

DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII

SHAN S. TSUTSUI  
LT. GOVERNOR  
STATE OF HAWAII



JOBIE M. K.  
MASAGATANI

WILLIAM J. AILA, JR.  
DEPUTY TO THE CHAIRMAN

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

P. O. BOX 1879  
HONOLULU, HAWAII 96805

**TESTIMONY OF JOBIE M. K. MASAGATANI, CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
BEFORE THE HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, &  
HAWAIIAN AFFAIRS  
IN STRONG SUPPORT OF**

**HB 1932 RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS**

February 17, 2016

Aloha Chair Ing and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) is a unique agency as it is the only department explicitly identified in the Hawaii State Constitution as being guaranteed a level of funding. As required by the Admissions Act and as a compact with the United States, the State of Hawaii and the people of Hawaii adopted the Act as a provision of the State Constitution and agreed to faithfully carry out the spirit of the Act for the rehabilitation of the Hawaiian race. These trust responsibilities still remain.

Article XII, Section 1, as noted in the bill, requires the legislature to make sufficient sums available for lot development, loans, rehabilitation projects, and the administration and operating budget of the department. HB 1932, and its companion SB 3029, are historic bills because for the first time in 37 years since the 1978 State Constitutional amendment to Article XII, these legislative measures appropriate sufficient general funding to DHHL to cover the department's administrative and operating expenses for fiscal year 2016-17. This bill creates an opportunity to improve our delivery of beneficiary services, relieves reliance of DHHL on revenues generated on trust lands so that those funds may be used to provide direct benefits to its beneficiaries that is direly needed, and resolves a controversial issue that is long overdue.

In line with Judge Castagnetti's order, DHHL on behalf of its Commission, request that a new paragraph be added to appropriate \$28 million or so much out of general revenues as may be necessary to reimburse DHHL administrative and operating costs expensed by DHHL special and trust funds for fiscal year 2016. We further recommend that the general funds be deposited to the Hawaiian Home Administration Account to facilitate reimbursement of administrative and operating expenses paid by DHHL's special and trust funds.

*Department of Hawaiian Home Lands*

*HB 1932*

*House Committee on Ocean, Marine Resources, & Hawaiian Affairs 2/17/16*

*Page 2*

DHHL requests that the House Committee on Ocean, Marine Resources, & Hawaiian Affairs pass HB 1932 out of Committee, with the suggested amendments. Thank you for your consideration of our testimony.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 8:41 AM  
**To:** omhtestimony  
**Cc:** olindaaiwohi@yahoo.com  
**Subject:** Submitted testimony for HB1932 on Feb 17, 2016 09:00AM

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Olinda Aiwohi	Paukukalo Hawaiian Homes Community Association	Support	No

Comments: Aloha As president of our Hawaiian Homes Community Association representing 180 lessees and their families I testify in strong SUPPORT of this bill. We as beneficiaries ask that as our state representatives you pass this bill which will help all beneficiaries, especially those on the wait list of Dhhl. By the state funding the Dhhl in administrative and operating cost the Dhhl will not or should not be using our Trust monies. Those monies should be used for infrastructure and homes, which will then provide housing for many Hawaiians and their famines. Thank you for all the time and effort you all put into giving service to the people. Mahalo nui , Olinda Aiwohi, President Paukukalo Hawaiian Homes Community Assoc. 781 Kawananakoa St., Wailuku Maui. HI. 96793 olindaaiwohi@yahoo.com

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**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cappy Solatorio	Kewalo Hawaiian Homes Community Association	Support	No

**Comments:**

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# Pana'ewa Hawaiian Home Lands Community Association

P.O. Box 4788 ♦ Hilo, Hi 96720 ♦ Email: phhlca@aol.com

February 16, 2016

## Ocean Marine Resources, & Hawaiian Affairs

**Re: HOUSE BILL 1932, RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LAND**

**Ensures the legislature fulfills its responsibility under article XII, section 1, of the state constitution by appropriating sufficient general funds for the administration and operating expenses of the department of Hawaiian home lands for fiscal year 2016 – 2017.**

Aloha Chair Ing and Vice Chair Lowen,

Pana'ewa is humbled with this opportunity to share our hopes and dreams with the rehabilitative growth in social and economical condition on the homesteads by the passing of this measure.

