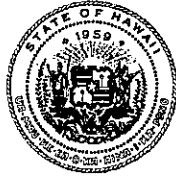


SB 2793

NEIL ABERCROMBIE
GOVERNOR
STATE OF HAWAII



ALBERT "ALAPAKI" NAHALE-A
CHAIRMAN
HAWAIIAN HOMES COMMISSION

MICHELLE K. KAUHANE
DEPUTY TO THE CHAIRMAN

M. WAIALEALE SARSONA
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF ALAPAKI NAHALE-A, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS
IN SUPPORT OF

SB 2793, RELATING TO THE HAWAIIAN HOMES COMMISSION ACT

February 8, 2012

Chair Galuteria, Vice-Chair Ryan and Members of the Committee:

The Department of Hawaiian Home Lands strongly supports SB 2793, which allows for the suspension of administrative rules for the purpose of awarding a lease to a native Hawaiian who has been on the waitlist for at least 20 years. This bill is part of the Governor's administrative package by request of our department.

As the department develops varied homestead products to immediately meet the current needs of its longest-waiting applicants, the ability to suspend the department's administrative rules can eliminate barriers that have prevented Hawaiian Home Lands applicants from receiving a homestead lease. Of the 21,151 residential applicants, 6,740 have been on the waiting list for at least 20 years. This measure targets nearly one-third of the native Hawaiians who are waiting for a lease and who may otherwise never be able to accept a lease award.

Mahalo for the opportunity to testify in strong support of this important measure.



SB2793
RELATING TO THE HAWAIIAN HOMES COMMISSION ACT
Senate Committee on Hawaiian Affairs

February 8, 2012

2:45 p.m.

Room 224

The Office of Hawaiian Affairs (OHA) offers the following comments on SB2793, which would allow the chairman of the Department of Hawaiian Homelands (DHHL), with unanimous consent of the commission, to suspend administrative rules and award a lease to a beneficiary who has been on the waitlist for at least twenty years.

Our primary observation is that the bill could greatly benefit from further details to support its main proposal. For example, the justification for the bill indicates that the waiver would allow DHHL to provide beneficiaries with access to new products it is developing. However, the bill itself does not explain when and how the waiver can be used. The bill is also silent regarding other significant details. Therefore, we recommend that the following points be addressed in either the preamble, the body of the bill, or through rule making:

- How DHHL will justify choosing between multiple beneficiaries who have been applicants for more than twenty years.
- Why twenty years is the operative cut-off date.
- That the waiver is meant to facilitate the placement of families into new DHHL products such as multi-generational housing (if that is, in fact, the intent of the waiver).

Mahalo for the opportunity to testify on this important measure.

galuteria1 - Davis

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 07, 2012 4:29 PM
To: HWN Testimony
Cc: info@schha.com
Subject: Testimony for SB2793 on 2/8/2012 2:45:00 PM

Testimony for HWN 2/8/2012 2:45:00 PM SB2793

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Kamaki Kanahale, Chairman
Organization: SCHHA
E-mail: info@schha.com
Submitted on: 2/7/2012

Comments:

galuteria1 - Davis

From: mailinglist@capitol.hawaii.gov
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Subject: Testimony for SB2793 on 2/8/2012 2:45:00 PM

Testimony for HWN 2/8/2012 2:45:00 PM SB2793

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Mike Kahikina, Legislation Committee Chair
Organization: SCHHA
E-mail: info@schha.com
Submitted on: 2/7/2012

Comments:

galuteria1 - Davis

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 07, 2012 4:30 PM
To: HWN Testimony
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Subject: Testimony for SB2793 on 2/8/2012 2:45:00 PM

Testimony for HWN 2/8/2012 2:45:00 PM SB2793

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Annie Au Hoon, President
Organization: Kewalo Hawaiian Homestead Community Assn, SCHHA
E-mail: info@schha.com
Submitted on: 2/7/2012

