



SB733
RELATING TO HAWAIIAN CULTURE
Senate Committee on Ways and Means

March 3, 2023

10:00 AM

Room 211

The Office of Hawaiian Affairs (OHA) offers its **COMMENTS** on SB733, which would require OHA to establish and maintain Hawaiian cultural centers for the preservation and practice of Native Hawaiian culture, which continues to play a pivotal role in the socio-political-economic-environmental landscape of Hawai‘i. **OHA offers the following amendments to enhance this measure with the hope of being able to further develop Hawai‘i-based Native Hawaiian culturally-centered infrastructure.**

I. OHA Recommends Changing The Designation From Hawaiian Cultural Centers To Native Hawaiian Cultural Centers

OHA supports and acknowledges that the use of the term, “Hawaiian” is synonymous with “Native Hawaiian,” and used as both an ethnonym and endonym, serving as a colloquial identifier by Native Hawaiians, many of whom hold pride in its original use and establishment by the Hawaiian Kingdom government. In light of this, there exist a common misuse of the term, ‘Hawaiian,’ as a demonym, in reference to anyone who resides in the State of Hawai‘i – OHA does not accept this misuse of the term. OHA offers this recommendation, not to undermine or diminish the appropriate use of the term, ‘Hawaiian,’ but to align this measure’s use of the term with the terminology employed through OHA’s constitutional mandate and statutory obligations to ‘Native Hawaiians.’

II. OHA Recommends Expanding The Function of Native Hawaiian Cultural Centers To Focus On Elevating and Uplifting The Native Hawaiian People

OHA truly recognizes the benefits of having communal centers that serve to function as pu‘uhonua (place of peace and safety) for cultural practitioners, hālau (meeting place), for community organizers, and ka wahi o ka na‘auao (place of enlightenment) to bring together ka wā ma mua me ka wā ma hope (the time before with the time after). OHA emphasizes that these functions have traditionally occurred throughout these Islands, mai ka ‘āina (from the land), ma ke kai (to the sea) a me ka lewa i luna (and atmospheric spaces above). However, competing interest in land use and usage have forcefully severed many countless Native Hawaiians from their ancestral homelands – and Native Hawaiians continue to



SB733
RELATING TO HAWAIIAN CULTURE
Senate Committee on Ways and Means

struggle with exercising their constitutionally protected rights¹ in an ever-changing world where external factors beyond their control are constantly interfering with Native Hawaiian self-determination. While a great many Native Hawaiians still return to wahi pana (storied places) and wahi kapu (sacred places) for cultural purposes, accessibility to culturally significant space; accessibility to connections with our ancestors, their teachings, and our history; and accessibility to each other, continue to be significant issues that could adequately be addressed through a contemporary system of Native Hawaiian cultural centers. OHA has an overwhelming desire to get this right.

Accordingly, OHA strongly believes that this measure can serve as the initial spark, which could ignite a conflagration of sweeping beneficial change for the Native Hawaiian people. In order to meet the potential of Native Hawaiian cultural centers, OHA recommends expanding the proposed uses beyond cultural and historical components to also include an economic development component where Native Hawaiian and other community members could benefit from financial literacy, entrepreneurship, and workforce development training; business accelerator and incubator services; shared and communal work space; and even a place for kupuna to take courses in tech as a means to reconnect with their loved ones. The impetus for this recommendation is borne from the desire to directly address factors at the core of Native Hawaiian vulnerability to the incredibly high cost of living in the State.

The majority of Native Hawaiian families, in Hawai‘i, are unable to make ends meet,² with 63% of Native Hawaiians reporting that they are finding it difficult to get by.³ Native Hawaiians have the lowest household income.⁴ Native Hawaiians have the highest poverty rates for individuals and families.⁵ Native Hawaiians make less money,⁶ with lower average earnings for both men and women.⁷ Native Hawaiians have the highest rate of using public assistance and

¹ Haw. Stat. Con. Art. XII Sec. 7 (1978).

² Aloha United Way / United for ALICE, *ALICE in Hawai‘i: 2022 Facts and Figures*, Nov. 2022, p.6.

³ *Id.* at 9.

⁴ Dept. of Business, Economic Development and Tourism, *Demographic, Social, Economic, and Housing Characteristics for Selected Race Groups in Hawaii*, Mar. 2018, p.3.

⁵ *Id.* at 13.

⁶ OHA Report, *Affordable Housing for Hawai‘i and Native Hawaiians: Exploring Ideas and Innovation*, Aug. 2020, p.10.

⁷ Dept. of Native Hawaiian Health, John A. Burns School of Medicine, *Assessment and Priorities for the Health and Well-Being in Native Hawaiians and Pacific Islanders*, 2020, p.12.



