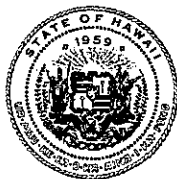


SB 3150

LINDA LINGLE
GOVERNOR
STATE OF HAWAII



LATE

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 SENATE COMMITTEE ON AGRICULTURE AND HAWAIIAN AFFAIRS

ON S.B. 3150
RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED

February 7, 2008

Chair Tokuda, Vice Chair English and Members of the Committee:

Thank you for the opportunity to testify on S.B. 3150.

This measure was previously considered in 2007 as S.B. 939.

S.B. 3150 would establish a Hawaiian home lands community development fund into which a percentage of revenues from commercial development would be deposited to fund community and cultural programming for beneficiaries of the trust in Hawaiian homestead communities.

The Department of Hawaiian Home Lands (DHHL) supports the purpose and intent of S.B. 3150 which we believe are served by the Native Hawaiian Rehabilitation Fund (NHRF).

Pursuant to Article XII of the State Constitution, the NHRF was created to improve the general welfare and condition of native Hawaiians through educational, economic, political,

social, cultural, and other means. In other words, NHRF is the beneficiary's community development fund.

The Department would need to review its administrative rules and policies to assess what changes are necessary to achieve the purpose and intent of S.B. 3150 through the Native Hawaiian Rehabilitation Fund.

Thank you for the opportunity to testify on this measure.



COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT

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LATE

Senator Jill N. Tokuda, Chair
Senator Kalani English, Vice Chair
Committee on Agriculture and Hawaiian Affairs

Testimony of Robin Puanani Danner, President & CEO
Council for Native Hawaiian Advancement

Hearing on Thursday, February 9, 2007, at 2:30 pm, Room 224

Support for SB 3150, Relating to a Community & Cultural Fund for Revenue Sharing from Commercial Revenues Generated on Trust Lands

Honorable Senator Tokuda and Honorable Senator English, Members of the Committee:

The Council for Native Hawaiian Advancement (CNHA) is a community development nonprofit with a mission of enhancing the well being of Hawaii through the cultural, economic and community development of Native Hawaiians. We achieve our mission through capacity building of community based organizations, training and technical assistance, leadership development and convening our community around topical and important policy issues.

We support SB 3150, amending the Hawaiian Homes Commission Act (HHCA), to establish revenue-sharing from commercial revenue on trust lands with a community and cultural fund. While the Department of Hawaiian Home Lands (DHHL) and the Hawaiian Homes Commission may at any time, dedicate trust funds to a community and cultural fund, this amendment is powerfully important and sets a new tone and philosophy by the state of Hawaii in administering this unique land trust. This legislation is more about creating a new legacy for the beneficiaries of the trust, one that is founded on a commitment that when trust lands are used for commercial purposes, the beneficiaries and their community organizations will always be stakeholders in every transaction. Passage of this legislation establishes an expectation that revenue sharing to support community and cultural programming is a consideration and will be a priority in every commercial transaction.

It should be noted that the legislation proposed, requires the establishment of a community and cultural fund to receive a share of commercial revenue, of which the percentage level and how these funds are distributed to community organizations remains at the full discretion and governance of the Hawaiian Homes Commission and DHHL's leadership. We concur with this language, as it accomplishes the

legacy of revenue sharing to support community and cultural programming, and positions the Hawaiian Home Commission to enact variable levels by percentage on a project by project basis, with full governance over the criteria on how community organizations utilize resources from the fund.

The significance of this legislation is its recognition of the work and value of beneficiary and community organizations in homestead communities. While the generation of revenues is important to the trust, it is equally important to the projects and programs that homestead communities rely upon, for example, at risk youth programming, language and cultural practices, financial literacy, neighborhood watch initiatives, charter schools, educational enhancement programs, and other health and welfare services that the trust must partner with community organizations. Additionally, this measure certainly advances the priorities of the DHHL Native Hawaiian Community Development Plan passed by the Hawaiian Homes Commission in 2007, which focuses on building the capacity of beneficiary organizations to engage in community based projects in homestead areas.