Comments:

galuteria1 - Davis

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Testimony for HWN 2/8/2012 2:45:00 PM SB2793

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Kimo Kelii, VP
Organization: Nanakuli Hawaiian Homestead Comm Assn, SCHHA
E-mail: info@schha.com
Submitted on: 2/7/2012

Comments:

galuteria1 - Davis

From: mailinglist@capitol.hawaii.gov
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Testimony for HWN 2/8/2012 2:45:00 PM SB2793

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Herbert Hew Len, President
Organization: Waianae Kai Homestead Community Assn, SCHHA
E-mail: info@schha.com
Submitted on: 2/7/2012

Comments:

galuteria1 - Davis

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 07, 2012 4:31 PM
To: HWN Testimony
Cc: info@schha.com
Subject: Testimony for SB2793 on 2/8/2012 2:45:00 PM

Testimony for HWN 2/8/2012 2:45:00 PM SB2793

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Beatrice Hew Len
Organization: Mokupuni O Oahu, SCHHA
E-mail: info@schha.com
Submitted on: 2/7/2012

Comments:

galuteria1 - Davis

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 7:58 AM
To: HWN Testimony
Cc: jalna.keala2@hawaiiantel.net
Subject: Testimony for SB2793 on 2/8/2012 2:45:00 PM

Testimony for HWN 2/8/2012 2:45:00 PM SB2793

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Jalna Keala
Organization: Assn. of Hawaiian Civic Clubs
E-mail: jalna.keala2@hawaiiantel.net
Submitted on: 2/8/2012

Comments:
Soulee Stroud will be at hearing for Assn.

Senator Brickwood Galuteria, Chair
Senator Pohai Ryan, Vice Chair
Committee of Hawaiian Affairs

Native Hawaiian Initiatives, Aupuni O Hawaii

Wednesday, February 08, 2012, 2:45 p.m.
State Capitol, Conference Room 224

S.B. No. 2793, Relating to the Hawaiian Homes Commission Act; Admission

Welina Kakou,

We understand the direction of this legislative body in the placing of the (n) ative Hawaiians with sub-standard provisional housing (HB 2634) and with the progenitor of these events the "Kauhale Pilot Program" would validate this particular measure. Granted Commissioner Chairman Alapaki Nahale-a has federal administrative powers on Hawaiian Home Lands **Trust**, so we don't understand that he has to have permission from the state to administer an assigned lot to a (n) ative Hawaiian/**beneficiary**. It's not that the government has permission to incorporate its egregious rules on the (n) ative Hawaiian (section 206 of the HHCA say otherwise,) it's that the Territory of Hawaii were given a **trust** to incorporate into the Admission Act (Public Law 86-3) for the privilege of unification with the Union and not administrate its rules on HHCA (DHHL pilfer Public, no. 34 STAT 108 chapter 42 in 63' that incorporate a federal program into its system, changed the rules, and began the encumbrance directives of assets.) So we feel there's a two tier system management being created within this measure for the Chair of the Commission with engagement of an ambiguous system to accommodate the (n) ative Hawaiian. We continue to see and hear our families and friends voice strong concerns for the continue barriers in striving to get a home in these measures.

We single-mindedly ask for an amendment to the languages pertaining to the application of federal and its jurisdiction of compact and commerce on Hawaiian Home Lands. There's too much conflicting passage with state's influence in its hope to help the (n) ative Hawaiian with references to departmental regulation.

Me ka Ha'aha'a
Samson and Bill Brown
Aupuni O Hawaii, Board Members

galuteria1 - Davis

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 06, 2012 9:31 PM
To: HWN Testimony
Cc: kmaquino@hawaii.edu
Subject: Testimony for SB2793 on 2/8/2012 2:45:00 PM

Testimony for HWN 2/8/2012 2:45:00 PM SB2793

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Kamakana Aquino
Organization: Individual
E-mail: kmaquino@hawaii.edu
Submitted on: 2/6/2012

Comments:
Aole pono.