The Nelson case was all about the lack of funding to DHHL even from its inception (1960) in financial support but was at the discretion of the legislation up until 1978, then in 1979 the people ask for change to which the legislature created this rule; *“(3) the rehabilitation of projects to include, but not limited to, education, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved. The administration and operating budget of the department of Hawaiian home lands; in furtherance of (3) herein, by appropriated the same in the manner provided by law”*, still funding failed to reach DHHL's operating provision, all the while the waitlist increased exponentially.

The courts reminded the state of its obligation to DHHL with its provision(s) to the trust which includes the administrative operative condition but will this legislative body acquiesce to the ruling of the state's highest court. The conventional wisdom here is to support these provisions but more so to acquiesce to the constitution mandate on its agreed compact and Admission Act of 59'.

Pana'ewa community ***strongly SUPPORTS HB1932*** and humbly asks this committee to endorse this measure for the betterment of native Hawaiians and to the proper administrative duties with our Public Trust for DHHL to manage

‘Owātr me ka Ha’aha’a



William “Bill” Brown  
President of PHHLCA

*"To establish a viable & strong Hawaiian community through education & respect for our cultural heritage and stewardship of the aina & its people"*

**KALIHI PALAMA HAWAIIAN CIVIC CLUB**

1288 Kapiolani Blvd, Apt 1905

Honolulu, Hawaii 96814

**TESTIMONY IN SUPPORT OF  
HB 1932, RELATING TO THE DEPT OF HAWAIIAN HOMELANDS  
Committee on Ocean, Marine Resources & Hawaiian Affairs  
Hearing: Wednesday, February 17, 9:00 a.m., Conf Rm 325**

Rep. Kaniela Ing, Chair

Rep. Nicole E. Lowen, Vice Chair

Members of the Committee on Ocean, Marine Resources & Hawaiian Affairs

Aloha mai kākou,

The Kalihi Palama Hawaiian Civic Club supports HB 1932. The purpose of this measure is to ensure the legislature fulfills its responsibility under Article XII, Section 1, of the State Constitution by appropriating sufficient general funds for the administration and operating expenses of the Department of Hawaiian Home Lands (DHHL) for fiscal year 2016-2017.

We support this measure to assure that the Dept of Hawaiian Homelands has sufficient general funds for the administration and operating expenses of the DHHL for fiscal year 2016-2017.

On November 27, 2015, the circuit court of the first circuit of the State of Hawaii issued its Findings of Fact, Conclusions of Law, and Order in *Nelson v. Hawaiian Homes Comm'n*, Civil No. 07-1-1663-083. The circuit court found that since 1978, the legislature has not appropriated enough general funds to pay for the Department of Hawaiian Home Lands' administrative and operating expenses. The circuit court noted that the legislature appropriated \$9,632,000 in general funds to the Department of Hawaiian Home Lands for administrative and operating expenses for fiscal year 2015–2016, which was less than the department's request for \$28,478,966 in general funds. The court determined that the Department of Hawaiian Home Lands "suffers from a lack of funding..., which adversely affects beneficiaries of the Hawaiian Home Lands Trust," and declared that the legislature is constitutionally obligated to appropriate "more than \$28 million for fiscal year 2015–16" in general funds for the Department of Hawaiian home lands' administrative and operating budget.

**The court gave opportunity for the State to defend its decision to appropriate \$9,632,000, which is significantly less than the \$28,478,966 substantiated by the DHHL. Clearly, this kind of deep reduction in the budget requested by DHHL can only have adverse consequences. We recall the many criticisms about the Dept of Hawaiian Home Lands published over a series of articles in the Star Advertiser. How can we expect the DHHL to fix any shortcomings if we don't sufficiently fund their administrative and operating expenses? We urge the legislature to heed the decision of the Court and to provide more reasonable sufficient funds to DHHL for fiscal year 2016-2017 to enable the Department to carry out its mission. Failing to do so will adversely affect its ability to carry out its mission.**

Mahalo for your consideration of our comments in support of HB 1932.

Respectfully,

Leimomi Khan  
President





## **Association of Hawaiian Civic Clubs**

P. O. Box 1135  
Honolulu, Hawai`i 96807

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

Wednesday, 02/17/16; 9:00 a.m.; Room 325

Aloha Chairman Ing, vice chair Lowen and members of the House OMH committee. I am Annelle Amaral, president of the Association of Hawaiian Civic Clubs (AHCC), unable to be at the hearing today due to my status as a delegate to the Native Hawaiian `Aha. AHCC supports this bill.

