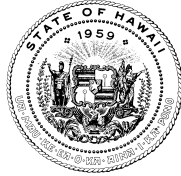


**JOSH GREEN, M.D.**  
GOVERNOR  
STATE OF HAWAII  
*Ke Kia 'āina o ka Moku'āina 'o  
Hawaii 'i*

**SYLVIA J. LUKE**  
LT. GOVERNOR  
STATE OF HAWAII  
*Ka Hope Kia 'āina o ka Moku'āina  
'o Hawaii 'i*



**IKAIKA ANDERSON**  
CHAIRMAN DESIGNATE, HHC  
*Ka Luna Ho'okele*

**KATIE L. DUCATT**  
DEPUTY DESIGNATE TO THE  
CHAIRMAN  
*Ka Hope Luna Ho'okele*

**STATE OF HAWAII**  
**DEPARTMENT OF HAWAIIAN HOME LANDS**  
*Ka 'Oihana 'Āina Ho'opulapula Hawaii 'i*

P. O. BOX 1879  
HONOLULU, HAWAII 96805

**TESTIMONY OF IKAIKA ANDERSON, CHAIRMAN DESIGNATE  
HAWAIIAN HOMES COMMISSION  
BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS  
HEARING ON JANUARY 31, 2023 AT 1:01PM IN CONFERENCE ROOM 224**

**IN SUPPORT OF**

**SB 437, RELATING TO INTERIM ADMINISTRATIVE RULES OF THE DEPARTMENT  
OF HAWAIIAN HOME LANDS**

January 31, 2023

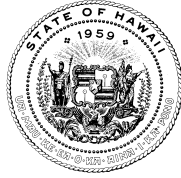
Aloha Chair Shimabukuro, Vice Chair Fevella and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) strongly supports this measure allowing DHHL to issue interim administrative rules after beneficiary consultation and upon approval by the Hawaiian Homes Commission that shall be exempt from the public notice, public hearing, and gubernatorial approval requirements of chapter 91, Hawaii Revised Statutes (HRS) and stipulating that the interim rules shall be effective for not more than eighteen months. The intent of this bill is to have interim rules, formed with the input of its beneficiaries and approved by the Hawaiian Homes Commission, which can be effective and enforced pending DHHL's effort to formalize the rules through the usual Ch. 91 rule-making process. This bill was approved by the Hawaiian Homes Commission and included in the Governor's administrative package by request of our Department.

DHHL is currently authorized to adopt rules in accordance with chapter 91, HRS, which can be a lengthy process given that the Department conducts beneficiary consultation prior to initiating the Ch. 91 rule making process. This new section, which is modeled after 103D-202, HRS, will enable the Department to move quickly in issuing interim rules after beneficiary consultation and upon approval by the Hawaiian Homes Commission on important programs and services. The eighteen-month limitation on the life of the interim rules will ensure that the Department has adequate time to adopt permanent rules through formal rulemaking procedures.

**JOSH GREEN, M.D.**  
GOVERNOR  
STATE OF HAWAII  
*Ke Kia 'āina o ka Moku 'āina 'o  
Hawaii 'i*

**SYLVIA J. LUKE**  
LT. GOVERNOR  
STATE OF HAWAII  
*Ka Hope Kia 'āina o ka Moku 'āina  
'o Hawaii 'i*



**IKAIKA ANDERSON**  
CHAIRMAN DESIGNATE, HHC  
*Ka Luna Ho 'okele*

**KATIE L. DUCATT**  
DEPUTY DESIGNATE TO THE  
CHAIRMAN  
*Ka Hope Luna Ho 'okele*

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

*Ka 'Oihana 'Āina Ho 'opulapula Hawaii 'i*

P. O. BOX 1879  
HONOLULU, HAWAII 96805

TESTIMONY OF IKAIKA ANDERSON, CHAIRMAN-DESIGNATE  
HAWAIIAN HOMES COMMISSION  
BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS  
HEARING ON JANUARY 31, 2023 AT 1:01PM IN CONFERENCE ROOM 224

IN SUPPORT OF

**SB 490, RELATING TO COMPLIANCE ON HAWAIIAN HOME LANDS**

January 31, 2023

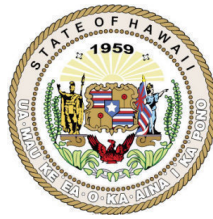
Aloha Chair Shimabukuro, Vice Chair Fevella, and members of the Committees:

The Department of Hawaiian Home Lands (DHHL) supports this measure establishing a compliance and enforcement program within DHHL to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with all state laws and rules and county ordinances on Hawaiian Home Lands. This bill was approved by the Hawaiian Homes Commission.

