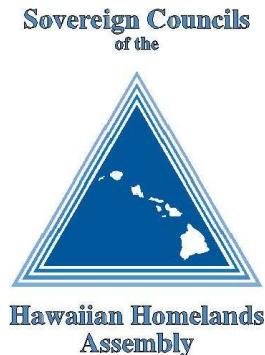


February 6, 2017

Testimony of Robin Puanani Danner, SCHHA Chairman  
To the Senate Committee on Hawaiian Affairs  
Hearing Dated February 7, 2017

RE: SB961 – Hawaiian Homes Commission  
Oppose If Not Revised



Aloha Honorable Committee Chairman and Members:

My name is Robin Puanani Danner, and I am the elected chairman of the Sovereign Councils of the Hawaiian Homeland Assembly (SCHHA), the oldest and largest organization unifying Hawaiian Home Lands (HHL) community leaders and self-governing homestead associations throughout the state of Hawaii. The SCHHA represents the interests of native Hawaiians eligible under the federal Hawaiian Homes Commission Act (HHCA) of 1921.

The SCHHA is organized by regional island MokuPuni into a statewide governance structure of its Executive Council. While the Executive Council through the Chairman’s office, will express the statewide policy priorities, we encourage our island MokuPuni leaders to express policy priorities on a myriad of issues impacting regional areas.

The SCHHA Executive Council hereby **registers its opposition to SB961** unless revised to meet its policy priority regarding the Hawaiian Homes Commission, by its homestead leaders for the last 5 years. This is an incredible opportunity to repair a conflict of interest that has been noted by decades of State Audits, and get DHHL on track to remove direct politics and engage in policy implementation.

We acknowledge that MokuPuni leaders of the SCHHA have long supported the designation of a Lanai specific Commissioner, however, the policy priority addressing the dysfunction at DHHL takes priority. We respect and mahalo our MokuPuni leaders that pursue a Lanai designated seat.

**SCHHA Recommendation**

The SCHHA opposes the simplistic SB961 which essentially redirects one of three (3) Oahu based Commissioners to be a Lanai based Commissioner as follows:

Oahu County	3 Commissioners	to	2 Commissioners
Maui County	2 Commissioners	to	3 Commissioners (Maui, Molokai, Lanai)
Hawaii Island	2 Commissioners		Status Quo
Kauai County	1 Commissioner		Status Quo
At Large	1 DHHL Director		Status Quo

Our first reason for opposition, is the sheer lopsided misrepresentation this bill will create. To remove an Oahu commissioner, reducing it to 2 commissioners is not prudent when one of the highest levels of beneficiaries are on Oahu (land and waitlist). Moreover, Oahu is at the highest risk of trust lands being overly directed to commercial purposes for non-beneficiaries over beneficiary homesteading and mercantile purposes. Lanai on the other hand, consists of a mere 50 acres.

We believe achieving representation for Lanai can be met through the At Large Commission seat, as we describe in the below recommendations.

The second reason we oppose this legislation, is its extremely thin impact to addressing the huge challenges we as beneficiaries have put up with for literally decades, some of which has been documented over at least 3 decades of State Audits wherein the Commission Chair and the DHHL Director are

designated to be the same person. Said another way, the DHHL Director appointed by the Governor, and a part of the Governor's Cabinet, is also the Chair of the Commission, creates a difficult and detrimental conflict of interest.

Per Hawaii Administrative Rules, the Commission has a duty to exclusively represent the interests of HHCA beneficiaries, whereas the DHHL Director has a duty to the Governor. Two masters, where HHCA beneficiaries never fare well. We must have a Commission structure to serve the people.

The SCHHA has had a policy priority for 5 years to amend the HHCA Section 202, to make three significant, and meaningful changes to the administrative management of our land trust by the State:

1. **Separate Director & Commission Chair.** To prohibit the Cabinet Appointee of DHHL Director from being on the Commission at all, much less the Chairman of the Commission. Instead, the DHHL Director should be reporting to the Commission, being accountable to the Commission, and not setting the Agenda of the Commission. The 9 Commissioners should select their own Chairman, every 2 years. As such, the At Large Commission seat currently occupied by the DHHL Director, should continue to be an At Large, and certainly could be represented from time to time from a Lanai resident.
2. **HHCA Beneficiary Majority.** To require that five of the nine Commissioners appointed to serve, must be HHCA Beneficiaries. We have an incredible pool of highly successful, knowledgeable HHCA beneficiaries, in careers across the board, from judges to doctors, to politicians. We are missing the benefit of these individuals. Just as Betsy Devos should not be confirmed as the U.S. Secretary of Education given her complete lack of service or experience as a teacher or education administrator, at least five commissioners should be required to be eligible as an HHCA land trust beneficiary.
3. **HHC Selection Commission.** And finally, perhaps most important of all – this legislation should be revised to establish a selection commission like the Judiciary Selection Commission, that receives applications to serve on the Commission, goes through an interview and vetting process, and 3 names for every commission seat open is sent by the Selection Commission to the Governor to choose from that list. It has been an inclusive and contemplative process that works for our Judges, and the time has come to raise the bar and reduce the politics of our Hawaiian Homes Commission.

We strongly recommend that this bill either be tabled or greatly revised to achieve truly meaningful reform at the Hawaiian Homes Commission, and DHHL, to give our future a chance for change and improvement. We need reforms on how the Commission is appointed, and a separation between the DHHL Director and the Commission Chairmanship. Even Lanai will fare well with this reform.

Thank you for the opportunity to provide comment of this matter of serious interest to the SCHHA and our people.

Sincerely,



Robin Puanani Danner  
SCHHA Chairman

CC: SCHHA Executive Council and Homestead Association Members  
SCHHA Chairman Emeritus, Kamaki Kanahale

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 6, 2017 2:11 PM  
**To:** HWNTestimony  
**Cc:** bokahui@laiopua.org  
**Subject:** \*Submitted testimony for SB961 on Feb 7, 2017 13:15PM\*

**SB961**

Submitted on: 2/6/2017

Testimony for HWN on Feb 7, 2017 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Craig "Bo" Kahui	Individual	Support	No

Comments:

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# COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT

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Testimony providing comments on **SB961**  
Hawaiian Homes Commission; Composition

COMMITTEE ON HAWAIIAN AFFAIRS  
Tuesday, February 7, 2017

Chair Shimabukuro, Vice Chair Galuteria and members of the Committee on Hawaiian Affairs, on behalf of the Council for Native Hawaiian Advancement (CNHA) and our Policy Center, I offer **comments** on **SB961** which seeks to amend the Hawaiian Homes Commission Act to reduce the number of commissioners that are residents of the City and County of Honolulu and adds a commissioner from the island of Lanai.

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.

Changing how Hawaiian Homes Commission (HHC) appointments are made has been a CNHA policy priority since 2014. The topic came out of our 2014 statewide consultation sessions where we discussed amendments to the HHCA to address conflicts of interests of beneficiary versus state interests among other topics.

CNHA offers the following recommendations with regard to the HHC composition proposed in **SB961**:

CNHA suggests SB961 be amended to include reform on how commissioners are appointed. We support a process similar to the Judiciary Selection Commission where DoI recognized homestead association representatives; Senate President and House Speaker are on a selection commission that provides the Governor with names to choose from for Commission appointments.

Further, to avoid conflicts of interest between the State of Hawaii and beneficiaries of the HHCA, we would like the Director appointed by the Governor to be the State Director and NOT hold a seat on the Hawaiian Homes Commission. Instead, the members of the Commission should select the Chairman of the HHC.

CNHA would also like SB961 to require at least 5 of the 9 members of the HHC be homestead beneficiary representatives. When the HHCA was amended to change the HHC from a 7-member commission to a 9-member commission, increasing the requirement from 4 descendants of not less than one-fourth part of the blood was not amended to be at least 5 descendants.

Finally, like all amendments to the Hawaiian Homes Commission Act, SB961 should require beneficiary consultation. CNHA recommends beneficiary consultation on the measure and as such we recommend reintroduction of this measure in 2018.

Mahalo for the opportunity to provide testimony.

A handwritten signature in black ink, reading "Michelle Kauhane". The signature is written in a cursive, flowing style with a prominent initial "M".

