



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

S.B. NO. 1609, S.D. 2, RELATING TO NATIVE HAWAIIAN AFFAIRS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Tuesday, March 14, 2023

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Elise A. Amemiya or Bryan C. Yee, Deputy Attorneys General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General provides the following comments regarding this bill.

This bill, among other things, amends section 1 of Act 195, Session Laws of Hawaii 2022 (Act 195), page 3, line 15, to page 5, line 3, to add grant standards. However, section 2 of Act 195 appropriated \$1.5 million to the Department of Business, Economic Development, and Tourism and \$500,000 to the Department of Land and Natural Resources for fiscal year 2022–2023, which ends on June 30, 2023, to issue administrative grants tailored toward improving Native Hawaiian communities and culture through various assistance programs.

Although the bill currently has an intentionally defective date, we note that if this bill ultimately becomes effective after July 1, 2023, the appropriation made in Act 195 will have already lapsed on June 30, 2023.

To avoid possible unintended consequences, if it is the Legislature's intent to allow additional time for the departments to expend the money for administrative grants in Act 195, we suggest that the lapse date of the appropriation made by section 2 of Act 195 be extended to June 30, 2024. The last sentence of section 2 of Act 195 can be amended as follows:

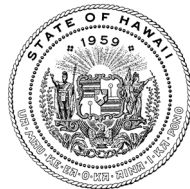
The sums appropriated shall be expended by the department or agency listed above for the purposes of this Act[-]; provided that any funds not expended or encumbered for this purpose shall not lapse at the end of the

fiscal year for which the appropriation is made; provided further that any moneys that remain unencumbered on June 30, 2024, shall lapse on that date.

We also recommend that the effective date of the bill, which in the Senate Draft 2 is July 1, 2050, be amended to be effective before the funds appropriated by section 2 of Act 195 lapse, if that is the Legislature's intent.

Thank you for the opportunity to provide comments.

JOSH GREEN, M.D.
GOVERNOR



LUIS P. SALAVERIA
DIRECTOR

SABRINA NASIR
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
Ka 'Oihana Mālama Mo'ohelu a Kālā
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT

WRITTEN ONLY

TESTIMONY BY LUIS P. SALAVERIA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
ON
SENATE BILL NO. 1609, S.D. 2

March 14, 2023
2:00 p.m.
Room 325 and Videoconference

RELATING TO NATIVE HAWAIIAN AFFAIRS

The Department of Budget and Finance offers comments on this bill.

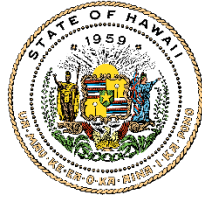
Senate Bill (S.B.) No. 1609, S.D. 2, appropriates undetermined amounts of general funds to the Department of Business, Economic Development and Tourism (DBEDT) and to the Department of Land and Natural Resources (DLNR) for FY 24 and FY 25 to provide grants to federal tax-exempt non-profit organizations to support their respective organizational missions. The measure provides that the grants shall: 1) be tailored toward improving Native Hawaiian communities and culture through various assistance programs, including programs that offer Native Hawaiian historic preservation, business training, entrepreneurship, and mentoring; and 2) meet certain grant standards. Furthermore, the measure amends Section 1 of Act 195, SLH 2022, to add grant standard language.

S.B. No. 1609, S.D. 2, is similar to Act 195, SLH 2022, which also appropriated general funds to DBEDT and DLNR to provide grants to non-profits for the benefit of Native Hawaiian communities. It should be noted that DBEDT and DLNR would need to establish and adopt appropriate rules, standards, and processes in order to award the subject grants.