SB733
RELATING TO HAWAIIAN CULTURE
Senate Committee on Ways and Means

homeless services.⁸ Native Hawaiians are overrepresented among the homeless in Hawai‘i.⁹ OHA is deeply concerned with Native Hawaiians being driven out of Hawai‘i by economic instability stemming from socio-political-economic upheaval, which has largely disconnected Native Hawaiians from their ‘āina for more than a century. Today, more Native Hawaiians live outside of the Hawaiian Islands, far beyond the boundaries of their own homeland.¹⁰

III. OHA Recommends Amending This Measure To Be A Pilot Program To Allow OHA the Necessary Time to Determine The Scope of Feasibility

OHA recommends amending this proposal to serve as a pilot program for the small-scale implementation of this concept to assess project feasibility; to site appropriate locations; to provide adequate consultation with potentially impacted communities; to develop the necessary network of Native Hawaiian-serving organizations and community-based organizations; and to identify future expansion needs including necessary legislation. OHA offers the following amendments to further enhance this measure in the hope of meeting the far-reaching potential for this concept to do great things for the betterment of conditions of Native Hawaiians:

SECTION 1. The Legislature finds that traditional Native Hawaiian cultures are firmly rooted within the foundation of this State, playing a significant role in every aspect of Hawai‘i from governance, to the economy, and even the unique identity of this world renown place.

Despite the widespread use and representation of traditional Native Hawaiian cultures in marketing and other economic development strategies - which include the Hawaiian

⁸ Id.

⁹ Partners In Care, *2022 Point In Time Count*, p.7.

¹⁰ “Estimates from the American Community Survey showed that in 2011, there were about 296,400 Native Hawaiians in Hawai‘i and about 221,600 on the continental U.S. Just a decade later, those numbers flipped. In 2021, there were about 309,800 Native Hawaiians in Hawai‘i and about 370,000 in other states,” Hawaii Public Radio, *More Native Hawaiians Flock to mainland cities and leave Hawai‘i*, Jan. 23, 2023, *citing high costs*, citing the US Census Bureau’s American Community Survey 2021.



SB733
RELATING TO HAWAIIAN CULTURE
Senate Committee on Ways and Means

language, Native Hawaiian concepts, and Native Hawaiian expressions that have been largely used for the benefit of the State and others - Native Hawaiians continue to face inequities and suffer disparities in almost every facet of life. Native Hawaiians are overrepresented among individuals and families with the worst socio-economic conditions in the State.

The legislature recognizes that traditional Native Hawaiian culture has greatly benefited the State, businesses, and residents, however, the Native Hawaiian people continue to face socio-political-economic hurdles that need to be overcome for them to thrive.

The legislature finds that Native Hawaiian cultural centers can serve as a mechanism to elevate and uplift Native Hawaiians within their communities, while providing them with a culturally appropriate space for them to engage others in the sharing of history, culture, and knowledge.

The purpose of this Act is to establish a Native Hawaiian Cultural Centers pilot program under the Office of Hawaiian Affairs to:

- (1) Conceptualize the Native Hawaiian cultural centers ecosystem that includes standard features and unique geographic/historic/cultural features, standard and geographically unique services/programs, and management structure and operations;



SB733
RELATING TO HAWAIIAN CULTURE
Senate Committee on Ways and Means

- (2) Determine a culturally appropriate standard structure and landscape design for Native Hawaiian cultural centers;
- (3) Identify community-based organizations, including Native Hawaiian-serving non-profit organizations with which to develop a robust service-oriented network and partnerships;
- (4) Identify all appropriate public lands for the placement and construction of native Hawaiian cultural centers;
- (5) Determine the scope of feasibility for establishing and operating a native Hawaiian cultural center;
- (6) Provide annual reports for the legislature regarding the office's compliance with this Act; and
- (7) Develop an encompassing plan for the implementation of Native Hawaiian cultural centers to be submitted to the legislature no later than twenty days prior to the convening of the regular session 2027.

SECTION 2. Native Hawaiian cultural centers pilot program.

(a) The office of Hawaiian affairs shall establish a three-year native Hawaiian cultural centers pilot program to determine the overall design, functionality, and cost of establishing and operating native Hawaiian cultural centers. The pilot program shall terminate on June 30, 2026.

