JOSH GREEN, M.D. GOVERNOR STATE OF HAWAII Ke Kia 'äina o ka Moku 'äina 'o Havai'i

SYLVIA J. LUKE LT. GOVERNOR STATE OF HAWAII Ka Hope Kiaʾāina o ka Mokuʾāina ʾo Hawaiʾi



KALI WATSON CHAIRPERSON, HHO

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 Hawai 'i P. O. BOX 1879 HONOLULU, HAWAII 96805

TESTIMONY OF KALI WATSON, CHAIR HAWAIIAN HOMES COMMISSION BEFORE THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS HEARING ON MARCH 14, 2025 AT 2:00PM IN CR 325

SB 1408, SD 1, RELATING TO THE HAWAIIAN HOMES COMMISSION ACT

March 13, 2025

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) <u>strongly supports</u> this bill which clarifies that Act 130, Session Laws of Hawaii 2024, shall take effect on either the date of the Secretary of the Interior's notification letter to the Congressional Committee Chairpersons that this Act meets none of the criteria in title 43 Code of Federal Regulations section 48.20, or on the date that the United States Congress approval becomes law.

DHHL appreciates that Act 130 was signed into law in 2024. However, DHHL recognizes that Section 4 of Act 130, SLH 2024, did not accurately note the necessary approval process for proper amendment of the HHCA. SB1408, SD1, will correct this error noted in Section 4 of Act 130, SLH 2024. This legislative proposal was approved by the Hawaiian Homes Commission and included in the Governor's Administrative Package.

Thank you for your consideration of our testimony.



DEPARTMENT OF HAWAIIAN HOME LANDS

Department of The Interior's Procedures to Amend the HHCA

In 1921, Congress enacted the Hawaiian Homes Commission Act, 1920 (HHCA), 42 Stat. 108, to provide a homesteading program for native Hawaiians. In 1959, Congress enacted the Hawaii Admission Act, 73 Stat. 4. As a compact with the United States relating to the management and disposition of Hawaiian home lands, the HHCA became part of the Hawaii State Constitution as a condition of statehood. Section 4 of the Admissions Act stipulates that certain provisions of the HHCA relating to administration or any amendment increasing the benefits to lessees of Hawaiian home lands may be amended by the State, but other amendments that would reduce or impair certain funds or change the qualification of lessees require the consent of the United States. Section 204 of the Hawaiian Home Lands Recovery Act, 109 Stat. 537, and 43 CFR Part 48 outlines the procedure to be followed by the State of Hawaii and the United States Department of Interior for review and if necessary approval of amendments to the HHCA.

State of Hawaii enacts proposed amendment to the HHCA



days

Chairman of the Hawaiian Homes Commission submits proposed amendment to the HHCA to the Secretary of the Interior

Secretary of the Interior determines if the proposed amendment to the HHCA requires Congressional approval and post notice of determination on the Department of Interior's Web site





Congressional approval unnecessary

Secretary of the Interior will notify the Chairmen of the Senate Committee on Energy and Natural Resources and of the House Committee on Natural Resources, the Governor, Speaker of the House of Representatives and President of the Senate of the State of Hawaii, and the Chairman of the Hawaiian Homes Commission and include, if appropriate, an opinion on whether the proposed amendment advances the interests of the beneficiaries.

Effective Date is Date of Notification Letter to the Congressional Committee Chairmen



Congressional approval required

Secretary of the Interior will notify the Chairmen of the Senate Committee on Energy and Natural Resources and of the House Committee on Natural Resources, the Governor, Speaker of the House of Representatives and President of the Senate of the State of Hawaii, and the Chairman of the Hawaiian Homes Commission. The Secretary will also submit to the Committees additional information required under 43 CFR 48.40(b).

Effective Date is the Date that Congress's approval becomes law