Thank you for your consideration of our comments.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS

Tuesday, March 14, 2023
2:00 PM

State Capitol, Conference Room 325 Via Videoconference

In consideration of
SENATE BILL 1609, SENATE DRAFT 2
RELATING TO HAWAIIAN AFFAIRS

Senate Bill 1609, Senate Draft 2 proposes to provide grants to federal tax-exempt nonprofit organizations to support their organizational missions tailored toward improving Native Hawaiian communities and culture through various assistance programs, including programs that offer Native Hawaiian historic preservation, business training, entrepreneurship, and mentoring. **The Department of Land and Natural Resources (Department) supports this measure and recommends an amendment.**

The Department's testimony is limited to SECTION 2(2) which would provide proposed grants for national and international repatriation. The Department believes that it is entirely appropriate that the state provide funds to support efforts to repatriate iwi kupuna and any associated funerary objects in museum and agency facilities in the United States or in other countries. The federal Native American Graves Protection and Repatriation Act (NAGPRA) enacted in 1992 requires museums and federal agencies to repatriate Native Hawaiian human remains and funerary objects, sacred and ceremonial objects, and items of cultural patrimony to lineal descendants or culturally affiliated Native Hawaiian Organizations. Unfortunately, Congress has never appropriated sufficient funds to implement NAGPRA and over three decades later the mandated repatriation is still incomplete.

NAPGRA does not apply internationally and, so far as the Department is aware, no other nation has statutes requiring proactive inventory and repatriation of iwi kupuna and other items covered by NAGPRA. International repatriation lags even further than such efforts in the United States.

As there is only a tiny amount of federal funds available to museums, federal agencies, and Native Hawaiian Organizations, and the Department is not aware that there is any source of funding for international repatriation, the Department believes that it is entirely appropriate for the Legislature to appropriate funds for this purpose.

The Department anticipates that these funds will be administered by the State Historic Preservation Division (SHPD), which does not currently have the level of staffing necessary to carrying out this activity effectively and efficiently. The Department recommends that this measure establish and fund one position in SHPD for this purpose at a half year salary of \$30,000. The Department also recommends that if the Legislature appropriates a level of funding that cannot be granted and expended in a single year that these funds be appropriated to the Historic Preservation Special Fund so that they remain available until expended for the purposes of this bill.

The Department recommends that Senate Bill 1609, Senate Draft 2, SECTION 2(2) be amended as follows:

(2) The department of land and natural resources, the sum of \$ _____ for each fiscal year provided that the sum shall be used for the repatriation and reburials of Native Hawaiians nationally and internationally.

(a) There is established in a state historic preservation division a single administrative position to administer these funds; and

(b) the sum of \$ _____ is appropriated to fund this position.

Mahalo for the opportunity to provide testimony in support of this measure.



SB1609 SD2
RELATING TO NATIVE HAWAIIAN AFFAIRS
House Committee on Judiciary & Hawaiian Affairs

March 14, 2023

2:00 PM

Room 325

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on **SB1609 SD2**, which would appropriate moneys to the Department of Business, Economic Development, and Tourism (DBEDT) and the Department of Land and Natural Resources (DLNR) to improve Native Hawaiian communities and culture through various assistance services. **OHA emphasizes that the scope of this measure’s funding purpose falls within the purview of OHA, which is the more appropriate agency to advance the purposes of Section 2 (1)(a), (1)(b), and (2) of this measure. OHA expresses these comments as the principal public agency in the State responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians and asks the Legislature to name OHA as the appropriate agency to carry out the purposes listed in Sections 2 (1)(a), (1)(b), and (2) of this measure.**¹

OHA acknowledges that the State of Hawai‘i, its branches of government, its agencies, and subdivisions have an extra duty of care to the Native Hawaiian people as one of the conditions for Hawai‘i’s admission into the Union.² For this reason, OHA supports funding opportunities through various bodies of governance to improve Native Hawaiian communities. Be that as it may, OHA is the more appropriate agency to advance the purposes of Section 2 (1)(a), (1)(b), and (2) of this measure. **Accordingly, through this measure, the Legislature proposes funding for programs and services that OHA has played a significant role in initially developing. OHA provides this comment in light of the Legislature’s cap on OHA’s pro rata share of the Public Land Trust revenues, which sorely limits OHA’s capacity to adequately address the needs of the Native Hawaiian people through the advancement of OHA’s constitutional and statutory obligations.**³