DHHL considers the health and safety of homestead communities to be a top priority. Illegal activity occurring on Hawaiian Home Lands threatens the health and safety of the community. However, responses to these issues by law enforcement are inconsistent across the different counties. We need better coordination between state and county law enforcement, and sufficient enforcement personnel dedicated to Hawaiian Home Lands.

Thank you for consideration of our testimony.

JOSH GREEN  
GOVERNOR



JORDAN LOWE  
DIRECTOR

MICHAEL S. VINCENT  
Deputy Director  
Administration

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII  
**DEPARTMENT OF LAW ENFORCEMENT**  
*Ka 'Oihana Ho'opalekana Lehulehu*

1177 Alakea Street  
Honolulu, Hawaii 96813  
(808) 587-2562

**Vacant**  
Deputy Director  
Law Enforcement

No.

TESTIMONY ON SENATE BILL 490  
RELATING TO COMPLIANCE ON HAWAIIAN HOMELANDS  
Before the Senate Committee on Hawaiian Affairs  
Tuesday, January 31, 2023; 1:01 p.m.  
State Capitol Conference Room 224, Via Videoconference  
Testifiers: Jordan Lowe or Michael Vincent.

Chair Shimabukuro, Vice Chair Favella, and members of the Committee:

The Department of Law Enforcement (DLE) strongly opposes Senate Bill 490.

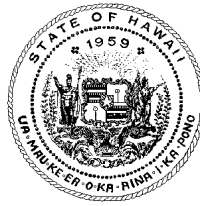
This bill establishes a compliance and enforcement program within the Department of Hawaiian Homelands (DHHL) to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with all state laws and rules and county ordinances on Hawaiian Homelands.

The enforcement program is much more than an effort to enforce compliance with DHHL program and lease related requirements, policies, or rules. It also goes beyond traditional code enforcement efforts found in various jurisdictions around the country where the focus is on ensuring that structures, buildings, improvements, and use of land follow housing, zoning, and land use laws to protect the health and safety of the public. This bill establishes DHHL as a law enforcement agency to enforce state law including laws relating to firearms, with a chief and enforcement officers with police powers including the power of arrest. However, DHHL is not a law enforcement agency with the required internal infrastructure, equipment, personnel, training, expertise, or experience necessary to successfully stand up a new law enforcement agency.

Additionally, this bill is contrary to the intent of the Legislature to consolidate State law enforcement functions. In 2022, the Legislature passed HB2171, HD2, SD1, CD1, which became Act 278, which established the Department of Law Enforcement for the specific purpose of consolidating and administering criminal law enforcement and investigations functions of certain State agencies.

Thank you for the opportunity to testify in strong opposition to this bill.

JOSH B. GREEN, M.D.  
GOVERNOR



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
**KA 'OIHANA HO'OPALEKANA LEHULEHU**  
1177 Alakea Street  
Honolulu, Hawaii 96813

**TOMMY JOHNSON**  
DIRECTOR

**Melanie Martin**  
Deputy Director  
Administration

**Michael J. Hoffman**  
Acting Deputy Director  
Corrections

**William Oku**  
Acting Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 490  
RELATING TO COMPLIANCE ON HAWAIIAN HOMELANDS

By  
Tommy Johnson, Director

Senate Committee on Hawaiian Affairs  
Senator Maile S.L. Shimabukuro, Chair  
Senator Kurt Fevella, Vice Chair

Tuesday, January 31, 2023; 1:01 p.m.  
CR 224 and Via Videoconference

Chair Shimabukuro, Vice Chair Favella, and members of the Committee:

The Department of Public Safety (PSD) opposes Senate Bill 490 which seeks to establish a compliance and enforcement program within the Department of Hawaiian Homelands (DHHL) to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with all state laws and rules and county ordinances on Hawaiian Homelands.

The enforcement program is much more than an effort to enforce compliance with DHHL program and lease related requirements, policies, or rules. It also goes beyond traditional code enforcement efforts found in various jurisdictions around the country where the focus is on ensuring that structures, buildings, improvements, and use of land follow housing, zoning, and land use laws to protect the health and safety of the public. This bill establishes DHHL as a law enforcement agency to enforce state law including laws relating to firearms, with a Chief Administrator and enforcement officers with police powers including the power of arrest. However, it should be noted, the DHHL is not a law enforcement agency with the required internal infrastructure, equipment, personnel, training, expertise, nor the experience necessary to successfully

Testimony on SB 490  
Senate Committee on Hawaiian Affairs  
January 31, 2023  
Page 2

stand up, operate and manage a new law enforcement agency/entity.