The AHCC consists of sixty seven component clubs throughout Hawaii and sixteen states on the continent. A number of our members are also homesteaders and we have heard their frustration over the years regarding inadequate funding from the State to fulfill the mission of the Department. As a function of our annual conventions we deliberate Native Hawaiian issues submitted by our clubs through resolutions that are discussed, voted upon and, if adopted, forwarded to the legislation.

Resolutions with regard to fair and adequate funding for DHHL have been deliberated and adopted several times so this is not a new issue for us. What is new is the suit and court judgement that lays the State problem squarely at the legislature's door. State government has taken advantage of the Department of Hawaiian Homes for too many years, ignoring the constitutional mandate to provide appropriate funding by controlling the administrative and commission appointments.

We applaud attempts to right the wrongs. Thank you for the opportunity to support this bill.

[Jalna.keala2@hawaiiantel.net](mailto:Jalna.keala2@hawaiiantel.net)



Center for Hawaiian Sovereignty Studies  
46-255 Kahuhipa St. Suite 1205  
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Kenneth R. Conklin, Ph.D. Executive Director  
e-mail [Ken\\_Conklin@yahoo.com](mailto:Ken_Conklin@yahoo.com)  
Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, &  
HAWAIIAN AFFAIRS

Re: HB1932 RELATING TO THE DEPARTMENT OF HAWAIIAN  
HOME LANDS.

Ensures the legislature fulfills its responsibility under article XII,  
section 1, of the state constitution by appropriating sufficient  
general funds for the administration and operating expenses of the  
department of Hawaiian home lands for fiscal year 2016–2017.

For hearing on Wednesday, February 17, 2016

TESTIMONY IN OPPOSITION

1. The Attorney General of the State of Hawaii has stated that he is filing an appeal of the Circuit Court order that the legislature must appropriate "more than \$28 million for fiscal year 2015-16" in general funds for the department of Hawaiian Home Lands' administrative and operating budget. There are serious questions which must be litigated, regarding whether it is a violation of the separation of powers for a judge to order the legislature to pass such a bill. The legislature has a fiduciary obligation to the taxpayers to protect the public fisc against unreasonable or illegal demands. The legislature should wait for the legal process to conclude, and not act rashly or prematurely.

2. The Office of Hawaiian Affairs has \$650 Million in assets, including \$350 Million in its investment portfolio. All that wealth is supposed to be used for "the betterment of native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920." OHA should pay in full however much money is owed to DHHL, both arrears and in future. If OHA will not do what is pono on its own initiative, then the legislature should pass a bill transferring the funds from OHA to DHHL. The legislature often "raids" trust funds such as the Hurricane Fund or the Highway Fund to balance the budget. OHA is an agency of the State government and therefore falls under the budget and appropriation authority of the legislature.

## Testimony in Support

Date: February 17, 2016

Time: 9:00 a.m.

Place: Conference Room 325

To: Committee on Ocean, Marine Resources & Hawaiian Affairs

Representative: Kaniela Ching, Chair

Representative: Nicole E. Lowen, Vice Chair

Re: Testimony in Support of HB 1932

Relating to Department of Hawaiian Home Lands;

Administrative and Operating Expenses; Appropriation

Aloha Chair Ching and Vice Chair Lowen:

My name is Homelani Schaedel, a beneficiary of the Hawaiian Home Commission Act. I am blessed to live on homestead lands in Kapolei.

“I do solemnly swear that I will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii, and that I will faithfully discharge my duties.....to the best of my ability”.

This is the oath each member of both houses repeat on Opening day of the Legislature.

The Constitution of the United States is the central instrument of American government and the supreme law of the land, and so to, is the Constitution of the State of Hawaii.

This bill acknowledges that the Legislature has failed to uphold the Hawaii State Constitution, Article 16 Section 7, Article 12 Sections 1 and 2, and Section 101 of the Hawaiian Homes Commission Act, as amended in 1920 for decades, which prompted plaintiffs in the Nelson case to file suit against the State and the Hawaiian Homes Commission.

I find it ironic that legislators are often referred to as “lawmakers”, that the bills passed by the Legislature becomes law; and that the Legislature expects the Judicial arm of our government to implement and/or enforce these laws.

