432 SD2 HD2, which seeks to ensure the continued provision of services to Hansen's disease patients, and plan for the transition of Kalaupapa following the passing of the last patient.

The future of Kalaupapa is of great public concern, especially for Native Hawaiian and other families who had 'ohana exiled to Kalaupapa. Of the estimated 8,000 individuals sent to Kalaupapa, 90 percent were Native Hawaiian. OHA has officially recognized and commended the work of Ka 'Ohana o Kalaupapa to reunite families separated due to Hansen's disease, and supports this measure's continued incorporation of Ka 'Ohana o Kalaupapa into planning efforts around the future management of Kalaupapa in a manner that honors and respects this history.

OHA also has an ongoing interest in the management of Kalaupapa peninsula which is crown and government lands transferred to the State upon statehood subject to the public trust created by the Admissions Act and Article XII, section 4 of the Hawai'i State Constitution. OHA was created and charged with managing proceeds derived from the public land trust for the benefit of native Hawaiian beneficiaries. Haw. Const. Art. XII §§ 5, 6. Accordingly, OHA has a constitutional mandate to ensure that the state upholds its fiduciary obligations under the public land trust. Moreover, OHA has a paramount interest in preserving the corpus of the crown and government lands of the Hawaiian kingdom until a resolution of Native Hawaiians' unrelinquished claims to these lands, including sovereignty and governance over a land base.

Accordingly, if the Committee chooses to pass this bill OHA respectfully requests amendments to include OHA in the consultation process described in paragraph 11 (page 7, line 3-9). Mahalo for the opportunity to provide testimony on this bill touching upon a matter of both public and personal significance to the many individuals whose lives have been touched by the history of Kalaupapa.

Council Chair  
Alice L. Lee



Director of Council Services  
David M. Raatz, Jr., Esq.

Vice-Chair  
Yuki Lei K. Sugimura


Deputy Director of Council Services  
Richelle K. Kawasaki, Esq.

Councilmembers  
Kauano'e Batangan  
Tom Cook  
Gabe Johnson  
Tamara Paltin  
Keani N.W. Rawlins-Fernandez  
Shane M. Sinenci  
Nohelani U'u-Hodgins

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

April 1, 2026

TO: The Honorable Chris Todd, Chair  
House Committee on Finance

FROM: Keani Rawlins-Fernandez, Councilmember 

SUBJECT: **TESTIMONY IN SUPPORT OF SB 1432, SD2, HD2**

Mahalo for this opportunity to provide testimony in support of SB 1432, SD2, HD2, relating to changes in responsibilities of the Department of Health Concerning patients, the County of Kalawao, and the Kalaupapa Settlement.

While I am testifying in my individual capacity as the Councilmember from Molokai, the Maui County Council has also taken an official position in Reso 21-190 supporting the integration of Kalawao County into Maui County.

A big mahalo to our Molokai Representative, Rep Mahina Poepoe, for amending House draft 1 to address the concerns and suggestions from our community and County.

I respectfully urge you to pass SB 1432, SD2, HD2 as is. Mahalo again for your consideration.



[www.AlohaILHawaii.org](http://www.AlohaILHawaii.org)

Apr 2, 2026

#### MISSION

Aloha Independent Living Hawaii (AILH) dedicated to providing independent living programs and services for persons with disabilities in Hawaii.

We work together with the community and consumers to improve the quality of life through individual choices and access to services.

#### EXECUTIVE DIRECTOR

Roxanne U. Bolden

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Jonathan Yap

##### Member

Scott Suzuki  
Sheila Castaneda  
Jennifer Hartssock

The Honorable Chris Todd, Chair  
House Committee on Finance  
The Thirty-Third Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

**SUBJECT:** SB1432 SD2 HD2 – Relating to Changes to Responsibilities of the Department of Health Concerning Patients, the County of Kalawao, and the Kalaupapa Settlement.

Chair and Members of the Committee:

Aloha Independent Living Hawaii (AILH) respectfully submits this testimony **in support of SB1432 SD2 HD2**. This bill recognizes that the population of former Hansen's disease patients connected with Kalaupapa is aging and extremely small, and it thoughtfully prepares for the transition of responsibilities when the last full- or part-time patient resident passes, while affirming the Department of Health's obligation to continue providing services statewide to people affected by Hansen's disease in the community. AILH views this as a disability and civil rights issue for a community that experienced forced segregation, loss of liberty, and systemic stigma, and for whom continued access to medical and non-medical supports is essential to Independent Living and aging with dignity in the setting of one's choice.

