

LINDA LINGLE
GOVERNOR
STATE OF HAWAII



MICAH A. KANE
CHAIRMAN
HAWAIIAN HOMES COMMISSION

BEN HENDERSON
DEPUTY TO THE CHAIRMAN

KAULANA H. PARK
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF MICAH A. KANE, CHAIRMAN
HAWAIIAN HOMES COMMISSION

BEFORE THE HOUSE COMMITTEES ON WATER, LAND OCEAN RESOURCES AND
HAWAIIAN AFFAIRS AND AGRICULTURE

ON S. B. 2907, SD1
RELATING TO THE PASTORAL AND AGRICULTURAL HOMESTEAD DIVISION OF
THE DEPARTMENT OF HAWAIIAN HOME LANDS

March 14, 2008

Chair Ito, Chair Tsuji and Members of the Joint Committees:

Thank you for the opportunity to testify. The Department of Hawaiian Home Lands (DHHL) supports the purpose and intent of S.B. 2907, SD1 to promote pastoral and agricultural homesteading by establishing a division for that purpose as long as its **funding does not impact** Department funds or the Administration's priorities as reflected in the Executive Supplemental Budget

In 2000, the DHHL Agricultural Task Force provided recommendations on how to promote successful native Hawaiian farming at various levels. One of these recommendations related to the creation of an Agricultural Resources Division within DHHL. Other recommendations related to (1) Land Use and Lease

Enforcement, (2) Farm Support Services, (3) Infrastructure, and
(4) Value-Added Products and Marketing Support.

Due to the affordable housing crisis in Hawaii and because
Hawaiians have the lowest rate of homeownership in the State of
Hawaii, DHHL's focus has been on accelerating homeownership
opportunities for native Hawaiians. However, we recognize there
is a need for DHHL to focus on the Agricultural and Pastoral
needs of our beneficiaries.

Thank you for the opportunity to testify on this measure.



SB 2907, SD1
RELATING TO THE PASTORAL AND AGRICULTURAL HOMESTEADING
DIVISION OF THE DEPARTMENT OF HAWAIIAN HOME LANDS
House Committee on Water, Land, Ocean Resources & Hawaiian
Affairs
Committee on Agriculture

March 14, 2008

9:15 am

Room 325

The Office of Hawaiian Affairs supports the purpose and intent of SB 2907, SD 1.

The Department of Hawaiian Home Lands focus on accelerating homeownership opportunities for native Hawaiians can be enhanced with the promotion of pastoral and agricultural homesteading within the department. The separate division's resources can determine how homeownership can also be provided on these lands without diminishing the pastoral and agricultural attributes of these lands.

OHA advocates a commitment to reestablishing the relationship between the art of building and the making of community, through citizen-based participatory planning and design. Therefore, the resources obtained to devote full time attention to the process of developing partners to do pastoral, agricultural, and residential homesteading need to include the related communities.

Mahalo nui loa for the opportunity to provide this testimony.

From: Alan Murakami [mailto:almurak67@gmail.com]
Sent: Thursday, March 13, 2008 4:17 PM
To: WLHtestimony
Subject: SB 2907 to be heard by WLH/AGR on Friday, 03-14-08 at 9:15 AM

House Committee on Water, Land and Hawaiian Affairs

Chair: Rep. Ken Ito
Vice-Chair: Rep. Jon Riki Karamatsu

House Committee on Agriculture

Chair: Rep. Clift Tsuji
Vice-chair: Rep. Tom Brower

DATE: Friday, March 14, 2008
TIME: 9:15 a.m.
PLACE: State Capitol Conference Room 325

Testimony of Alan T. Murakami
Re: SB 2907

Please **SUPPORT** passage of SB 2907. The DHHL is long overdue in providing this level of services to pastoral and agricultural homesteaders, who sorely need additional resources to achieve the promise of the Hawaiian Homes Commission Act. The State's trust duty to native Hawaiians under the HHCA deserves no less. The solemn constitutional duty of the state to provide the DHHL with "sufficient sums" to operate its programs under Article XII, sec. 1 (emphasis added) requires it:

... **The legislature shall make sufficient sums available for the following purposes:** (1) development of home, agriculture, farm and ranch lots; (2) home, agriculture, aquaculture, farm and ranch loans; (3) rehabilitation projects to include, but not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved; (4) the administration and operating budget of the department of Hawaiian home lands; in furtherance of (1), (2), (3) and (4) herein, by appropriating the same in the manner provided by law.