Additionally, this bill is contrary to the intent of the Legislature to consolidate State law enforcement functions. In 2022, the Legislature passed HB2171, HD2, SD1, CD1, which became Act 278, which established the Department of Law Enforcement for the specific purpose of consolidating and administering criminal law enforcement and investigations functions of certain State agencies.

Thank you for the opportunity to provide testimony in opposition to SB 490.

**LATE**

January 31, 2023

Senate Committee on Hawaiian Affairs  
Senator Maile S.L. Shimabukuro, Chair  
Senator Kurt Favella, Vice Chair

**Testimony in Support of SB-490**

Aloha Chair Shimabukuro, Vice Chair Favella, and members of the Committee,

I'm Homelani Schaedel, a beneficiary residing in Malu'ohai, a homestead leader in Kapolei, and an advocate for the Hawaiian Home Lands Trust.

The Department of Hawaiian Home Lands (DHHL) use to have an Enforcement Division who assisted Homestead Association leaders and/or beneficiaries. Unfortunately, that stopped over four (4) years ago. In working with former Chair Aila, he indicated DHHL was restructuring, and renaming the "Enforcement Division" as staff did not have the authority to enforce rules. I believe that process resulted in:

**COMPLIANCE & COMMUNITY RELATIONS SECTION**

Coordinates enforcement and compliance with departmental rules, regulations, lease violations, and other illegal activities on Hawaiian home lands. Receives and investigates complaints from beneficiaries and the public regarding activities on Hawaiian home lands. Develop and implement a community relations program in the beneficiary community. Provide advice and assistance to the Hawaiian Homes Commission and departmental staff on laws, policies, rules and regulations relating to the implementation of the Hawaiian home lands programs. Coordinates the contested case Hearings process.

When beneficiaries come to me asking for help in dealing with their irresponsible and disrespectful neighbors, all I've been able to say...is call HPD. Unfortunately, when they called HPD because a neighbor threaten to shoot a lessee and her family with a witness to corroborated the incident; the HPD officer says he can't do anything because the accuser said he didn't say anything. In other incidents officers tell our residents they can't do anything on DHHL lands.

I strongly support this bill and hope it will be augmented with the State Department of Law Enforcement – Act 278 signed by Governor Ige on July 08, 2022. It will establish a unit of authority to assist and protect beneficiaries, and assist the Hawaiian Homes Commission and DHHL staff.

May I please recommend for your consideration changes noted in red and underlined:

Line 7: ensure compliance with state laws and rules, county ordinances, and ...

Line 9: thereunder, as well as all other state laws and rules and county ordinances...on

Mahalo for including funding in this bill and the opportunity to present my testimony.



# HUI KAKO'O 'ĀINA HO'OPULAPULA

*"Let the people flourish on the land."*

Testimony Presented Before the  
Senate Committee on Hawaiian Affairs  
Tuesday, January 31, 2023 at 1:01pm

By  
Elmer Ka'ai  
President and Chair  
Hui Kako'o 'Āina Ho'opulapula

SB 490 – Relating to Compliance on Hawaiian Home Lands.

Chair Shimabukuro, Vice Chair Fevella and Members of the Committee:

Thank you the opportunity to provide comments on this measure.

Hui Kako'o 'Āina Ho'opulapula (Hui Kako'o) acknowledges the importance of Senate Bill 490; unfortunately, this measure is unclear on whether this proposal will enhance the current enforcement program or create a new one. With respect to the immediate needs of the waitlist beneficiaries, Hui Kako'o hopes that this proposal can be accomplished without impacting the resources and priorities of providing more homestead leases for waitlist beneficiaries.

For the purposes of continued discussions on this important proposal, Kako'o offers this suggestion – request the department to provide a report to this committee on the current enforcement program. The report should include the program's purpose, roles and responsibility, accomplishment and challenges, and if expansion is needed, a cost analysis.

Thank you for the opportunity to comment on SB 490.