I. OHA Is the Most Appropriate State Agency to Develop a Virtual Marketplace for the Purpose of Improving Native Hawaiian Communities and Culture

On December 23, 2017, OHA hosted the first Pop-Up Holiday Mākeke (Marketplace), which provided a rare venue for Native Hawaiian artisans, entrepreneurs, and small businesses.⁴ OHA would continue to provide this service through 2019, just prior

¹ HRS §10-3.

² Pub. L. 86-3, 73 Stat. 4; Hawai‘i Admissions Act of 1959.

³ Haw. Stat. Con. Art. XII, Sections 4-6 (1978); Haw. Rev. Stat. §10-3.

⁴ Pop-Up Mākeke (Marketplace) Flyer available at: <https://www.oha.org/2017makeke>.



SB1609 SD2
RELATING TO NATIVE HAWAIIAN AFFAIRS
House Committee on Judiciary & Hawaiian Affairs

to the outset of the COVID-19 pandemic.⁵ Subsequently thereafter, the Council for Native Hawaiian Advancement (CNHA) continued and expanded upon the kuleana of the Pop-Up Mākeke. **With adequate funding, OHA can and should be the appropriate State agency to provide a virtual marketplace that supports local artisans and businesses to adapt to e-commerce for the purpose of improving Native Hawaiian communities and culture.**

II. OHA Is the Most Appropriate State Agency to Establish a Physical Economic Development Space for the Purpose of Improving Native Hawaiian Communities and Culture

For well-over a decade, OHA has focused its attention on uplifting and elevating Native Hawaiians from economic disparities. OHA's 2010-2018 strategic plan focused, in part, on Native Hawaiian economic self-sufficiency.⁶ OHA's 2020-2035 strategic plan focuses, in part, on Native Hawaiian economic stability with two primary strategies:

- 1) To advance policies, programs and practices that strengthen 'ohana's ability to pursue multiple pathways toward economic stability; and
- 2) To cultivate economic development in and for Native Hawaiian communities.⁷

For the past 22 years, OHA has provided over \$143 million in grants to improve Native Hawaiian communities and culture with OHA's pro rata portion of the Public Land Trust revenues currently being dedicated to directly funding OHA grants and sponsorships.⁸ With additional funding, OHA can continue to expand these programs and services to improve Native Hawaiian communities and culture.

Furthermore, OHA owns and operates the Nā Lama Kukui Lifestyle & Design Center, a 44,000 square-foot space located in Iwilei that provides office, retail, warehouse, and storage space for a number of commercial entities.⁹ OHA is also headquartered at this location. Nā Lama Kukui, in combination with OHA's Hakuone in Kaka'ako, which includes two parcels located adjacent to the Kaka'ako Innovation Block, where the Entrepreneurs

⁵ Third Annual Pop-Up Mākeke (Marketplace) Flyer, available at: <https://www.oha.org/news/calling-all-shoppers-for-oha%CA%BBs-third-annual-pop-up-holiday-makeke/>.

⁶ OHA 2010-2018 Strategic Plan, available at: <https://www.oha.org/strategicplan/2018>.

⁷ OHA 2020-2035 Strategic Plan, available at: <https://www.oha.org/strategicplan/>.

⁸ 2022 OHA Annual Report, available at: <https://www.oha.org/2022-annual-report/>.

⁹ Nā Lama Kukui, available at: <https://www.oha.org/aina/commercial-property/nlk>.