(b) The native Hawaiian cultural centers pilot program shall:



SB733
RELATING TO HAWAIIAN CULTURE
Senate Committee on Ways and Means

- (1) Conceptualize the Native Hawaiian cultural centers ecosystem that include:
 - (A) Standard features and unique geographic, historic and historical, and cultural features;
 - (B) Standard and geographically unique services/programs that provide for the preservation and perpetuation of traditional and customary Native Hawaiian practices;
 - (C) Standard and geographically unique services/programs that are designed to address native Hawaiian inequalities and disparities as they are faced in the areas of health, education, economy, and housing; and
 - (C) Management structure and operations;
- (2) Determine a culturally appropriate standard structure and landscape design for Native Hawaiian cultural centers;
- (3) Identify community-based organizations, including Native Hawaiian-serving non-profit organizations with which to develop a robust service-oriented network and partnerships;
- (4) Identify all appropriate public lands for the placement and construction of native Hawaiian cultural centers;
- (c) Develop an encompassing plan for the implementation of Native Hawaiian cultural centers to be submitted to the legislature no later than twenty days prior to the convening of the regular session 2027;



SB733
RELATING TO HAWAIIAN CULTURE
Senate Committee on Ways and Means

(d) For the purposes of this Act:

“Native Hawaiian” means any individual who is a descendant of the aboriginal peoples who, prior to 1778, occupied and exercised sovereignty in the Hawaiian Islands;

“Native Hawaiian-serving non-profit organization” means an organization organized under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, that principally serve Native Hawaiians;

“Office” means office of Hawaiian affairs;

“Public lands” means all lands or interest therein in the State classed as government or crown lands previous to August 15, 1895, including submerged lands, and lands beneath tidal waters that are suitable for reclamation.

SECTION 4. No later than twenty days prior to the convening of the regular session of 2024, 2025, and 2026, the board of trustees of the office of Hawaiian affairs shall submit to the legislature reports that include:

- (1) The status of the office’s compliance with this Act;
- (2) The estimated costs of the planning, design, construction, and establishment of native Hawaiian cultural centers;
- (3) Any proposed legislation; and
- (4) Any other relevant information.

SECTION 5. The legislature will require all state agencies to provide full cooperation and access to information requested by the office pertaining to data on the conditions of



SB733
RELATING TO HAWAIIAN CULTURE
Senate Committee on Ways and Means

native Hawaiians and public lands under the agency's ownership or control, to the extent of the office to fulfill its purpose of determining the overall design, functionality, and cost of establishing and operating native Hawaiian cultural centers.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$60,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 for the establishment of a three-year native Hawaiian cultural centers pilot program.

The sums appropriated shall be expended by the office of Hawaiian affairs for the purpose of this Act.

SECTION 7. The general revenue appropriated by this Act shall be deemed income and proceeds from the public land trust as if the sum had been paid out of income and proceeds from the public land trust pursuant to article XII, section 6, of the Hawaii State Constitution.

SECTION 8. This Act shall take effect on July 1, 2023.

OHA appreciates this opportunity to COMMENT on SB733 and truly hopes that the Legislature will take into consideration our recommendations for the betterment of conditions of Native Hawaiians. Mahalo nui loa.

SB-733

Submitted on: 2/27/2023 8:06:04 PM

Testimony for WAM on 3/2/2023 10:00:00 AM

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

Comments:

Oppose. Hawaii has "cultural centers" focusing on displays and activities of particular ethnic groups: In Honolulu the Japanese Cultural Center and Filipino Cultural Center, for example. Their buildings were paid for primarily by fundraisers and community groups working together, and their ongoing operating expenses are covered in the same way. From time to time they get grants from the legislature, but those are small portions of their budgets. This bill proposes to establish "Hawaiian" cultural centers, referring to the ethnic group "Native Hawaiian". OHA is mandated to manage conceptualization, construction, and operation of these "Hawaiian Cultural Centers" using government money they have already been given; and now this bill proposes that the legislature must "Appropriate moneys for the planning and design of the first Hawaiian cultural center" and then presumably all the other ones to follow on every island, as will undoubtedly be called for in future legislation. That's grossly unfair to Hawaii's people. According to OHA's financial statement for the fiscal year ending June 30, 2022, OHA had \$823 Million in assets. In 2022 the legislature appropriated tens of millions more "in arrears" and also raised OHA's annual payment of ceded land revenues by tens of millions per year in the future. What does OHA plan to do with all that money? Make OHA pay for these new "cultural centers." Do NOT appropriate extra money for them. Too much already!

SB-733

Submitted on: 2/28/2023 11:30:33 AM

Testimony for WAM on 3/2/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mele Custodia-Nahinu	Individual	Support	Written Testimony Only

Comments:

Aloha Representatives,

It is significantly important that the Hawaiian culture be perpetuated by the native people of Hawai'i and I fully support SB733.

This will be a big step for Hawaiian representation and cultural understanding.

Mahalo nui,

Mele Custodia-Nahinu