Please acknowledge your duty to fund this obligation, which was enshrined specifically in the Hawai'i Constitution so that the Legislature would have no discretion but to fund these programs sufficiently. The language in the *Standing Committee Report No. 56 of the 1978 Constitutional Convention* (emphasis added) makes it explicitly clear what this State is required to fund:

Your committee proposal makes it expressly clear that the legislature is **to fund DHHL for purposes which reflect the spirit and intent of the Act. Your Committee decided to no longer allow the legislature discretion in this area.**

Your Committee decided that the legislature should provide sufficient funds to DHHL for the following projects:

1. For the development of site improvements for homes, agriculture, farm and ranch lots. Development shall include but not be limited to off-site and on-site improvements which are necessary to provide grading, access (roads) and utility services (drainage, sewerage, water and electrical systems) for the developed lots;

2. For lessee loans in the areas of home construction and farm and ranch construction and equipment. Under this loan mandate, DHHL is authorized to request loans for lessees or native Hawaiians for agricultural purposes, which includes but is not limited to aquaculture;

3. For various rehabilitation projects, including education, social, political, economic and cultural processes which contribute to the general welfare and betterment of native Hawaiian conditions; and

4. For administrative and operational costs, which expenditure requests are to be utilized for all of the above-mentioned.

Your Committee finds that the intent of the HHCA was to check the extinction of a dying native Hawaiian race and to preserve and perpetuate that native Hawaiian race through a series of rehabilitation projects designed to:

1. Return the native Hawaiian to the land;
2. Perpetuate the Hawaiian culture (language, history and ethnic studies);
3. Assimilate the native Hawaiian into the enveloping society without relinquishing native identity, language and culture;
4. Develop political awareness in the republican form of government and encourage native Hawaiians to participate in its elections and processes;
5. Provide economic assistance to enable the native Hawaiian to be industrious, business-oriented and self-sufficient; and
6. Provide educational programs to allow the native Hawaiian to restore his Hawaiian awareness, language and culture.

By establishing a division and appropriates funds for pastoral and agricultural homesteading within the department of Hawaiian home lands, you will be finally giving special acknowledgement to a central purpose of the HHCA. At a minimum, that focus deserves the attention of a specialized division of the DHHL with the expertise and resources to foster the self-sufficiency of beneficiaries.

That focus has been lacking in recent activities and priorities followed by the HHC and the DHHL. In this vacuum, agricultural and pastoral homesteaders have suffered immensely from the neglect by DHHL staff. This neglect prompted a major lawsuit, *Aged Hawaiians v. the Hawaiian Homes Commission*, that ultimately forced the HHC to release lands tied up in general leases to Parker Ranch for decades, as beneficiaries waited and sometimes died on waiting lists for those lands. Even today, those who waited longest suffer from the infirmities of old age having waited up to 55 years for a chance to succeed as successful farmers and ranchers, a promise Congress first

envisioned in 1920, when it first passed the Act.

In 1978, the Constitutional Convention delegates acknowledged that the program was in dire straits for lack of funding and resources specifically devoted to supporting the level of ranching and agriculture the program's founders envisioned.

..., in the 57 years since passage of the Act, less than 12-1/2 percent (25,000 acres) of the total "available lands" (200,000 acres) have actually been disposed of to native Hawaiians. This averages about 435 acres of Hawaiian home lands per annum. At that rate, it would take over 400 years to lease the remaining 175,000 acres to native Hawaiians; by the year 2378 the last square foot of available land will be awarded to a native Hawaiian. Nearly 25 generations will have passed before the goal of the HHCA is fully realized. . . .

Your Committee reports that there are nearly 60,000 native Hawaiians within the State and approximately 2,800 lessees have been placed on the land. There are more than 5,200 applicants on the waiting list for homes

Standing Committee Report No. 56 of the 1978 Constitutional Convention.

Sadly, while some progress has been made on getting more land out to homesteaders (42, 843 acres as of Feb. 2007), instead of general leasing those lands to non-Hawaiian lessees to generate income for the program, **the waiting list has more than quadrupled in the 30 years** since this amendment was passed to 22, 893 applicants as of February 2007.

This growing waiting list calls for more energetic and resolute commitment to providing the DHHL with greater resources to cut the waiting list and increase the pace of settling more homesteaders on trust land. The proposed Ag/Pastoral Division within the DHHL is the right step in the right direction. This renewed emphasis on helping homestead farmers and ranchers is long overdue.

Please pass out SB 2907.

Alan T. Murakami
Email: almurak676@gmail.com
Tel: 721-3070