*Hui Kako'o 'Āina Ho'opulapula is a volunteer community non-profit organization focusing on advocating for waitlist beneficiaries of the Hawaiian home land trust. Our organization was established in December 1994; however, our roots started with a small group of DHHL waitlist beneficiaries meeting in 1992 to provide a voice from their perspectives.*





# HUI KAKO'O 'ĀINA HO'OPULAPULA

*"Let the people flourish on the land."*

Testimony Presented Before the  
Senate Committee on Hawaiian Affairs  
Tuesday, January 31, 2023 at 1:01pm

By  
Elmer Ka'ai  
President and Chair  
Hui Kako'o 'Āina Ho'opulapula

SB 437 – Relating to Interim Administrative Rules of the Department of Hawaiian Home Land.

Chair Shimabukuro, Vice Chair Fevella and Members of the Committee:

Thank you the opportunity to provide comments on this measure.

First and foremost, Hui Kako'o 'Āina Ho'opulapula (Hui Kako'o) believes that the Department of Hawaiian Home Lands must conduct beneficiary consultations. This process provides the beneficiaries with a seat at the table with regards to the decision-making on matters directly impacting the Trust.

Hui Kako'o understands the intent of Senate Bill 437 which will put in place interim rules on a limited bases to address the immediate needs of Trust. At this point, Hui Kako'o does not have a position; however, we encourage the passage of this measure for the purpose of further discussion.

Thank you for the opportunity to comment on SB 437.

*Hui Kako'o 'Āina Ho'opulapula is a volunteer community non-profit organization focusing on advocating for waitlist beneficiaries of the Hawaiian home land trust. Our organization was established in December 1994; however, our roots started with a small group of DHHL waitlist beneficiaries meeting in 1992 to provide a voice from their perspectives.*

**SB-490**

Submitted on: 1/26/2023 10:37:02 PM

Testimony for HWN on 1/31/2023 1:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB490.

**SB-490**

Submitted on: 1/30/2023 12:26:05 PM

Testimony for HWN on 1/31/2023 1:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marlene Kamuela Purdy	Individual	Oppose	Written Testimony Only

## Comments:

I, Marlene K. Purdy, oppose SB 490. The DHHL has many more pressing issues to complete before it takes on yet another task to achieve. Some of our homestead communities have already formed a Neighborhood Watch. The best thing that DHHL can do is to support those beneficiary groups that have taken interest in keeping their homestead community safe. DHHL should encourage more HHL Neighborhood Watch Programs on each island by granting financial support. Once the DHHL resolves placing 28k natives on Hawaiian Home Lands, then together we can realize the possibility of an independent governance. Mahalo!

**SB-490**

Submitted on: 1/30/2023 12:59:20 PM

Testimony for HWN on 1/31/2023 1:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marion K A Kapuniai	Individual	Oppose	Written Testimony Only

Comments:

**SB490 is to be deferred!!! The Hawaiian Homes Commission shall not be given police powers as prescribed in this bill, as is described in Section 3, as is recommended by the Department of Hawaiian Homes Lands staff.**

No Law shall be recommended for legislation by the Department of Hawaiian Home Lands, even with the approval of the Hawaiian Homes Commission, unless full Beneficiary Consultation is conducted and vetted, with mandatory formation of a Beneficiary Council which kuleana it will be to receive, review, and discuss identified issues before any action is to be taken.

Unlawful conduct is already the responsibility of the County Police Department and State Social Services. It is the citizens' kuleana to report, though hard as this is.

**DEFER THIS BILL - SB490**

**SB-490**

Submitted on: 1/26/2023 10:35:45 PM

Testimony for HWN on 1/31/2023 1:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB437

**SB-490**

Submitted on: 1/30/2023 11:52:06 AM

Testimony for HWN on 1/31/2023 1:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marlene Kamuela Purdy	Individual	Oppose	Written Testimony Only

## Comments:

I, Marlene K. Purdy, do not support SB437. In the past, it's been the practice of DHHL to make decisions without any beneficiary consultation. After years of advocating for consultation with beneficiaries, we finally succeeded to be in the know before, not after the fact. This bill will kill all our years of work to be included in all issues that directly affect us. We can't go backwards. Part of the reason for DHHL's problems (which has becomes our problems) have to do with the lack of beneficiary consultation. No more hidden deals or decisions to give our prime lands to non Hawaiians. First and foremost our Hawaiian Home Lands are for the rehabilitation of Hawaii's native people. Mahalo!