SB1609 SD2
RELATING TO NATIVE HAWAIIAN AFFAIRS
House Committee on Judiciary & Hawaiian Affairs

Sandbox is located, provide options for “a physical co-working space and an innovation, entrepreneur, and resource center that provides workshops, counseling, loan assistance, and broadband access.” **Again, with adequate funding, OHA can and should be the appropriate State agency to provide this physical economic development space for the purpose of improving Native Hawaiian communities and culture.**

III. OHA Is the Most Appropriate State Agency to Effectuate Repatriation and Reinternment of Native Hawaiians Nationally and Internationally

OHA has served in a critical role as the primary governing body to advocate for the repatriation and reinternment of iwi kūpuna (Native Hawaiian resting ancestors), moepū (the funerary possession of resting ancestors), and mea kapu (sacred objects). OHA has even dedicated grant funding for the repatriation and reinternment of these immensely important Native Hawaiian cultural resources, which includes \$167,298, a portion of which will go toward providing education in communities throughout the State to empower Native Hawaiians to protect and care for iwi, while also providing training on the proper treatment of iwi.¹⁰

Since the establishment of the Native American Graves Protection and Repatriation Act of 1990, OHA has been involved with over 125 domestic and international repatriations. OHA has built reputable relationships with the U.S. Department of State and the U.S. Department of the Interior to strengthen its efforts with domestic repatriation, while also building upon its relationships with respective U.S. Embassies and Consulates that are integral to international repatriations.

OHA is dedicated to the kuleana of effectively preserving and protecting these precious cultural resources, which is reflected in OHA’s strategic plan, wherein it expresses that OHA will advance policies, programs, and practices that strengthen Native Hawaiian well-being, including physical, spiritual, mental, and emotional health;¹¹ to ensure that communities are empowered to take care of iwi kūpuna.¹² For those iwi kūpuna outside of the State of Hawaii, who were taken without their consent by foreigners, OHA through its

¹⁰ OHA, *Hawaiian delegation to bring home 58 iwi kūpuna from Germany and Austria*, available at: <https://www.oha.org/news/hawaiian-delegation-to-bring-home-58-iwi-kupuna-from-germany-austria/>.

¹¹ OHA 2020-2035 Strategic Plan, Health Outcomes, Strategy 3, available at: <https://www.oha.org/strategicplan/>.

¹² OHA 2020-2035 Strategic Plan, Health Outcomes, Strategy 3.4, available at: <https://www.oha.org/strategicplan/>.



SB1609 SD2
RELATING TO NATIVE HAWAIIAN AFFAIRS
House Committee on Judiciary & Hawaiian Affairs

network of beneficiary practitioners has the federal standing and experience to effectuate national and international efforts. **With adequate funding, OHA can continue its work in this critical area and should be the appropriate State agency to continue to effectuate the repatriation and reinternment of Native Hawaiians nationally and internationally.**

Finally, in addition to OHA's statutory purpose to serve as the principal public agency in the State responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians,¹³ Hawai'i Revised Statutes §10-3(5) tasks OHA with the purpose of applying for, receiving, and disbursing, grants and donations from all sources for Native Hawaiian programs and services."¹⁴

OHA takes care to note that tasking other State agencies with developing programs and services for Native Hawaiians that are within OHA's purview and mandate would be an erosion of OHA's constitutional obligations and statutory purpose. **For these reasons, OHA asks the Legislature to further support OHA's mission and kuleana, for the betterment of conditions of Native Hawaiians, by naming OHA, instead of DBEDT and DLNR, as the appropriate agency to fulfill the purposes listed in Sections 2 (1)(a), (1)(b), and (2) of this measure.**

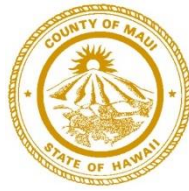
OHA appreciates the opportunity to provide comments on this measure and is grateful for the continued support of the Legislature. OHA asks that the Legislature to **accept our comments and recommendations to align HB1508 HD1 with the State's statutory provisions.** Mahalo nui loa.

¹³ HRS §10-3.