From an Independent Living perspective, SB1432 SD2 HD2's requirement that future planning for the permanent transfer of powers and duties over the Kalaupapa Settlement must include both the community organization designated in federal law (P.L. 111-11, title VII, section 7108) and a topside Molokai community organization is especially important. People affected by Hansen's disease, their descendants, and the broader Molokai community must have a meaningful role in shaping what happens to the land and to the legacy of Kalaupapa. Planning for environmental remediation, land



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jurisdiction, and potential reunification or Kalawao with Maui County should be transparent, grounded in community consultation, and aligned with disability rights principles of self-determination, cultural respect, and historical redress.

AILH appreciates that the bill preserves explicit statutory authority for the Department of Health to “provide services as are necessary for the care and treatment of persons with Hansen’s disease and persons who were institutionalized for segregation” and requires annual reporting to continue until either the last patient resident passes or Kalaupapa is no longer under DOH jurisdiction. These provisions help ensure that obligations to surviving patients are not quietly phased out and that the Legislature and community can monitor whether medical care, basic living needs, and non-medical supports are being maintained at appropriate levels. The requirement that the Department of Hawaiian Home Lands and Department of Land and Natural Resources submit information about their activities and community engagement in Kalawao for inclusion in the annual report adds a needed layer of transparency as multiple agencies plan for the area’s future.

At the same time, AILH notes that SB1432 SD2 HD2 repeals several sections of Chapter 326 that were adopted explicitly to protect the liberty, autonomy, and dignity of Kalaupapa patient residents and to affirm their right to remain in the community for as long as they choose. Because those sections were written in the context of institutional governance and a larger patient population, we understand the need to modernize the statute and prepare for the eventual end of DOH’s jurisdiction over Kalawao as a separate county. However, it remains critical that the spirit of those protections—respect, self-determination, and the right to live and receive services in the least restrictive, community-based setting—continues to guide both DOH’s statewide services for people affected by Hansen’s disease and any new governance structures for Kalaupapa.

Accordingly, AILH respectfully urges the Legislature to to pass SB1432 SD2 HD2 while emphasizing, in committee reports and implementation, that: (1) DOH’s obligation to provide services statewide to persons affected by Hansen’s disease is ongoing and must be adequately funded; (2) future



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governance and land-use decisions for Kalaupapa must be driven by sustained consultation with people affected by Hansen's disease, their families, disability-led organizations, Native Hawaiian community stakeholders, and the broader Molokai community; and (3) any transition of jurisdiction or services should be evaluated against Independent Living principles of choice, control, cultural continuity, and full inclusion in community life. Hawaii has a unique opportunity to honor the history of Kalaupapa while building a future that reflects equity, disability justice, and community-driven decision-making.

Thank you for the opportunity to testify.

Mahalo,

Roxanne Bolden

Executive Director



April 1, 2026

To: Chris Todd, Chairman of the House Committee on Finance, and Vice Chair Jenna Takenouchi

**SB1432, SD2, HD2** -- Relating to Changes of Responsibilities of the Department of Health concerning the patients, the county of Kalawao and the Kalaupapa Settlement  
Thursday, April 2, 2026, 2 p.m., Conference Room 308

Aloha Chair Todd, Vice Chair Takenouchi and members of the Finance Committee,

Thank you for hearing SB1432 and giving us the opportunity to share our views.

Ka 'Ohana O Kalaupapa is a nonprofit organization that formed in 2003 behind the leadership of residents (patients) of Kalaupapa who wanted to bring together family members, descendants and friends of the community to make sure their history would be remembered and that their voices would continue to guide the future even after they had passed.

This is the third straight year that bills have been introduced about the future of Kalaupapa. Public testimonies at previous Legislative hearings have called for meaningful community engagement where the government agencies listen to the public, but we don't believe that has yet to happen.

SB1432 calls for the implementation of a new law by amending Section 326 of Hawaii Revised Statutes require the following: "The county of Kalawao that consists of that portion of the island of Molokai known as Kalaupapa, Kalawao, and Waikolu, and commonly known or designated as the Kalaupapa Settlement, shall cease to constitute a county by itself and shall be and form a portion of the county of Maui."

Ka 'Ohana O Kalaupapa believes it is premature to consider this move without more public discussion. Is Maui County the best fit for Kalawao County – or is there a preferred alternative? Many individuals on upper Molokai have opposed Kalawao County becoming part of Maui County.

Kali Watson, Chair of the Department of Hawaiian Homelands, stated in testimony last month that DHHL "does not have a position on whether Kalawao County should be incorporated into Maui County....and would like to gather more comments from its beneficiaries before taking a position."

It should be noted that nearly 1,300 acres of Kalaupapa are designated as Hawaiian Homelands.

Before this significant change is made, more public discussions must be held with beneficiaries, the community of Kalaupapa, upper Molokai and major government and non-government stakeholders at Kalaupapa.

Kalaupapa National Historical Park, a branch of the federal government, also operates at Kalaupapa. What will be the role of this agency in the future?