Michelle Kauhane  
President & CEO

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 6, 2017 11:25 AM  
**To:** HWNTestimony  
**Cc:** kaipelayo@gmail.com  
**Subject:** \*Submitted testimony for SB961 on Feb 7, 2017 13:15PM\*

**SB961**

Submitted on: 2/6/2017

Testimony for HWN on Feb 7, 2017 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alvin K Pelayo	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 6, 2017 10:41 AM  
**To:** HWNTestimony  
**Cc:** mkkapuniai@gmail.com  
**Subject:** \*Submitted testimony for SB961 on Feb 7, 2017 13:15PM\*

**SB961**

Submitted on: 2/6/2017

Testimony for HWN on Feb 7, 2017 13:15PM in Conference Room 016

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

Comments:

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**Sent:** Monday, February 6, 2017 9:16 AM  
**To:** HWNTestimony  
**Cc:** Fedscoach001@hotmail.com  
**Subject:** Submitted testimony for SB961 on Feb 7, 2017 13:15PM

**SB961**

Submitted on: 2/6/2017

Testimony for HWN on Feb 7, 2017 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Kaaihue	Individual	Comments Only	No

Comments: I support the above proposal for SB 961.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 6, 2017 8:26 AM  
**To:** HWNTestimony  
**Cc:** maunalei.ahupuaa@gmail.com  
**Subject:** Submitted testimony for SB961 on Feb 7, 2017 13:15PM

**SB961**

Submitted on: 2/6/2017

Testimony for HWN on Feb 7, 2017 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Solomon P. Kaho?ohalahala	Individual	Support	No

Comments: The island of Lāna'i is finally a part of the Hawaiian Home Lands program and it is now time to allow for our homesteaders to be represented on the Hawaiian Homes Commission. I ask you for your full support in this measure and to embrace the Homestead community of Lāna'i. Mahalo for your support.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 6, 2017 8:20 AM  
**To:** HWNTestimony  
**Cc:** rossdavis777@yahoo.com  
**Subject:** Submitted testimony for SB961 on Feb 7, 2017 13:15PM

**SB961**

Submitted on: 2/6/2017

Testimony for HWN on Feb 7, 2017 13:15PM in Conference Room 016

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

Comments: The Beneficiaries of HHL who lives on LNY want someone to represent them on the HHC. I support their intent and desire.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 5, 2017 4:01 PM  
**To:** HWNTestimony  
**Cc:** dkanealii02@gmail.com  
**Subject:** Submitted testimony for SB961 on Feb 7, 2017 13:15PM

**SB961**

Submitted on: 2/5/2017

Testimony for HWN on Feb 7, 2017 13:15PM in Conference Room 016

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

Comments: I fully support having a commissioner from Lanai and reduce a commissioner from 'Oahu. Please support this SB 961 Mahalo for allowing me to have input on this decision.

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**SB961**  
**RELATING TO THE HAWAIIAN HOMES COMMISSION**  
Senate Committee on Hawaiian Affairs

February 7, 2017

1:15 p.m.

Room 016

The Administration of the Office of Hawaiian Affairs (OHA) will recommend that the Board of Trustees **SUPPORT** SB961, which proposes to amend the Hawaiian Homes Commission Act (HHCA) by reducing the number of Hawaiian Homes Commissioners residing on O‘ahu from three to two, and adding a Commissioner from the island of Lāna‘i. **This measure would ensure that Lāna‘i homesteaders have more meaningful representation on the Hawaiian Homes Commission, through a Lāna‘i Commissioner who may better understand the unique needs and concerns of their island.**

As currently written, the HHCA appears intended to require the Hawaiian Homes Commission to include Commissioners from each of the islands on which Hawaiian Home Lands are located. However, in describing the specific Commission composition, the HHCA does not include a Commissioner for Lāna‘i, on which fifty acres of land were acquired by the Department of Hawaiian Home Lands (DHHL) in 1999. Notably, 29 leases have since been awarded for DHHL’s Lāna‘i lands, with an additional 66 lease applications currently pending. **This measure would recognize the need to ensure that Lāna‘i’s homestead communities have their own representative on the Hawaiian Homes Commission, consistent with the HHCA’s intent to ensure representation from each island on which Hawaiian Home Lands are located.**

OHA supports the principle that all islands that have Hawaiian Home Lands should have representation on the Commission. We take this opportunity, however, to also note the significant needs of O‘ahu. In its January 11, 2017, testimony to the Senate Ways and Means Committee, DHHL identified O‘ahu as having the greatest demand (i.e., the longest waiting list) for residential property (10,511 residential lease applications as of November 30, 2016). Additionally, O‘ahu has substantial homestead communities, including in Kapolei, Nānākuli, Princess Kahanu Estates, Papakōlea, Kewalo, Kalāwahine, Waimānalo, Waiāhole, Kumuhau/Kaka‘ina, Wai‘anae, Kaupuni Village, and Lualualei. It is our expectation that the Commission and Department will continue to address DHHL’s challenges on O‘ahu, even with this measure’s proposed reduction of the number of Commissioners representing the island.