Yet, when the Judicial arm of our state government holds the Legislature responsible and accountable to the Constitution of our state, the Legislature deems it appropriate to assert its' powers to circumvent the law.

The leadership in both houses unilaterally determined the Judiciary arm of our government overstepped its authority and directed the Attorney General to file a motion to appeal the courts' decision on the Nelson case, **and** decided to secure the services of outside counsel without consulting with its members within the required timeframe, thereby violating their own rules.

Language in the Constitution of the State of Hawaii Article 12 Section 1 is concise and clear, **"The Legislature shall make sufficient sums available for (4) the administration and operating budget of the department of Hawaiian home lands"**.

Why must the Department of Hawaiian Home Lands on behalf of its' beneficiaries have to beg for what is constitutionally mandated? **WHY? A'ole loa! A'ole pono!**

Those in both houses who continue to resist fulfilling the obligation of this legislature and the people of this state to the Department of Hawaiian Home Lands and its' beneficiaries need to go outside of this building and read the inscription on the State's seal. Instead of perpetuating righteousness, they perpetuate indifference and immorality!

It is blatantly clear that we Hawaiians have few supporters in this legislature, and the indignation we feel is justified! The legislatures' political dissidence continues to plague our people. Legislators who feel the passivity of our people support their impropriety and disregard of the law; are negligent in their duty to the beneficiaries of the Department of Hawaiian Home Lands.

While I don't understand why another law must be enacted "to ensure the legislature fulfills its responsibility"... to an existing law? I mahalo all the introducers of this bill and its' companion in the senate for their courage. Many Hawaiian homestead leaders know the challenge they faced from their leadership and colleagues. We will not forget your dedication and commitment to uphold the oath sworn by all members of both houses, by introducing this bill.

I strongly support an amendment to the language of this bill to include that "the Legislature appropriate the amount ordered by the court to the Department of Hawaiian Home Lands 2015-16 budget in the amount of \$28, 478, 966.00 from general funds and dropping their appeal. In its' current version, I support this bill with reservations.

In closing, I want this committee to know that while there are 76 members in both houses; there are hundreds of homestead leaders and volunteers across this state in partnership with the Department of Hawaiian Home Lands, other agencies and, organizations who work

countless hours to serve our people. Some of us with little or no experience are building community and health centers. We respond to and help resolve individual issues, work on multiple community projects, attend countless meetings, workshops, training, and like today we are here advocating for the very same beneficiaries you swore to serve.

You need to stop the Department of Hawaiian Home Lands from having to rob Peter to pay Paul to keep their doors open. By annually appropriating sufficient funds for their administrative and operating budget; they can then focus on their goals to increase delivery of homes and improve service to their beneficiaries.

Mahalo for the opportunity to present my testimony.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 9:43 AM  
**To:** omhtestimony  
**Cc:** cckapiolani\_q@hotmail.com  
**Subject:** Submitted testimony for HB1932 on Feb 17, 2016 09:00AM

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
claudia c k quintanilla	Individual	Comments Only	No

Comments: IN SUPPORT of HB1932

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**To:** omhtestimony  
**Cc:** zacky2@hawaiiantel.net  
**Subject:** \*Submitted testimony for HB1932 on Feb 17, 2016 09:00AM\*

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Allen Yanos	Individual	Support	No

Comments:

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**Sent:** Tuesday, February 16, 2016 9:08 AM  
**To:** omhtestimony  
**Cc:** stonebridge@hawaii.rr.com  
**Subject:** Submitted testimony for HB1932 on Feb 17, 2016 09:00AM

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wallace A. Ishibashi Jr.	Individual	Support	No

Comments: I ask you to Support HB1932 . mahalo nui

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**Sent:** Tuesday, February 16, 2016 9:02 AM  
**To:** omhtestimony  
**Cc:** Hawngal1@hotmail.com  
**Subject:** \*Submitted testimony for HB1932 on Feb 17, 2016 09:00AM\*

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
S Carreira	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 9:00 AM  
**To:** omhtestimony  
**Cc:** lilia@papakolea.org  
**Subject:** Submitted testimony for HB1932 on Feb 17, 2016 09:00AM

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lilia Kapuniaia	Individual	Support	No