¹⁴ Haw. Rev. Stat. §10-3(5)

RICHARD T. BISSEN, JR.
Mayor

KEKUHAUPIO R. AKANA
Acting Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

March 13, 2023

TO: Honorable Rep. David A. Tarnas, Chair
Honorable Rep. Gregg Takayama, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Richard T. Bissen, Jr., Mayor

DATE: March 13, 2023

SUBJECT: **SUPPORT OF SB 1609, SD2, RELATING TO NATIVE HAWAIIAN AFFAIRS**

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The purpose of this measure is to appropriate funds for certain departments and agencies to provide grants to tax-exempt nonprofit organizations that have experience and expertise in supporting and advancing Native Hawaiian communities.

I **SUPPORT** this measure for the following reasons:

1. This measure would provide support to Native Hawaiian communities and culture through various assistance programs, including but not limited to programs that offer Native Hawaiian historic preservation, business training, entrepreneurship, and mentoring.
2. This measure perpetuates the Hawaiian culture, and provides employment opportunities with local businesses.

For the foregoing reasons, I **SUPPORT** this measure.



SB1609 SD2
RELATING TO NATIVE HAWAIIAN AFFAIRS
House Committee on Judiciary and Hawaiian Affairs

March 14, 2023

2:00 PM

Room 325 & Videoconference

The Council for Native Hawaiian Advancement (CNHA) **STRONGLY SUPPORTS** SB1609 SD2, which proposes much-needed additional state funding to support the Native Hawaiian community.

CNHA greatly appreciates the Legislature’s willingness to consider new buckets of state funding that would supplement existing state funding opportunities for Native Hawaiian organizations with demonstrated track records of success. The council’s goal is to empower Native Hawaiian and local communities through the investment in our state’s economy and unique heritage, with an eye towards setting critical foundations that can sustain and build upon hard-fought progress. The new funding source proposed in SB1609 would go a long way to advancing our community empowerment goal.

CNHA notes that we prefer using the procurement approach proposed by the Attorney General’s Office in its written testimony instead of the grants method currently found in SB1609 SD2. HB1508 HD1 – SB1609’s House companion – was amended to replace the initial grants method with the preferred procurement method.

In closing, CNHA urges the Committee to pass SB1609 SD2. Mahalo nui loa for the opportunity to provide testimony on this measure.

Respectfully,

J. Kūhiō Lewis, CEO
Council for Native Hawaiian Advancement

About the Council for Native Hawaiian Advancement

The Council for Native Hawaiian Advancement (CNHA) is a member-based 501(c)3 non-profit organization with a mission to enhance the cultural, economic, political, and community development of Native Hawaiians. Headquartered in Kapolei, CNHA is a Native Community Development Financial Institution (CDFI) certified by the U.S. Treasury department and a HUD-Certified Housing Counseling agency. CNHA provides access to capital, financial education and individualized financial counseling services with a focus on low and moderate-income families. CNHA serves as a National Intermediary, providing grants and loans targeting underserved communities in Hawai’i. For more information, visit www.hawaiiancouncil.org.

February 27, 2023

Committee on Judiciary and Hawaiian Affairs
Representative David A. Tarnus, Chair
Representative Gregg Takayama, Vice Chair



Working together for Kapolei

Tuesday, March 14, 2023
2:00 p.m. Conference Room 325 and via Videoconference

RE: SB 1609 SD1 Relating to Hawaiian Affairs

Dear Chair Tarnus, Vice Chair Takayama and members of the Committee,

My name is Kiran Polk, and I am the Executive Director of the Kapolei Chamber of Commerce. The Kapolei Chamber of Commerce is an advocate for businesses in the Kapolei region which includes Waipahu, `Ewa Beach, Kapolei, Nānākuli, Waianae and Mākaha. The Chamber works on behalf of its members and the entire business community to improve the regional and State economic climate and help Kapolei businesses thrive. We are a member-driven, member-supported organization representing the interests of all types of business: small, medium or large, for profit or non-profit businesses or sole proprietorship.