We recommend one revision to the legislation that clarifies that the commercial revenue transactions intended to be covered, are limited to instances where commercial uses by private individual and private corporate interests are a party to the transaction. We do not believe that commercial revenue transactions where beneficiary or community organizations are a party to the transaction should be included, wherein a nonprofit is leasing land to develop or operate community service or economic development facilities and other community driven projects.

In closing, we would like to acknowledge and thank Chairman Kane and the Hawaiian Homes Commission for working with the Council and various community organizations in strengthening programs within DHHL to support community based projects. And indeed, for the expression of support to initiate a revenue sharing policy at the administrative level within DHHL.

Mahalo for the opportunity to share our mana`o on this important legislation.

**Sovereign Councils
of the**



**Hawaiian Homelands
Assembly**

**Mike Kahikina, Executive A
Chairman for**

89-188 Farrington Highway
Wai'anae, Hawai'i 96792
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**Kamaki A. Kanahale
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**Leah K. Pereira
Vice-Chair
Kaua'i**

**M. Kammy Purdy
Secretary
Moloka'i**

**M. Kanani Kapuniai
Treasurer
Hawai'i**

**Rev. N. Tasha Kama
Executive Officer
Maui**

Appointed

**G. Pikake Pelekai
Executive Director**

**Senate Hearing
February 7, 2008
2:45 pm – Room 224**

**To: Senate Committee on Agriculture and Hawaiian
Affairs: Chair, Senator Jill Tokuda,
V. Chair. Kalani English**

**From: Mike Kahikina, Executive Assistant to the
Chairman for Government Affairs
Sovereign Councils of the Hawaiian Homelands
Assembly (SCHHA)**

The SCHHA is in Support of SB 3150

**We believe that commercial revenues received by the
Department of Hawaiian Home Lands due to the
utilization of said lands by for-profit entities should
include a profit-sharing-fund structure that includes
the beneficiaries of the Hawaiian Home Lands Trust.**

**Said structure would be utilized for matters dealing
with culture, traditional and contemporary,
community development initiatives, capacity building
governances within the community association's home
lands structure; access to a range of community
initiatives building upon the utilizing of kupuna and
opio strategies; a continued funding resource
that has always been a part of the beneficiaries own
kuleana but without the ability to access.**

**We ask for the privilege to do so now by asking for
your support in the passage of SB 3150.**

ATTN: Senate Committee on Agriculture and Hawaiian Affairs

Dear Senator Tokuda and Senator English,

Please pass SB 3150 to set the foundation of a cultural fund to receive a percentage of commercial revenue by DHHL. This fund will support for generations, the community based solutions and initiatives that support community development and cultural programming for beneficiaries of the Hawaiian Home Land trust. As an annual fund, beneficiary organizations will have access to needed resources for community programs including language, at risk youth, financial literacy, community facilities, cultural practices and other programs that support healthy communities.

Senators, as you both know, there's no better way to address the needs of our communities than by empowering local leaders with the responsibility to access and manage resources. It's our local leaders and organizers that come up with the creative solutions and programs that are most effective in our communities. The more you can support us with bills like this one, the better of we all will be.

--

Me ka ha`aha`a,
KipuKai

KipuKai Kualii
4210 Rice St #A2
Lihu'e, HI 96766

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C: (808) 652-3684

testimony

From: Joseph Carrillo [jcarrillo77@yahoo.com]
Sent: Tuesday, February 05, 2008 3:36 PM
To: testimony
Subject: SB 3150 / Attn: Senate Committee on Ag & Hwn Affairs

ATTN: Senate Committee on Agriculture and Hawaiian Affairs

Dear Senator Tokuda and Senator English,

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Mahalo,

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