Comments: Aloha Chair Ing and Vice Chair Lowen, Papakolea Community Development Corporation (PCDC) submits testimony in STRONG SUPPORT of HB1932. PCDC supports the decision of the Supreme Court of Hawaii in the “Nelson v. Hawaiian Homes Commission” suit, to sufficiently fund the administrative and operational expenses of the Department of Hawaiian Home Lands (DHHL). Sufficient funding of DHHL is critical to the delivery of services and programs to all the beneficiaries of the Hawaiian Homes Commission Act of 1921. PCDC is a 501(c)3 nonprofit beneficiary-serving organization that promotes economic development in the Hawaiian homestead community of Papakolea. PCDC wholly administers and operates the Papakolea Community Park and Center for residents of Papakolea and neighboring communities. Papakolea is the second oldest homestead – established in the 1934. There are 435 households, representing 1,800 Native Hawaiians living in our community. In partnership with DHHL, we are able to serve the beneficiaries of Papakolea. Without sufficient funding, it will be increasingly challenging to meet the severe housing and economic needs of our people. Thank you for allowing PCDC the opportunity to submit testimony in STRONG SUPPORT of HB1932. E malama pono, Lilia Kapuniaia Executive Director

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 8:47 AM  
**To:** omhstestimony  
**Cc:** jeffrey.y.fujimoto@hawaii.gov  
**Subject:** Submitted testimony for HB1932 on Feb 17, 2016 09:00AM

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeffrey Fujimoto	Individual	Support	No

Comments: DHHL's request of \$28,478,966 in General Funds for the department's Administration and Operating Expenses will allow DHHL to effectively address the needs of beneficiaries of the Hawaiian Home Lands Trust.

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**To:** omhtestimony  
**Cc:** solatoris001@gmail.com  
**Subject:** \*Submitted testimony for HB1932 on Feb 17, 2016 09:00AM\*

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cappy Solatorio	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 7:42 AM  
**To:** omhtestimony  
**Cc:** punikekauoha@gmail.com  
**Subject:** \*Submitted testimony for HB1932 on Feb 17, 2016 09:00AM\*

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Puni Kekauoha	Individual	Support	No

Comments:

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**Sent:** Tuesday, February 16, 2016 7:22 AM  
**To:** omhtestimony  
**Cc:** wain33@gmail.com  
**Subject:** Submitted testimony for HB1932 on Feb 17, 2016 09:00AM

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paula Aila	Individual	Support	No

Comments: This is a constitutional issue and the Governor and Legislators are required to fulfill their oath to carry out the duties of the Constitution. The State needs to "sufficiently" fund the DHHL for admin & operating expenses from the State's General Funds in the amount of more than \$28.4 million. For too long the State has allowed the department to fund themselves from DHHL trust funds and this needs to stop now. The State funds all other State and even some non-State agencies like HTA with general funds. Legislators need to fund more than \$28.4 million as directed by Judge Castagnetti because the State has failed to do it themselves. This is about the Judge telling the legislators what to do and how much to fund to stop the negligence of the State. As a matter of Statehood and it's compact with the Federal Government and ALL of the people of Hawaii, the State needs to fund the DHHL NOW!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 6:07 AM  
**To:** omhtestimony  
**Cc:** duke@sandwichisles.net  
**Subject:** Submitted testimony for HB1932 on Feb 17, 2016 09:00AM

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marion K A Kapuniai	Individual	Support	No

Comments: Let's join in the celebration of honoring the oath you all have taken to uphold the Constitution of the State of Hawaii, to represent your constituents, and to observe and implement the law, like the rest of us must. We look forward to your stunning example of law-abiding citizens. I encourage FULL SUPPORT! Mahalo!

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**Sent:** Monday, February 15, 2016 11:16 PM  
**To:** omhtestimony  
**Cc:** hawaiifishingfanatic@gmail.com  
**Subject:** Submitted testimony for HB1932 on Feb 17, 2016 09:00AM

**HB1932**

Submitted on: 2/15/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Don Aweau	Individual	Support	No

Comments: In full support of legislation. A properly supported department will provide for immediate relief for administrative costs within budgetary guidelines to further the mission of the department. Proper process and procedure should be followed to ensure that all monies are utilized to assist HHCA beneficiaries as soon as possible. Mahalo.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 15, 2016 9:21 PM  
**To:** omhtestimony  
**Cc:** stacelynn84@gmail.com  
**Subject:** \*Submitted testimony for HB1932 on Feb 17, 2016 09:00AM\*

**HB1932**

Submitted on: 2/15/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stacelynn	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 2:33 PM  
**To:** omhtestimony  
**Cc:** kehaulani1976@gmail.com  
**Subject:** Submitted testimony for HB1932 on Feb 17, 2016 09:00AM

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Doreen N. Canto	Individual	Support	No

Comments: Continuing to submit my testimony in support of HB1932. I urge this body to please do what is right as referenced in article X11, section 1, of the state constitution. Mahalo for all the hard work that you all do.