The Kapolei Chamber of Commerce, **strongly supports SB 1609** which requires certain departments and agencies to provide grants to tax-exempt non-profit organizations that have experience and expertise in supporting and advancing Native Hawaiian communities. Specifically, **we extend our support for Section 2 (1)(B) which appropriates the sum of \$1,000,000 for an entrepreneur center that is a physical co—working space and an entrepreneur and resource center that provides workshops, counseling, loan assistance, and broadband access.** A priority of the Kapolei Chamber and the Business Revitalization Task Force of West O’ahu is to establish a West O’ahu Innovation and Entrepreneur Center.

The West O’ahu Innovation and Entrepreneur Center is a partnership between the Council for Native Hawaiian Advancement (CNHA) and the Kapolei Chamber of Commerce (KCC) to create a co-working space and Innovation Center.

The Wai’anae Coast in West O’ahu, has the largest resident population of Native Hawaiians in the world and a higher rate of poverty than the rest of Honolulu County. Nevertheless, there is incredible growth in West O’ahu. According to the 2020 Census, the West O’ahu Council District grew 20.7 % since the last census (2010). The region expects 80,000 new housing units by 2025. This includes homes, businesses, and infrastructure. Yet, most residents still commute an average of two hours each day into town for work. During the pandemic, despite economic turmoil, the region continued to experience economic growth and housing development. **CNHA’s online marketplace *Pop-Up Mākeke*, serves over 400 businesses with millions of dollars in revenue since its inception. Hundreds of the businesses in the Mākeke are from the west side. Even though we are a burgeoning community – we lack the most critical infrastructure, connectivity, and business resources.**

1001 Kamokila Boulevard, Campbell Building Suite 250, Kapolei, Hawaii 96707

The Innovation Center itself is an innovation because **currently, there are no co-working spaces anywhere in West O`ahu**. Our vision is that the Center will be a place where small and micro business entrepreneurs will access free or discounted co-working space, where ideas, networking and innovation can flourish. Business professionals can nurture industry using Center resources including Wi-Fi, “BIZ Workshops” (business training), counseling services, mentoring, inspirational “BIZ Talks” (an innovation), computers, office machines and networking opportunities. **It will be a collaborative space, a meeting space, and even an event space, something that is also a rare commodity in West O`ahu. It is a unique approach to deliver long-term economic recovery, growth, and resilience to the Native Hawaiian community.**

The West O`ahu Innovation and Entrepreneur Center **will be a public and private partnership**. Monetary contributions are also being sought from private foundations and donors in addition to public funding and grants. The intention is to lease space in a location in the Kapolei area that is already built and has basic infrastructure already in place. The improvements would likely include electrical installations, internet cables, cabinetry and/or the installation of a kitchenette or bathroom. In-kind donations could include furniture, computer equipment, printers, Wi-Fi service, website maintenance and social media management.

The Innovation Center will utilize all funds received to stabilize operations during the first two years. If funds are available, the Center would like to subsidize memberships or offer discounted memberships to underserved community members.

After the initial two-year period, a professional management company (like the Hub Networking, BoxJelly or Regus) would be hired to manage the day-to-day operations of the Center. The partnership between CNHA, the KCC and the management company would be responsible for ensuring that the Center becomes self-sustaining and profitable.

By leveraging the expertise of our established business community to encourage networking and sharing and providing the physical space and tools to get started, we are creating an environment that supports and inspires our citizens in our Native Hawaiian and West O`ahu community to achieve success. **Overall, the West O`ahu Innovation and Entrepreneur Center will aid businesses to innovate, stabilize and expand as we navigate through the pandemic and beyond.**

Thank you for this opportunity to provide testimony.

