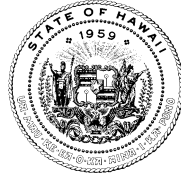


DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII

JOSH GREEN  
LT. GOVERNOR  
STATE OF HAWAII



WILLIAM J. AILA, JR.  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES  
DEPUTY TO THE CHAIRMAN

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

P. O. BOX 1879  
HONOLULU, HAWAII 96805

TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
BEFORE THE HOUSE COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS  
HEARING ON JANUARY 31, 2020 AT 9:00AM IN CR 325

**HB 2216 RELATING TO THE HAWAIIAN HOME LANDS**

January 30, 2020

Aloha Chair Yamane, Vice Chair Todd, 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 and 3 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.



**Robin Puanani Danner, Chairman**  
**Sybil Lopez, Vice Chairman**  
1451 South King Street, Suite 448  
Honolulu, HI 96814  
info@hawaiianhomesteads.org

Date: January 30, 2020  
To: Honorable Members of the House Committee on Water, Land & Hawaiian Affairs  
Fr: Robin Puanani Danner, SCHHA Chairman, HHCA Beneficiary  
Re: Strong Support on HB2216 – Hearing Scheduled for January 31, 2020 at 9:00 am

Founded in 1987, SCHHA is the oldest and largest coalition of Hawaiian Homestead Associations, and native Hawaiian beneficiaries eligible for lands under the Hawaiian Homes Commission Act of 1920 (HHCA). We serve and represent the interests of native Hawaiians on the waitlist, as well as on the land via leases for homes, farms, ranches or mercantile under the HHCA.

HB 2216 makes technical amendments to the HHCA, as was authorized by the U.S. Congress under the 1959 Hawaii Admissions Act, wherein State government may amend the HHCA without Congressional review when essentially, revisions do not infringe on the interests of native Hawaiians or impact federal responsibilities. For further reference, see *Federal Register / Vol. 81, No. 93 / May 13, 2016 / Page 29777*.

Under 43 CFR 47/48 (the code of federal regulations), the Obama administration adopted specific regulations when an amendment is enacted at the State level. The CFR mandates a step by step processes for the federal Department of Interior to review any amendments to determine if Congressional review is required.

HB2216 essentially makes technical amendments as follows:

- 1. Defines the Term Beneficiary Consultation.** Gives a definition with the widest flexibility and benefit of modern technology for DHHL to use to notify native Hawaiians and receive input on potential policy decisions beyond in-person consultation sessions. Democracy is at its best when government considers the views of citizens most impacted by government actions.
- 2. Hawaiian Homes Commission.** Requires 5 of 9 Commissioners be HHCA Beneficiaries as defined by the HHCA itself and requires at least 2 of the 5 be individuals on the State's waitlist for a homestead award. Presently, the HHCA calls for a minimum of 4 of 9 Commissioners to Native Hawaiian, but not eligible for the HHCA itself.
- 3. Reforms Conflicting Roles of Director & Commission Chair.** Presently and for decades, the cabinet member of DHHL Director, automatically is also the Chair of the agency's governing body as its Chair. HB2216 removes the DHHL Director from the Commission, resolving the dual conflicting roles, to establish a clear role for the DHHL Director to report TO and be accountable TO the Commission. The bill authorizes the 9-member Commission to elect its own Chair and Vice Chair.
- 4. Authorizes Autonomous Legal Counsel.** Presently, the Commission is required to utilize the Attorney General's office for legal representation, unless the AG approves the Commission to access outside counsel. HB2216 authorizes the Commission to access autonomous legal counsel from the AG, to ensure that the rights of native Hawaiian beneficiaries of the HHCA are duly represented, rather than only the interests of State government.
- 5. Requires Quarterly Reporting.** The core function and intent of the HHCA enacted 100 years ago, was and continues to be the disposition of land to native Hawaiians defined in the HHCA. HB2216 requires DHHL to issue a report to the oversight body of the executive branch, the legislature, as well as HHCA beneficiaries on all land dispositions made by DHHL every quarter. This 4-times a year reporting, ensures that all stakeholders

*Founded in 1987, SCHHA is the oldest and largest coalition of Hawaiian Homestead Associations and native Hawaiians exercising sovereignty on the trust lands enacted by Congress under the Hawaiian Homes Commission Act of 1920*

are aware of the types of land dispositions being made and whether to HHCA Beneficiaries or non-HHCA Beneficiaries.

6. **State Inter-Agency Council.** Authorizes the State to establish an inter-agency council to bring the full talent and expertise of state government to bear on the compact State government made with the federal government under the 1959 Admissions Act. This section of the Bill addresses a long-standing challenge that DHHL does not have expertise in agriculture and ranching, or in mercantile economic development, or even in affordable housing development, wherein other state agencies do have expertise in these areas.
7. **Accounting of Act 14 Expenditures.** HB2216 re-enforces a requirement in the 1995 Act 14 settlement wherein DHHL was to report annually to the legislature and to HHCA beneficiaries on expenditures. Over the 20 years that Act 14 was under implementation, DHHL failed to provide a single financial report. HB2216 calls for the fulfillment of Act 14, setting a timeline of 365 days for an accounting of Act 14 expenditures is reported to the legislature.

Each of these seven (7) areas addressed in HB2216 are not earth shattering. Yet, they are representative of important technical revisions after 100 years since the HHCA enactment by the U.S. Congress and 61 years since State of Hawaii administration began, that honors the lessons learned over this period of time, to create a more healthy, transparent and accountable agency to fulfill the promise of the HHCA to our native Hawaiian citizens. We mahalo the legislature for engaging and considering reforms that can make the next 100 years a success, as the U.S. Congress intended, as we believe the new state of Hawaii did as well, 61 years ago.

The SCHHA strongly supports passage of HB2216 and is available to answer any questions or provide additional comments.

Mahalo.

**HB-2216**

Submitted on: 1/29/2020 3:42:24 PM

Testimony for WLH on 1/31/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
SYBIL LOPEZ	Kalama'ula Mauka Homestead Association	Support	No

Comments:

I am in full SUPPORT to require 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. By creating the position of Director of Hawaiian Home Lands, it separates the Director's responsibilities from those of the Chairperson of the Commission.

Please SUPPORT THIS BILL!

Mahalo;

Sybil K Lopez

**HB-2216**

Submitted on: 1/29/2020 6:04:01 PM

Testimony for WLH on 1/31/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kama Hopkins	Individual	Support	No

Comments:

**HB-2216**

Submitted on: 1/31/2020 2:22:13 AM

Testimony for WLH on 1/31/2020 9:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Mike Kahikina	Association of Hawaiians for Hawaiian Lands (AHHL)	Support	Yes

Comments:

HB 2216 is the collective amends to the HHCA 1920, as amended 1921 by the native Hawaiian members of Sovereign Council of Hawaiian Homestead Associations (SCHHA) at 2019 Annual Convention at the Pagoda Hotel. These technical amendments morderinize the act a little into Democracy and a small step in eliminating the centennial practices of genocide upon the native Hawaiians of these islands! I have a dream also like the late Dr. Martin Luther King Jr. and pray for equality and liberty as the Native Americans and Alaskans without the state managing our Trust! The Federal and the State government cannot "rehabilitate" native Hawaiians?! Colonization is the only option we have without any real democratic process and participation. The Public Law Dictrine and the Compact with the State codified native Hawaiians in the Act but Statehood joined native Hawaiians with the General Public and in democracy, majority rules! Beneficiaries don't have a chance. Please pass this bill as it is all of the elected legislators oath to the Constitution of America and the State of Hawaii. Thank you very much. Mike Kahikina - Nanakuli