



**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

COMMENTS OF JOBIE M. K. MASAGATANI, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON
OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS ON

HB 1554, RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS

January 22, 2014

Chair Hanohano, Vice-Chair Cullen, and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) provides the following comments on this measure that establishes a legislative oversight committee to analyze and review operations, governance fiscal responsibility, and effectiveness of the Department of Hawaiian Home Lands:

While the department acknowledges the importance of legislative oversight and support of our programs, we believe this measure is duplicative since the legislature currently has the authority to meet the objectives of this bill. Since May 2013, the legislature has called three informational briefings on Department of Hawaiian Home Lands issues. These briefings provided the opportunity for the department to provide updates to the legislature, and to address questions and concerns of members. As such, the objectives of HB 1554 can already be met and we consider this measure may not be necessary.

Thank you for your consideration of our comments.



**TESTIMONY OF JAN K. YAMANE, ACTING STATE AUDITOR,
ON HOUSE BILL NO. 1554,
RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS**

**Committee on Ocean, Marine Resources, & Hawaiian Affairs
Committee on Water & Land**

January 22, 2014

Chair Hanohano, Chair Evans, and Members of the Committees:

Thank you for the opportunity to provide comments on this bill, which would establish a Legislative Oversight Committee for the Department of Hawaiian Home Lands (DHHL). Under a new chapter to be added to the Hawai'i Revised Statutes, the committee would ensure the department's transparency; analyze the effectiveness of its governance, operations, fiscal responsibility, and administration of its programs and services; and review any other issues impacting DHHL.

As you are aware, our mission is to assure the accountability of government agencies for their implementation of policies, management of programs, and expenditure of public funds. We support efforts to improve the efficiency, effectiveness, and transparency of state government. If the Legislature's intent in creating such an oversight committee is, at least in part, to promote and enforce recommendations made by the State Auditor in our reports, then we are in support of this measure.

I am available to answer any questions you may have.



Association of Hawaiian Civic Clubs

P. O. Box 1135

Honolulu, Hawai`i 96807

**HOUSE COMMITTEE ON OCEAN MARINE RESOURCES,
AND HAWAIIAN AFFAIRS**

**HOUSE BILL 1554 RELATING TO THE
DEPARTMENT OF HAWAIIAN HOME LANDS**

Wednesday, January 22, 2014; 9:30AM; Room 325

Aloha Madam Chair Hanohano, vice chair Cullen and members of the Committee. I am Soulee Stroud, president of the Association of Hawaiian Civic Clubs (AHCC) here to represent the sixty six affiliate clubs in fifteen states on the continent as well as throughout Hawaii. Hauoli Makahiki Hou and best wishes for a successful session.

The AHCC Board of Directors met over the weekend and had an opportunity to review this bill relating to the establishment of a legislative oversight committee for the Department of Hawaiian Homes.

After some discussion it was decided that the AHCC will not support HB1554. While the AHCC Board understands the disappointment and frustration inherent in dealing with various agencies of the State, the original Hawaiian Civic Club was founded in 1918 by Delegate to Congress Prince Kuhio to advocate for his legislation creating the Hawaiian Homes Commission Act. There remains an obligation to the Prince and his greatest achievement that has been upheld for the past 95 years.

The Department of Hawaiian Home Lands is a trust created by the Federal government to benefit an indigenous class...native Hawaiians of 50% blood quantum. Through the Admissions Act of 1959 the State of Hawaii became trustee of a public land trust including the lands set aside for Hawaiian Homes. Just as with the legislature, thousands of current homesteaders and Home Lands applicants on the waiting list and have encountered frustration and disappointment with the administration of the Department by the State. HB 1554 seems to reflect such dissatisfaction.

Acknowledging the flaws in the realization and implementation of Kuhio's dream, the AHCC Board cannot support the legislature imposing its will on a trust meant to benefit the only native peoples of Hawaii. As

defined in the language of the bill, the role and responsibility of the Hawaiian Homes Commission is subverted.

It also appears that the legislature intends to take on the role that could be implemented through more frequent and more detailed scrutiny by the Legislative Auditor. Recommendations from the Auditor could then be supported and enacted into law by the legislature.

Although the AHCC does not support HB 1554, with regard to the Commission, the AHCC strongly supports legislation that would allow the Department to retain independent counsel as needed, with said counsel fees to be paid by the State.

