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WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

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**TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON JUDICIARY
HEARING ON FEBRUARY 12, 2020 AT 3:00PM IN CR 325**

HB 2216, HD1 RELATING TO HAWAIIAN HOME LANDS

February 10, 2020

Aloha Chair Lee, Vice Chair San Buenaventura, and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) submits comments on this bill that requires at least 5 Hawaiian Homes Commission (HHC) members to be native Hawaiian or current Hawaiian homestead lessees and at least 2 of those 5 to be on the waitlist for Hawaiian home lands; authorizes commission members to elect a chairperson and vice chairperson; and creates the position of Director of Hawaiian Home Lands and separates the Director's responsibilities from those of the Chairperson of the Commission.

The Hawaiian Homes Commission Act (HHCA) as enacted in 1921 established the HHC to be composed of five members – the Governor and four citizens of the Territory to be appointed by the Governor with at least three of the appointed members of the HHC to be native Hawaiian. In 1935, Congress amended the HHCA providing that the HHC is to be composed of five members appointed by the Governor and at least three of the members shall be descendants of not less than one-fourth part of the blood of the races inhabiting the Hawaiian Islands previous to 1778. Since this amendment to the HHCA came shortly after the HHCA was passed through an Act of Congress, DHHL would prefer that this language remain and not be deleted as proposed on Page 2, lines 2-4 of the bill. DHHL supports increasing the members from four to five that are descendants of not less than one-fourth part of the blood of the races inhabiting the Hawaiian Islands previous to 1778. With regard to representation of lessees and applicants on the HHC, DHHL notes that as of June 2019, there were 9,898 lessees and 28,753 applicants, which may be a consideration in allocating representation on the HHC.

The larger policy implications of separating the Director's responsibilities from the Chairman should be fully vetted given the enactment of the HHCA by Congress.

Thank you for your consideration of our testimony.

TESTIMONY IN SUPPORT OF CERTAIN PROVISIONS OF HB2216, HD1
RELATING TO HAWAIIAN HOME LANDS

Hearing, Feb 12,2020,3:00 p.m., Conference Room 325

Requires at least 5 Hawaiian Homes Commission members to be native Hawaiian or current Hawaiian homestead lessees; and at least 2 of those 5 to be on the waitlist for Hawaiian home lands. Authorizes commission members to elect a chairperson and vice chairperson. Creates the position of Director of Hawaiian Home Lands and separates the Director's responsibilities from those of the Chairperson of the Commission. Effective July 1, 2050. (HD1)

Rep. Chris Lee, Chair

Rep. Joy A. San Buenaventura, Vice Chair

Members, Committee on Judiciary

Aloha,

I am writing in support of HB2216, HD1, Section 2 that amends section 202 of the HHCA to require that a **majority of the members of the HHC be beneficiaries**. This Section provides, in part, that the commission shall be composed of nine members, as follows: three shall be residents of the city and county of Honolulu; two shall be residents of the county of Hawaii, one shall be a resident of east Hawaii and the other a resident of west Hawaii; two shall be residents of the County of Maui, one of whom shall be a resident from the island of Molokai; one shall be a resident of the county of Kauai; and the ninth member shall be an at-large member. It also provides that at least five of the members shall be native Hawaiian and either existing or prospective lessees of Hawaiian homestead lands; provided that at least two of these five members shall be on the Dept of Hawaiian home lands waitlist for a homestead land award for housing, farming, or ranching; provided further that if any commission member who became a member based on the member's status as a lessee or presence on the waitlist subsequently ceases to be a lessee or is removed from the waitlist during the member's term, the member may continue to serve on the commission until that member's term expires. **I support these provisions of the bill as a form of self-governance for homesteaders and beneficiaries of the trust.**

Regarding the provisions concerning election of a chairperson and vice chairperson and the creation of the position of Director of Hawaiian Home Lands and separating the Director's responsibilities from those of the Chairperson of the Commission, I offer no comments of support or opposition, except to comment that legislators should assure that taking such action will not violate the provisions of the Hawaiian Homes Commission Act or federal law.

Respectfully, Leimomi Khan, in my personal capacity (and in the interest of family members who are beneficiaries of the trust)