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BEFORE THE HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS

February 17, 2016

House Bill No. 1932  
Relating to the Department of Hawaiian Home Lands

Aloha Chair Ing, Vice Chair Lowen and Members of the Committee:

The Ka Lāhui Hawai‘i Political Action Committee (KPAC) affirms and defends our Hawaiian peoples’ right to over 1.8 million acres of our national lands.

KPAC submits the following testimony in support of HB 1932. This bill ensures the legislature fulfills its responsibility under Article XII, section 1 of the state constitution by appropriating sufficient general funds for the administration and operating expenses of the Department of Hawaiian Home Lands.

The Hawaiian Homes Commission Act, 1920 (HHCA) enacted by Congress established the Hawaiian Home Lands program. As a condition of Statehood in section 4 of the Admissions Act in 1959, the State is required to adopt the HHCA as a provision of the Constitution. As such Article XII, section 1 of the State Constitution adopts the HHCA and further provides that the legislature shall make sufficient sums available for 4 purposes, one of which is the administration and operating budget of DHHL.

This bill is one step in complying with the recent court’s decision in the Nelson case that ordered that “the sufficient sums that the legislature is constitutionally obligated to appropriate in general funds for DHHL’s administrative and operating budget (not including significant repairs) is more than \$28 million for fiscal year 2015-2016.” The legislature appropriated \$9.6 million in general funds for fiscal year 2015-2016. While this bill appropriately funds \$28 million for fiscal year 2016-2017, the legislature must also fund the additional \$18.4 million for the current fiscal year. At a minimum, language should be included in this bill that any special or trust funds used this fiscal year for administrative and operating expenses should be replenished with general funds.

The court’s directive is clear in ordering that the State “shall prospectively fulfill their constitutional duties and trust responsibilities” and is “enjoined from violating these obligations.”

The court also noted in its ruling that “No other State department has a constitutional mandate requiring the legislature to provide ‘sufficient sums’ for its administrative and operating budget.” Given the contractual agreement as part of Statehood and the constitutional mandate, funding DHHL must be supported despite the pending notice of appeal filed by the Attorney General. Thus, KPAC requests this bill be passed and additional funding be appropriated for this fiscal year.

Respectfully Submitted,



Healani Sonoda-Pale  
KPAC Chair

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 1:06 PM  
**To:** omhtestimony  
**Cc:** rittew@hotmail.com  
**Subject:** Submitted testimony for HB1932 on Feb 17, 2016 09:00AM

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Walter Ritte	Individual	Support	No

Comments: Walter Ritte in strong support of hb 1932 as a homesteader on Molokai. Selective neglect of a state agency smells, esp. when it has to do with Hawaiians and has constitutional and judicial support.

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Kahaunani Mahoe-Thoene

41-564 Kalanianaʻole Hwy

Waimanalo, Hi 96795

808-620-7836

Regarding: HB 1932 – Relating to the Department of Hawaiian Home Lands.

Aloha Committee Chair,

I'm writing on behalf of my Ohana and myself. We currently resides on our Kupuna's DHHL property which was given to her back in 1939. Over the years our family has grown in size, 4 generations deep of Native Hawaiian with 50% blood quantum. As I'm the current lessee of this property that I hold dear, I also house 3 other household members and their Ohana. Our home is now over crowned and I'm looking at other ways to make this house, that is now 60 years old, comfortable for all.

What this bills means to us, OPPORTUNITY!

As I have worked closely with the Department of Hawaiian Home Lands and Hawaiian Homes Commissioners, I've come to notice things that other Native Hawaiian Lessee and applicant don't know about the funding source and how the department survive on a small or limited budget. I've found out that it's the KULEANA of this legislation and State of Hawaii to fund this department.

