



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805



COMMENTS OF JOBIE M. K. MASAGATANI, CHAIRMAN DESIGNATE
HAWAIIAN HOMES COMMISSION
TO THE HOUSE COMMITTEE ON FINANCE

HB 1093, RELATING TO DISCLOSURES

February 25, 2013

Chair Luke, Vice-Chair Nishimoto, Vice-Chair Johanson, and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) already provides the information required by HB 1093 each year to the House Committee on Finance and the Senate Committee on Ways and Means each year as part of our budget briefing testimony. In this year's testimony, this information is found in Table 16. We are open to meeting the additional reporting requirements (e.g., the amount of the contract contracted for and third parties facilitating contracts) and providing this information as part of our future budget briefing testimony or in a separate report.

Further, lines 11 and 12 on page one refer to programs with "the purpose of affecting the rights of Native Hawaiians." Our department is obligated to act exclusively on behalf of native Hawaiian beneficiaries (those of at least 50% native Hawaiian blood quantum), a subset of Native Hawaiians. Exclusive protecting the rights of native Hawaiians may affect the rights of Native Hawaiians. For the purposes

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of these reporting requirements, DHHL should be limited to providing information on the beneficiary class it serves, the native Hawaiians.

Thank you for this opportunity to provide comments.

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RELATING TO DISCLOSURES
House Committee on Finance

February 25, 2013

1:30 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) offers the following comments on HB1093, which proposes to require the Department of Hawaiian Home Lands, the Department of Land and Natural Resources, and OHA to submit an annual report to the Legislature detailing a broad range of their contracts for services:

We appreciate the efforts of the Committees on Ocean, Marine Resources, & Hawaiian Affairs and Water & Land to clarify, in House Standing Committee Report No. 268, the intent of this bill. Nevertheless, significant uncertainties remain regarding the bill. For example, lines 1-7 on page 2 of the bill would require OHA to report on whether a third party facilitated each contract, and if so, to report details about the third party. However, we are not sure what “third party” and “facilitated” means in this context. If the Department of Accounting and General Services plays a role in processing payments to the contractor, do we need to report that? Or are we required only to report the involvement of a private party? Furthermore, “facilitate” is a broad term subject to many interpretations. Also, in reporting the value of the third party’s facilitation services (see lines 4-5 on page 2 of the bill), by what methodology would we be expected to determine “value”?

For another example, it is not clear whether the bill’s requirement that we report the third party’s address and telephone number is intended to include home address and home telephone number. If so, privacy statutes come into play and may prevent us from reporting the information.

Mahalo for the opportunity to testify on this measure.