In Public Law 96-565, which established Kalaupapa National Historical Park in 1980, Section 109 reads: "At such time when there is no longer a resident patient community at Kalaupapa, the Secretary **shall reevaluate the policies governing the management, administration, and public use of the park in order to identify any changes deemed to be appropriate.**"(emphasis added).

How does that Federal language fit with the State bills...and with Maui County? If Kalaupapa National Historical Park remains, Ka 'Ohana urges that an oversight council of cultural specialists be appointed with authority to review and comment on NPS plans and ongoing projects.

The public must be part of planning the future of one of the most sacred places in all Hawai'i. We appreciate the efforts of the agencies to find the best path forward, but while government focuses on policies, procedures and rules, the public will bring people into the discussion – the people of Kalaupapa who must always be remembered as well as future residents of Kalaupapa.

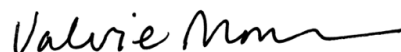
Ka 'Ohana urges this committee to add strong language to the bill that requires the Department of Health and/or other state agencies to immediately start holding public meetings on the future of Kalaupapa and Kalawao County with detailed reports to be submitted to the Legislature by the start of next year's session.

We also ask that Ka 'Ohana O Kalaupapa, the Office of Hawaiian Affairs and representation from the upper Molokai community be added to any transition planning team about the future of Kalaupapa. We believe that more input will lead to a better future for Kalawao County.

We appreciate your committee taking this bill up and hearing testimony about the next phase of Kalaupapa, a community that is very dear to many of us because of the people who will always influence our lives and inspire others in the future.

We respectfully ask to be part of this process.

Mahalo nui loa,



Valerie Monson, Executive Director



**TESTIMONY OF DEGRAY VANDERBILT  
BEFORE THE HOUSE COMMITTEE ON WATER AND LAND  
THURSDAY, APRIL 2, 2026 2 P.M. CONFERENCE ROOM 411  
REGARDING SENATE BILL 1432 RELATING TO THE KALAUPAPA  
SETTLEMENT**

Aloha Chair Todd, Vice-Chair Takenouchi and Members of the House Committee on Finance

My name is DeGray Vanderbilt. I am testifying as an individual. For a number of years I have continued to serve on the Board of Directors of Ka 'Ohana O Kalaupapa, a non-profit organization conceived and fostered by Kalaupapa residents. In past years as a resident of Molokai, I was honored to serve as Chairman of the Molokai Planning Commission.

Mahalo for providing me with this opportunity to comment on SB1432.

I have attached a copy of "The Aloha Spirit Law", which became effective in 1986.

It is a unique law, which provides meaningful guidance for applying the law in a way that reflects the "Aloha Spirit", noting that "In exercising In their power on behalf of the people and in fulfillment of their responsibilities, obligations and service to the people and in fulfillment of their responsibilities, obligations and service to the people, the legislature, governor, lieutenant governor, executive officers of each department, the chief justice, associate justices, and judges of the appellate, circuit, and district courts may contemplate and reside with the life force and give consideration to the "Aloha Spirit".

Many of the testimonies at past hearings leading up to today hearing on SB1432 have focused on the future jurisdiction of Kalawao, specifically a provision that calls for a new law by amending Chapter 326 HRS requiring the existence of Kalawao County to cease and have it become part of the county oof Maui."

Testifiers are calling for a need for more discussion in this major issue. At the March 17 hearing before Water and Land on SB2799, DOH provided the following on the Kalawao County matter: ***"The final transition decisions will be determined by who will take over the jurisdiction of Kalawao County...without DOH involvement or control. These higher-level decisions will require community engagement, executive direction, and interagency dialogue and collaboration."*** (emphasis added)

At a March 19, 2026 hearing before the House Water and Land Committee , the Department of Health “ **believes that it would be inappropriate to insert statutory requirements that specifically address “planning for the future of Kalaupapa Settlement or the county of Kalawao” in chapter §326, Hawaii Revised Statutes.**” (emphasis added)

All people are asking for is the need for community engagement and meaningful discussion before a new law is passed. As noted in the Association for Hawaiian for Homestead Lands testified before the House Water and Land , “**Decisions of this magnitude must be informed, transparent, and grounded in the voices of HHCA beneficiaries and families most directly impacted, with full respect for trust protections and proper process.**” (emphasis added)ms to be a prime opportunity for

In light of some of the above statements, I propose that amending SB1432 SD2, HD2 by deleting the following

SECTION 2. Chapter 326, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§326- County of Kalawao; cessation; county of Maui. The county of Kalawao that consists of that portion of the island of Molokai known as Kalaupapa, Kalawao, and Waikolu, and commonly known or designated as the Kalaupapa Settlement, shall cease to constitute a county by itself and shall be and form a portion of the county of Maui."

Should the above amendment be approved, a few other amendments associated with the change in the law need to be deleted.