**SB-490**

Submitted on: 1/30/2023 12:32:14 PM

Testimony for HWN on 1/31/2023 1:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marion K A Kapuniai	Individual	Oppose	Written Testimony Only

Comments:

DHHL, even with the approval of the Hawaiian Homes Commission, shall not legislate any law which infringes on the beneficiaries rights, without complete beneficiary consultation and agreement. The full rule-making process being denied in the interest of highly paid staff time, and claimed to be of benefit to the beneficiary is totally egregious, to issue Interim Rules without the prescribed Public Notice, nor Public Hearing, nor Gubernatorial Approval is totally unacceptable, detriment, and unconscienable behavior of the very agency which kuleana is to implement the intent of the Hawaiian Homes Commission Act, 1921, as amended by providing land and services designed to support Self-sufficiency and Self-determination for the designated population, the qualified people of Hawaiian Ancestry. **DEFER THIS BILL!!!**

**LATE**



*Eric W. Gill, Financial Secretary-Treasurer*

*Gemma G. Weinstein, President*

*Cade Watanabe, Senior Vice-President*

January 30, 2023

Committee on Hawaiian Affairs  
Senator Maile S.L. Shimabukuro, Chair  
Senator Kurt Fevella, Vice Chair

**Testimony in opposition to SB 437**

Chair Shimabukuro, Vice Chair Fevella and Members of the Committee:

UNITE HERE Local 5 represents working people throughout Hawaii's hotel, food service and health care industries. UNITE HERE Local 5 is opposed to SB437. A similar bill was proposed in 2022 – SB2383 – which in its original form would have allowed the State Procurement Office to make 18-month interim rules without public notification or public hearings. We opposed that notion then, and we continue to oppose it in its current form, SB437, which would do the same thing for DHHL.

It is hard to imagine how cutting the public out of a rulemaking process would be good for the public. While SB437 would still have beneficiary consultation – as it should – reducing transparency to the public creates a process ripe for abuse. It undermines the public's system of checks and balances in an especially important venue. That venue is one in which corporations stand to be awarded potentially long-term, lucrative land leases, lease extensions, land swaps, land purchases, etc. There are certainly numerous instances of corporations trying to buy political or regulatory influence (and succeeding) in other venues statewide, nationwide and worldwide.

We fail to see how this bill is in the public's best interest. Please do not pass SB437.

Thank you for your consideration.





1481 South King St #448  
Honolulu, HI 96814  
151 North Carolina Ave SE  
Washington DC 20003  
[policy@hawaiianhomesteads.org](mailto:policy@hawaiianhomesteads.org)

**LATE**

Date: January 30, 2023

To: Senate Committee on Hawaiian Affairs

Fr: SCHHA Policy Committee, Chaired by KipuKai Kualii  
Staffed by Rolina Faagai, SCHHA Policy Analyst

Re: SB 490 – Authorize DHHL Law Enforcement with Policy Powers - Oppose

The Sovereign Council of Hawaiian Homestead Associations (SCHHA) is a 36-year-old hui of Homestead Associations located across the state, from Kauai to Hawaii Island. We are an HHCA beneficiary organization of experienced leaders, on the waitlist and residing in homestead communities. SCHHA is duly registered with the U.S. Department of Interior as a federally defined homestead association under 43CFR Part 47/48, representing the interests and provision of services to our homestead and waitlist communities with a service area of the entire Hawaiian Home Loan Trust of 203,000 acres statewide.

Typically, our SCHHA Council Chair would lead and communicate policy positions of the SCHHA to state and federal policy makers. However recently, our SCHHA Chair of the last 8 years, Ms. Robin Puanani Danner stepped down to accept a position as a Senior Policy Advisor in the Office of the Governor.

The above referenced bill would authorize DHHL to establish an Enforcement Division with full police powers.

DHHL has a well-known and deplorable history of fulfilling its core mandate of issuing homestead lands to native Hawaiian beneficiaries. Not only would it be inadvisable to further distract DHHL from its core mission, its current capacity is simply unable to operate a statewide law enforcement division.

The SCHHA is extremely concerned with the levels of crime in our homestead communities, like many other neighborhoods around the state. While we oppose SB490 at this time, we call on Governor Green to convene County Police Departments and homestead leaders to address the safety of our families. We further request that Governor Green support with more urgency, the expansion of Neighborhood Watch programs that have been key in Kapolei and West Oahu homestead areas, operated by homestead associations in partnership with local churches.

And finally, we recommend that DHHL present a report to the Legislature in the next session, on the annual cost of a statewide DHHL police division, and an analysis of how such a division would be governed, and most importantly how staffing enforcement officers would be executed.

Thank you. For additional information, please email [policy@hawaiianhomesteads.org](mailto:policy@hawaiianhomesteads.org)