



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SEVENTH LEGISLATURE, 2013**

ON THE FOLLOWING MEASURE:

H.B. NO. 175, H.D. 1, RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Thursday, February 7, 2013 **TIME:** 2:02 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): David M. Louie, Attorney General, or
Charleen M. Aina, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General testifies to share concerns about this bill that it believes need to be addressed, before any consideration can be given to transferring receipts collected by the departments and agencies that maintain and manage the ceded lands, to any state department or agency than the Office of Hawaiian Affairs.

The first concern has to be, whether the receipts departments and agencies collect for the use of ceded lands are enough to (1) transfer \$15,100,000 to OHA annually under Act 178, Session Laws of Hawaii 2006, and fulfill the obligation the Hawaii Supreme Court held article XII, section 6, of the State Constitution imposes on the State, in OHA v. State, 96 Haw. 388, (2001); and (2) still leave the departments and agencies that collect the receipts with enough money with which to complete their statutory duties and responsibilities. These duties and responsibilities include among other things, maintaining the State's beaches and parks for the enjoyment of the public, and operating the State's commercial and recreational harbors, its public parking garages, and its agricultural parks efficiently and economically.

Second, the State's ability to make the transfers required under Act 178 cannot be jeopardized. There must be procedures in place to assure that, if an additional portion of the receipts collected were required to be transferred to a department or agency in addition to OHA, OHA would receive its constitutionally prescribed share of the receipts first, and on a timely basis. This bill presently only prescribes that the receipts be aggregated and transferred, without detailing how that is to occur, or who would be responsible for assuring that it is done.

Finally, provisions need to be established to assure that the departments and agencies that collect the receipts will receive enough from the collections to operate their programs, **and** manage the ceded lands so that they not only generate the receipts that are presently being collected, but provide the additional moneys the Legislature ultimately determines should be transferred to the Department of Hawaiian Home Lands. The State cannot afford to have an additional transfer of receipts diminish the ceded lands' ability to generate those receipts.



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

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TESTIMONY OF JOBIE M. K. MASAGATANI, CHAIRMAN DESIGNATE
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON JUDICIARY
IN SUPPORT OF

HB 175 HD 1, RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS

February 7, 2013

Chair Rhoads, Vice-Chair Har, and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) supports this legislation that would supplement our department's budget by \$10 million for the development of agricultural and residential lots.

We support the intent of this legislation because it provides resources for the public land trust statutory purpose of the development of farm and home ownership on a widespread basis. In addition, it also supports the betterment of the conditions of native Hawaiians. These funds will be a consistent and reliable source of funding to help support and sustain our programs and to continue to develop homestead opportunities for the more than 26,000 applicants holding 42,000 applications for a homestead lease.

However, while we support the intent of the bill, we will defer on the fiscal implications until the Executive Biennium Budget is finalized.

Thank you for the opportunity to testify on this measure.

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 07, 2013 7:54 PM
To: JUDtestimony
Cc: tabraham08@gmail.com
Subject: *Submitted testimony for HB175 on Feb 7, 2013 14:02PM*

HB175

Submitted on: 2/7/2013

Testimony for JUD on Feb 7, 2013 14:02PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Troy Abraham	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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