When the Trustees of the Office of Hawaiian Affairs (OHA) made the transition from a Deputy Attorney General to an independent counsel, there was a marked difference in the legal advice and subsequent decisions made on behalf of the agency and its beneficiaries.

The HHL Commissioners deserve to have a sufficient degree of freedom and tools to make decisions on behalf of the beneficiaries independent of the State Administration...to be able to take responsibility for the lands on which the beneficiaries reside. Unfortunately, the AHCC does not agree that legislative oversight through HB 1554 is the answer, that it perhaps goes too far in its attempt to fix prevailing problems.

Thank you for the opportunity to present our views.

Contact: jalna.keala2@hawaiiantel.net

Re: Testimony for HB 1554

January 21, 2014

Aloha mai House Chair Representative Hanohano, vice chair and committee members of Ocean, Marine Resources and Hawaiian Affairs committee,

My name is Juanita Mahienaena Brown Kawamoto and I am a Native Hawaiian Citizen advocate. I am a member of numerous Hawaiian, agricultural and environmental organizations, committees and councils and have participated in events to educate and support our ohana, Hawaiian people and our community.

I support HB 1554 relating to the Department of Hawaiian Home Lands. The Department of Hawaiian Home Lands has suffered many set backs over the years, especially in the areas of submittal of applications by generations of Native Hawaiians who have never been properly processed or served. Speaking on behalf of my ohana, who still claim our blood quantum but are concerned about our keiki and mo'opuna who will fail to continue this requirement, we absolutely must investigate and determine reparation for these injustices and infractions of the laws that have governed the process for Hawaiians regarding the DHHL. I have observed many other areas where a great disservice is occurring regarding the current use of how abuses by others who have homelands but only utilize this ownership as a profiteering opportunity, selling what the people who have waited patiently on the "list" to others who want to skip ahead of Kupuna who have again followed the rightful laws that ask for our patience. I am concerned about the Agricultural and pastoral lands that have been sublet to non Hawaiians or have lain fallow with no activity to develop again the lawful intention to help Hawaiians move forward to sustain themselves. The Water right issues that are still left at bay or in a severe uncertainty regarding the development of the homelands and that are being manipulated by the State of Hawaii for private sector developers whose water permits stop Hawaiians who need housing now but are hindered because the private sector is playing a monopoly game to increase their land values and improve their bottom line. I have great faith in the current director, Jobie Masagatani, and believe this commission will work in collaboration with helping correct all the problems that have occurred in the past. The commission should be for the Hawaiian people and by the Hawaiian people and utilized to monitor bylaws, policies, the director, the commissioners, the homeland associations and administration. DHHL's current descriptions and activities neglect the input of the Hawaiian community as a whole and the time needed to properly be inclusive. The long term and short term planning for the original purpose sought by the Hawaiian people when DHHL was formed has fallen short in its efforts to provide our nation with affordable housing for all Hawaiians. As long as DHHL is a controlled state agency completely bureaucratic and purposely intent on keeping our Hawaiian people excluded in participation to reinstate our status as the Hawaiian nation, the Hawaiian people will continue to face a slow genocide of our Hawaiian nation due to the most disturbing and impending fact "until there were none".

Keep Hawaiian lands in Hawaiian hands!

I support the monitoring of DHHL with the condition that the outcome is directed by the Hawaiian people through its community participation and is focused on our foundation for the Hawaiian Kingdom.

Please pass this bill.

Mahalo for the opportunity to testify.

Imua no kakou,
Juanita Mahienaena Brown Kawamoto
Native Hawaiian Citizen Advocate

cullen3

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 21, 2014 9:15 PM
To: omhtestimony
Cc: mkhan@hawaiiantel.net
Subject: Submitted testimony for HB1554 on Jan 22, 2014 09:30AM

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HB1554

Submitted on: 1/21/2014

Testimony for OMH on Jan 22, 2014 09:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Individual	Oppose	Yes

Comments: Strongly oppose this legislation as it impedes the authority of the Governor's office and is contrary to the role of the legislature, which is to create law, not to implement it or provide oversight of state agencies. Dangerous precedent and also gives appearance of discriminating against two state agencies responsible for Native Hawaiian programs, i.e., OHA and DHHL.

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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