



## SCR85

**REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A TASK FORCE OF HAWAIIAN LEADERS, LEGAL SCHOLARS, AND A BROAD REPRESENTATION OF MEMBERS OF THE HAWAIIAN COMMUNITY TO REVIEW AND CONSIDER WHETHER ITS FIDUCIARY DUTY TO BETTER THE CONDITIONS OF HAWAIIANS AND MANAGE ITS RESOURCES TO MEET THE NEEDS OF HAWAIIAN BENEFICIARIES WOULD BE BETTER SERVED BY HAVING TRUSTEES APPOINTED RATHER THAN ELECTED.**

House Committee on Ocean, Marine Resources, & Hawaiian Affairs

April 12, 2017

10:00 a.m.

Room 312

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SCR85.

As the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians,<sup>1</sup> OHA has substantive obligations to protect the interests of the agency's beneficiaries.<sup>2</sup> OHA is required to serve as the principal public agency in the State of Hawai'i responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians; assess the policies and practices of other agencies impacting Native Hawaiians; and conduct advocacy efforts for Native Hawaiians.<sup>3</sup> OHA is further responsible for managing and administering the funds, real property, and other assets it holds in trust for the benefit of Native Hawaiians.<sup>4</sup> OHA appreciates the intent behind SCR85 and SR33, to ensure that OHA acts in the best interests of its Native Hawaiian beneficiaries.

OHA believes it is essential to recognize that OHA was created as an independent agency built on the goal of Native Hawaiian autonomy and self-determination. The appointment of OHA Trustees by the Judiciary or the Executive Branch would not fulfill the vision of self-determination and could begin to erode OHA's autonomy from the three branches of the State's government. Appointed Trustees may be or feel constrained in their ability to take action in ways that conflict with the interests of those that appoint them, and the lack of an electoral process may also render them less accountable to their constituents. OHA emphasizes that elected Trustees over past decades have moved OHA from a fledgling entity to a multi-faceted agency that provides beneficiaries with a formidable array of programs and services in such areas as health, housing stability, economic well-being, education, land, and culture. Whether an appointed Board of Trustees would have achieved greater results or acted with greater fidelity to the OHA trust is a matter of debate and opinion.

Mahalo nui loa for the opportunity to testify on this measure.

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<sup>1</sup> HAW. CONST. ART. XII, § 5.

<sup>2</sup> See Haw. Rev. Stat. Chapter 10 (2009).

<sup>3</sup> HRS § 10-3 (2009).

<sup>4</sup> HAW. CONST. ART. XII, §§ 5 AND 6.

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**SCR85**

Submitted on: 4/12/2017

Testimony for OMH on Apr 12, 2017 10:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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