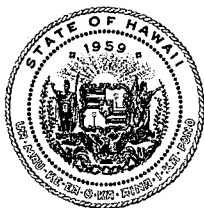
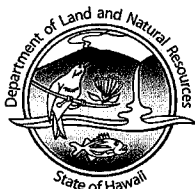


TESTIMONY
HB921 HD1

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the Senate Committee on
WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS**

**Wednesday, March 18, 2009
3:00 PM**

State Capitol, Conference Room 229

**In consideration of
HOUSE BILL 921, HOUSE DRAFT 1
RELATING TO PUBLIC LANDS**

House Bill 921, House Draft 1 proposes to allow 999-year homestead lease to be assigned to land trusts created for the purposes of managing and holding the homestead leasehold estate for the benefit of the lessee and lessee's family members. The Department of Land and Natural Resources (Department) does not support this bill.

One of the requirements for a homestead lessee is to maintain his/her residence on the premises. A land trust is a legal entity created to hold interest in real property. The Department doubts if such trust can legally maintain its residence on the premises.

If the bill is approved, designating beneficiaries in the trust still requires agreement from all affected family members. Majority of the conflicts in the family centers on the respective share of interest for each family member, and their legitimate status of being an heir of the deceased homestead lessee. Pursuant to Section 171-100, Hawaii Revised Statutes (HRS), the Office of Hawaiian Affairs may establish a successor determination program to help the families under homestead leases, including an arbitration program. The Department believes Section 171-100, HRS, is capable of addressing the issue of successorship of a homestead lease under its provisions.

Setting up a land trust to hold the leasehold interest of a homestead lease cannot relieve the conflict among family members, thus the Department finds this bill not necessary.

JEANNINE JOHNSON

5648 Pia Street, Honolulu, Hawai'i 96821

Phone: 373-2874 (h) / 537-7261 (w)

March 14, 2009

COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Senator Clayton Hee, Chair

Senator Jill N. Tokuda, Vice Chair

Hearing: Wednesday, March 18, 2009 at 3:00 pm in Conference Room 229
HB 921, HD1 RELATING TO PUBLIC LANDS.

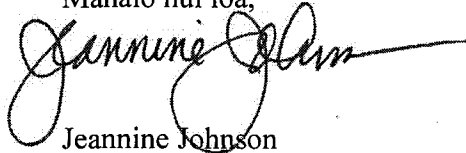
Aloha Chair Hee, Vice Chair Tokuda and Honorable Committee Members,

I strongly oppose HB921 which allows 999-year homestead leases to be assigned to land trusts that are created for purposes of managing and holding the homestead leasehold estate for the benefit of the lessee and lessee's family members.

The Department of Hawaiian Home Lands provides direct benefits to native Hawaiians in the form of 99-year homestead leases at an annual rental of \$1. Why is the State of Hawai'i offering 999-year homestead leases to non-native Hawaiians? What is the purpose of offering low lease rents to millionaires living on Tantalus under the condition that they grow a few trees? I believe the reason was to take away these ceded lands from Kānaka maoli and the Department of Hawaiian Home Lands forever.

I am appalled that this travesty was allowed to happen. Please do not perpetuate this injustice to native Hawaiians. I respectfully ask that you do what is pono and oppose HB921 HD1.

Mahalo nui loa,



Jeannine Johnson

cc: Sen. Sam Slom
Rep. Lyla Berg
Rep. Barbara Marumoto
Office of Hawaiian Affairs

TESTIMONY
HB921 HD1
(END)