Over the years – 13 to count, the Department of Hawaiian Home Lands has not received any funds from State of Hawaii up until last year. I feel that we are being discriminated against, because DHHL isn't being funded by this government that we pay taxes too. How can you deny Native Hawaiian who live here in Hawaii and pay taxes to help run our government but deny access to funding our Ali'i Trust who will assistance those who are waiting for their 'Aina to live on. Furthermore, it's becoming more expense to live on our Native Lands.

We deserve this settlement of 28 million that was found in favor of our trust back in November 2015. This settlement will help the department with their operation and administrative cost, helpful giving opportunity to qualified Native Hawaiians job OPPORTUNITY OR CONTRACTS. As a current recipient of DHHL NAHASDA/HALE contract partnered with HAWAIIAN COMMUNITY ASSETS. I can only see great opportunity for us service provides to continue great work in our Hawaiian Community. Hawaiian Community Assets currently employs 8 beneficiaries who currently resides on homesteads across the state. This settlement will also provide opportunity for those on the wait-list, giving them the opportunity to maybe self-build, rent-to-own and turn-key opportunities. You have an opportunity to make a difference for future generations.

Mahalo,



2/16/14

Kahaunani Mahoe-Thoene

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 12:57 PM  
**To:** omhtestimony  
**Cc:** blawaiianlvr@icloud.com  
**Subject:** Submitted testimony for HB1932 on Feb 17, 2016 09:00AM

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We FULLY SUPPORT this bill, as this State, by compact with the US federal government has agreed, as a pre-requisite to becoming the 50th State in the Union, to assume the Fiduciary duties of the Department of Hawaiian Home Lands. Governor Ige has stated in his State of the State address for 2016 that we must learn from the mistakes of the past. Governor Ige has also repeatedly stated throughout his administration that he just wants to "follow the law". Here's a great way to prove it. It must be remembered that the compact between the State & Federal Government was the first COST OBLIGATION that the State of Hawaii has incurred. Therefore, it has been a travesty that the State of Hawaii has consistently sought to throw funding in every other direction, except to DHHL for the last 57 years. This is NOT PONO, and sends a clear message that the State of Hawaii has no intention of living up to its contractual obligations. End the HEWA NOW!

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**Sent:** Tuesday, February 16, 2016 12:45 PM  
**To:** omhtestimony  
**Cc:** rkailianu57@gmail.com  
**Subject:** Submitted testimony for HB1932 on Feb 17, 2016 09:00AM

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Ho`omana Pono, LLC	Support	Yes

Comments: Strongly support this bill.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 10:56 AM  
**To:** omhtestimony  
**Cc:** rossdavis777@yahoo.com  
**Subject:** Submitted testimony for HB1932 on Feb 17, 2016 09:00AM

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gene Ross K. Davis	Individual	Support	No

Comments: Aloha e, The native Hawaiian people have done nothing but suffer these many years, even after Statehood, our people have continued to be oppressed by government, even one that is made up of some of our own people. We strongly believe that doing things PONO, is the only remedy,solution to begin reparation.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 5:46 PM  
**To:** omhtestimony  
**Cc:** pua\_kona@yahoo.com  
**Subject:** \*Submitted testimony for HB1932 on Feb 17, 2016 09:00AM\*

**LATE**

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kehaulani Shintani	Individual	Support	No

Comments:

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**LATE**

SUPPORT HB 1932  
RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

Aloha kakou,

I WHOLE-HEARTEDLY SUPPORT and request PASSAGE of HB 1932 RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS. Ensures the legislature fulfills its responsibility under article XII, section 1, of the state constitution by appropriating sufficient general funds for the administration and operating expenses of the department of Hawaiian home lands for fiscal year 2016–2017.

I believe this Hawaiian Affairs Committee is well aware of the circumstances that brought about this Bill. It is the failure of the Legislature to fulfill your kuleana, to uphold your fiduciary duty and constitutional oath under Article XII, Section 1 of the Hawaii State Constitution:

" .... The legislature shall make sufficient sums available for the following purposes:

- (1) development of home, agriculture, farm and ranch lots;
- (2) home, agriculture, aquaculture, farm and ranch loans
- (3) rehabilitation projects to include, but not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved;
- (4) the administrative and operating budget of the department of Hawaiian home lands; in furtherance of (1), (2), (3), and (4) herein, by appropriating the same in the manner provided by law."