Thank you for the opportunity to testify on this measure.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 5, 2017 11:57 AM  
**To:** HWNTestimony  
**Cc:** lady.flach@gmail.com  
**Subject:** \*Submitted testimony for SB961 on Feb 7, 2017 13:15PM\*

**SB961**

Submitted on: 2/5/2017

Testimony for HWN on Feb 7, 2017 13:15PM in Conference Room 016

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

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 3, 2017 5:45 PM  
**To:** HWNTestimony  
**Cc:** jflowers7733@gmail.com  
**Subject:** Submitted testimony for SB961 on Feb 7, 2017 13:15PM

**SB961**

Submitted on: 2/3/2017

Testimony for HWN on Feb 7, 2017 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jerry Wayne FlowersJr	Individual	Support	No

Comments: All Islands deserve to have a representative that will voice and stand for their island, no matter big or small.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 3, 2017 3:34 PM  
**To:** HWNTestimony  
**Cc:** naregion9@gmail.com  
**Subject:** Submitted testimony for SB961 on Feb 7, 2017 13:15PM

**SB961**

Submitted on: 2/3/2017

Testimony for HWN on Feb 7, 2017 13:15PM in Conference Room 016

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

Comments: In support of SB961.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 3, 2017 2:27 PM  
**To:** HWNTestimony  
**Cc:** hynmahi@yahoo.com  
**Subject:** Submitted testimony for SB961 on Feb 7, 2017 13:15PM

**SB961**

Submitted on: 2/3/2017

Testimony for HWN on Feb 7, 2017 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
carol lee kamekona	Individual	Support	No

Comments: I am in support of Lana'i having their own Commissioner to the Hawaiian Homes Commission. I am also in support of that Commissioner being a beneficiary/lessee of the Hawaiian Homes Commission Act of 1920.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 3, 2017 1:01 PM  
**To:** HWNTestimony  
**Cc:** shane.nelsen@gmail.com  
**Subject:** \*Submitted testimony for SB961 on Feb 7, 2017 13:15PM\*

**SB961**

Submitted on: 2/3/2017

Testimony for HWN on Feb 7, 2017 13:15PM in Conference Room 016

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

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 3, 2017 10:05 AM  
**To:** HWNTestimony  
**Cc:** lawrence@molokaicommunityfcu.com  
**Subject:** \*Submitted testimony for SB961 on Feb 7, 2017 13:15PM\*

**SB961**

Submitted on: 2/3/2017

Testimony for HWN on Feb 7, 2017 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lawrence K. Lasua	Kalamaula Homesteaders Association	Support	No

**Comments:**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 3, 2017 7:38 AM  
**To:** HWNTestimony  
**Cc:** kamakane73@gmail.com  
**Subject:** \*Submitted testimony for SB961 on Feb 7, 2017 13:15PM\*

**SB961**

Submitted on: 2/3/2017

Testimony for HWN on Feb 7, 2017 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kama Hopkins	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 2, 2017 9:36 PM  
**To:** HWNTestimony  
**Cc:** lilia@papakolea.org  
**Subject:** \*Submitted testimony for SB961 on Feb 7, 2017 13:15PM\*

**SB961**

Submitted on: 2/2/2017

Testimony for HWN on Feb 7, 2017 13:15PM in Conference Room 016

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

Comments:

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**Sent:** Thursday, February 2, 2017 5:08 PM  
**To:** HWNTestimony  
**Cc:** mendezj@hawaii.edu  
**Subject:** \*Submitted testimony for SB961 on Feb 7, 2017 13:15PM\*

**SB961**

Submitted on: 2/2/2017

Testimony for HWN on Feb 7, 2017 13:15PM in Conference Room 016

<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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