Respectfully,



Kiran Polk
Executive Director
Kapolei Chamber of Commerce

SB-1609-SD-2

Submitted on: 3/11/2023 1:54:10 PM

Testimony for JHA on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kenneth R. Conklin, Ph.D.	Center for Hawaiian Sovereignty Studies	Oppose	Written Testimony Only

Comments:

According to OHA's latest annual report, on June 30, 2022 OHA had assets of \$823 Million. Another bill already approved by a committee last year called for \$638 Million in arrears plus \$79 Million per year in future for OHA from ceded land revenues, exclusively for "betterment of Native Hawaiians" who comprise 20% of Hawaii's people; with no set-aside of 4 times those amounts exclusively for the other 80% of Hawaii's people who lack a drop of Hawaiian blood.

What the heck do you folks think OHA should be doing with all that money? Throughout the year OHA blows its conch shell and waves its kahilis to draw attention to its occasional announcements when they give a grant of a few million dollars to help one or another non-profit group that has "experience and expertise in supporting and advancing Native Hawaiian communities." But the total amount OHA spends to give grants to any groups, including the Hawaiian-focus charter schools and immersion schools, is a pitifully small portion of the tens of millions of dollars OHA collects each year from ceded land revenues and legislative appropriations. That's how OHA has accumulated its enormous and ever-increasing cash stash.

Gimme, gimme, gimme! Let OHA, not the taxpayers, "provide grants to tax-exempt nonprofit organizations that have experience and expertise in supporting and advancing Native Hawaiian communities."

Furthermore, the Center for Hawaiian Sovereignty Studies takes note that the amended SD1 and SD2 versions of this bill fail to include the Attorney General's recommended language in "POSSIBLE STANDARDS FOR THE GRANTS IN THIS BILL" item (3):

- (3) The applicant shall comply with all applicable federal and state laws prohibiting discrimination against any person on the basis of race, color, national origin, religion, creed, sex, age, sexual orientation, disability, or any other characteristic protected under applicable federal or state law.

The obvious element that is not complied with is "federal and state laws prohibiting discrimination against any person on the basis of race"

Although the intent of this bill is focused specifically on "provide grants to tax-exempt nonprofit organizations that have experience and expertise in supporting and advancing Native Hawaiian communities", which might in itself violate non-discrimination laws by its exclusion of all other racial groups/communities; it should be noted that all contractors and service providers must be treated equally under the law regardless of race when it comes to **PROCUREMENT OF GOODS AND SERVICES** even if those goods and services are intended specifically for the benefit of one particular race.

Does the legislature of Hawaii wish to align itself with the Jim Crow laws of a century ago in those Southern states which had joined the Confederacy?

SB-1609-SD-2

Submitted on: 3/11/2023 8:18:54 AM

Testimony for JHA on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

Continue to testify in support of this important measure that recognizes the importance of providing grants to tax-exempt nonprofit organizations that have experience and expertise in supporting and advancing Native Hawaiian communities.

TO THE HOUSE OF REPRESENTATIVES
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2023

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair

DATE: Tuesday, March 14, 2023
TIME: 2:00 PM
PLACE: VIA VIDEOCONFERENCE
Conference Room 325
State Capitol
415 South Beretania Street

Bill No. **SB 1609**

Relating to: TO NATIVE HAWAIIAN AFFAIRS.

Position: Strong Support

The current language of this bill will facilitate incubator courses for micro- and small-retail businesses to adapt to the ever-changing world of e-commerce. This bill enables an assessment of the establishment of a Native Hawaiian Historic Preservation Office that increases native Hawaiian inclusion to include national and international repatriation and reburial efforts and possible management of the burial sites program. Furthermore, **SB1609** would also appropriate funds for certain departments and agencies to provide grants to qualified tax-exempt nonprofit organizations whose primary goal is to uplift Native Hawaiians.

For all these reasons I am in Strong Support of SB1609 Thank you for this opportunity to provide testimony.

Mahalo,

Ken Farm

SB-1609-SD-2

Submitted on: 3/13/2023 12:56:26 PM

Testimony for JHA on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Support