As you know, there were many years of low funding and several years of zero (\$0) funding to DHHL. This is no longer acceptable, not by the beneficiaries and not by the judiciary; as evidenced by Judge Castanetti's ruling directing the legislature to fund DHHL a MINIMUM of \$28 million for their operational & administrative expenditures. **LET'S BE DONE WITH LEGAL CASES AND JUST DO THE RIGHT THING - TO INCLUDE \$28M FUNDING FOR FY 2015-2016 TOO.** Mahalo nui loa for allowing me to share my mana'o SUPPORTING PASSAGE OF HB 1932.

Me ka ha'aha'a,  
Kapua Keliikoa-Kamai  
Wai'anae Community Resident

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 17, 2016 2:06 AM  
**To:** omhtestimony  
**Cc:** kappywhite808@gmail.com  
**Subject:** \*Submitted testimony for HB1932 on Feb 17, 2016 09:00AM\*

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**HB1932**

Submitted on: 2/17/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
charlie white	Individual	Support	No

Comments:

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**Sent:** Tuesday, February 16, 2016 10:37 PM  
**To:** omhtestimony  
**Cc:** michelle@hawaiiancouncil.org  
**Subject:** \*Submitted testimony for HB1932 on Feb 17, 2016 09:00AM\*

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**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Iwalani Laybon-McBrayer	Kaupe'a Homestead Association	Support	No

Comments:

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# COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT

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Tel: 808.596.8155/800.709.2642 • Fax: 808.596.8156/800.710.2642  
www.hawaiiancouncil.org

**LATE**

## TESTIMONY IN SUPPORT OF HB 1932 RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS

COMMITTEE ON OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS (OMH)  
Wednesday, February 17, 2016

Chair Ing, Vice Chair Lowen and members of the OMH Committee, on behalf of the Council for Native Hawaiian Advancement (CNHA), I offer testimony in support of HB 1932. CNHA supports the intent of the bill that acknowledges the responsibility of the state legislature to appropriate sufficient general funds for the administrative and operating expenses of the Department of Hawaiian Home Lands.

Founded in 2001, CNHA is a Native Hawaii non-profit membership organization with more than 150 voting members. CNHA's mission is to enhance the well being of Hawaii through the cultural, political, economic, and community development of Native Hawaiians. At our Annual Native Hawaiian Convention, we convene a homestead caucus in partnership with the Sovereign Councils of the Hawaiian Homelands Assembly and work throughout the year with homestead leaders from across the state.

Since 2010, CNHA has focused on building the capacity of our homestead members to better understand the DHHL budget. We have offered statewide workshops specifically to dissect the DHHL budget and explain the 9 trust accounts and their functions. We encourage homestead leaders to engage in the budgetary process to advocate for the resources necessary to develop viable solutions to meet the needs of beneficiaries in their respective communities. CNHA continues to work with homestead associations with a focus on understanding DHHL's budget because we are firm believers that homestead community leaders are the best partners to support DHHL in fulfilling its mission to return Hawaiians to their lands.

While we urge the legislature to fulfill its constitutional mandate to provide sufficient funding to DHHL, we also understand the need to hold DHHL accountable for general funds and will request budget to actual expenditure reports be provided on a quarterly basis to the Hawaiian Homes Commission at its regularly scheduled meetings.

CNHA supports HB 1932 that ensures the legislature fulfills its responsibility under article XII, section 1, of the state constitution to fund the Department of Hawaiian Home Lands for FY 2016-17.

Mahalo for the opportunity to provide testimony on this measure.

Michelle Kauhane  
President & CEO

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 8:19 PM  
**To:** omhtestimony  
**Cc:** kalamaula@live.com  
**Subject:** \*Submitted testimony for HB1932 on Feb 17, 2016 09:00AM\*

**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephanie Lauifi	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 7:24 PM  
**To:** omhtestimony  
**Cc:** kauaimokihana@hotmail.com  
**Subject:** Submitted testimony for HB1932 on Feb 17, 2016 09:00AM

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**HB1932**

Submitted on: 2/16/2016

Testimony for OMH on Feb 17, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amber	Individual	Support	No

Comments: I am in Strong Support of House Bill 1932 to helo DHHL with Administrative and Operations cost. Please help this Bill to pass. Mahalo, Amber R

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