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WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

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

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TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS
HEARING ON JANUARY 30, 2020 AT 1:17PM IN CR 016

SB 2389 RELATING TO THE HAWAIIAN HOMES COMMISSION ACT

January 29, 2019

Aloha Chair Shimabukuro, Vice Chair Kahele, and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) submits comments on this bill prohibiting lessees who sell or transfer land from obtaining subsequent leases of the same class of land unless the subsequent lease is acquired pursuant to section 209 of the Hawaiian Homes Commission Act, 1920, as amended, or the prior lease interest held by the lessee was a partial interest held with another lessee or lessees.

DHHL prepared a report to the 2020 Legislature relating to Act 179 (2018) requiring DHHL to conduct a study on the issue of Hawaiian Home Lands lessees selling or transferring their Hawaiian Home Lands lease to another Native Hawaiian for a fee or personal gain and then applying for a subsequent Hawaiian Home Lands lease. The study essentially determined that a small number of applicants transferred their lease for a fee or other personal gain and then applied for a subsequent Hawaiian home lands lease. Given this finding, the study recommended that legislative action is not needed because the existing administrative rules (1) place a preference on applicants who have not been awarded a lease; (2) closed the loophole on profiting from sales of vacant or undeveloped lots and undivided interests; and (3) prioritize transfers to qualified beneficiaries on the waitlist over beneficiaries not on a waitlist.

Thank you for your consideration of our testimony.

SB-2389

Submitted on: 1/27/2020 8:00:17 PM

Testimony for HWN on 1/30/2020 1:17:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

LATE

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Submitted on: 1/29/2020 6:09:52 PM

Testimony for HWN on 1/30/2020 1:17:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kama Hopkins	Individual	Oppose	No

Comments:

Aloha Chair Shimabukuro, Vice Chair Kahele and members of the Senate Committee on Hawaiian Affairs,

I am testifying in OPPOSITION to SB 2389. As a former Hawaiian Homes Commissioner, I believe this will be seen as a diminishment in the rights of the beneficiaries of the Hawaiian Homes Commission Act, as amended. If this is true, this will expose the State of Hawaii to litigation.

Please feel free to contact me if you have any questions. Mahalo for the opportunity to testify.