I would also request that your Committee please consider the following amendments:

Proposed amendments in red type

Page 1 Lines 4 thru 6

4 county of Kalawao is aging. There are currently ~~seven~~ five S individuals on the Kalaupapa registry who receive services from

6 the State. [Four] three of [them] these individuals are full-time residents at Kalaupapa.

Rationale: update to correct conditions today

---

Page 2 Lines 6 thru 9:

6 DELETE [This Act

7 reflects preliminary sentiments expressed by some Maui county  
8 residents that the county of Kalawao be reunited with the county  
9 of Maui.]

Rationale: Vague general statement. There can be “no reuniting” the county of Kalawao with the county of Maui, because the county of Maui has never had any jurisdiction over the county of Kalawao. Both counties were established when the Counties throughout Hawaii including Maui County and Kalawao County. A check with Maui County Council Service agreed that the County Act of 1905 has never been amended to give Maui County any jurisdiction over Kalawao County

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Page 2 Lines 18 thru 21 and Page 3 lines 1 thru 4

18 Require any future planning for the permanent transfer  
19 of the powers and duties of the department and any  
20 other state agency over Kalaupapa Settlement to other  
21 governmental or qualified non-governmental entities,  
1 to include a community organization in the county of  
2 Kalawao that is designated in P.L. 111-11, title VII,  
3 section 7108 (i.e. Ka ‘Ohana O Kalaupapa), [and] a topside community organization  
4 selected [in consultation with] by the Molokai community, and the Office of Hawaiian  
Affairs.

Rationale: The current language in SB1432 SD2 HD2 gives clarity to the existing language. The Office of Hawaiian Affairs (OHA) has continued to be a member of the transitional planning team regarding the future of Kalaupapa. OHA’s inclusion in the transitional planning process is important given the bill contemplates a permanent transfer of authority over ceded lands with substantial cultural, historical and trust implications.

---

Page 7 lines 3 thru 9

3 Details including efforts of engagement by the  
4 department with Molokai community groups, including  
5 the addition of Ka Ohana O Kalaupapa and a  
6 non-governmental organization from the non-peninsular  
7 area of Molokai to be selected by [the department in  
8 consultation with the non—peninsular area of] the topside  
9 Molokai community.

Rationale: Amendment makes this section consistent with other related sections in the Bill.

---

Page 49 lines 20 and 21    Page 50 lines 1-9

20 SECTION 43. Future planning for the permanent transfer of  
21 the powers and duties of the department of health and any other  
1 state agency over Kalaupapa Settlement to other governmental or  
2 qualified non—governmental entities shall include a community  
3 organization in the county of Kalawao that is designated in P.L.  
4 111-11, title VII, section 7108 (i.e Ka 'Ohana O Kalaupapa), and a topside community  
5 organization from Molokai. The topside community shall be  
6 selected [ in consultation with ] by the Molokai community] For  
7 purposes of this section, “topside community organization from  
8 Molokai” means a community of Molokai outside of the county of  
9 Kalawao and the Office of Hawaiian Affairs.

Rationale To make this section consistent with the above proposed amendment on Page 2.

Mahalo for this opportunity to share my testimony with your Committee

Respectfully submitted

*DeGray Vanderbilt*

DeGray Vanderbilt



## Hawai'i Law of The Aloha Spirit

### Hawaii Revised Statutes:§ 5-7.5 "

**Aloha Spirit**". (a) "**Aloha Spirit**" is the coordination of mind and heart within each person. It brings each person to the self. Each person must think and emote good feelings to others. In the contemplation and presence of the life force, "**Aloha**", the following **unuhi laulā loa** may be used:

- "**Akahai**", meaning kindness to be expressed with tenderness;
- "**Lōkahi**", meaning unity, to be expressed with harmony;
- "**Olu'olu**" meaning agreeable, to be expressed with pleasantness;
- "**Ha'aha'a**", meaning humility, to be expressed with modesty;
- "**Ahonui**", meaning patience, to be expressed with perseverance.

These are traits of character that express the charm, warmth and sincerity of Hawaii's people. It was the working philosophy of native Hawaiians and was presented as a gift to the people of Hawai'i. "**Aloha**" is more than a word of greeting or farewell or a salutation. "**Aloha**" means mutual regard and affection and extends warmth in caring with no obligation in return. "**Aloha**" is the essence of relationships in which each person is important to every other person for collective existence. "**Aloha**" means to hear what is not said, to see what cannot be seen and to know the unknowable.

(b) In exercising their power on behalf of the people and in fulfillment of their responsibilities, obligations and service to the people, the legislature, governor, lieutenant governor, executive officers of each department, the chief justice, associate justices, and judges of the appellate, circuit, and district courts may contemplate and reside with the life force and give consideration to the "**Aloha Spirit**". [L 1986, c 202, § 1]

