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GOVERNOR  
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LT. GOVERNOR  
STATE OF HAWAII



JOBIE M. K. MASAGATANI  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

WILLIAM J. AILA, JR.  
DEPUTY TO THE CHAIRMAN

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

P. O. BOX 1879  
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TESTIMONY OF JOBIE M. K. MASAGATANI, CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS  
HEARING ON JANUARY 31, 2019 AT 1:15PM IN CR 016

**SB 282 RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS**

January 30, 2019

Aloha Chair Shimabukuro and members of the Committee:

Thank you for the opportunity to testify on Senate Bill 282, which appropriates funds for the Department of Hawaiian Home Lands (DHHL). The Department greatly appreciates the bill's intent of providing funding general for DHHL.

Thank you for your consideration of our testimony.

**LATE**

**SB-282**

Submitted on: 1/31/2019 7:41:49 AM

Testimony for HWN on 1/31/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elizabeth Garcia	Testifying for Hawaii Homes Connection Corp.	Support	No

Comments:

Dear Senate,

Please help the Hawaiian people realize their home ownership dreams promised by Hawaii Homes Act Commission. Too many years have gone for some Kupuna that have passed away without experiencing the true meaning of homeownership.

Elizabeth Garcia

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Unity, Equality, Aloha for all



To: SENATE COMMITTEE ON HAWAIIAN AFFAIRS  
For hearing Thursday, January 31, 2019

Re: SB 282 RELATING TO THE DEPARTMENT OF HAWAIIAN HOME  
LANDS.

Appropriates funds for the Department of Hawaiian Home Lands.  
Appropriates funds. Effective 7/1/2050.

#### TESTIMONY IN OPPOSITION

This little bill, one page long, appropriates an unspecified amount of money for the Department of Hawaiian Homelands, to be used for unspecified purposes, and will not take effect until July 1, 2050.

So, what's wrong with that?

Vagueness is what's wrong with it. This short-form bill is clearly a placeholder which is a perfect setup for the gut-and-replace tactic. Nobody knows how many bazillion dollars will be appropriated, nor for what ridiculous purposes. Those details will be inserted in secret by a conference committee at the end of session when it's too late for public testimony.

But the whole substantive concept of this bill is objectionable.

According to its most recent annual statement, The Office of Hawaiian Affairs has assets of more than \$662,000,000.00. OHA can easily afford to pay for the administrative and operational expenses of the Department of Hawaiian Homelands; this legislature has the power to make that happen; and this legislature should do so.

OHA gets nearly all its money from ceded land revenues.

Following Annexation, the Organic Act of 1900, providing a government for the Territory of Hawaii, taking the public lands of Hawaii into trust for the benefit of all the people of Hawaii, and requiring that the revenue from those ceded lands must be used "for education and other public purposes."

Section 5(f) of the statehood Admissions Act says one of the 5 purposes for the use of ceded land revenues: is "... for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920." HHCA defines "native Hawaiians" as people who have at least 50% native blood quantum -- exactly the same requirement for someone to be granted a lease on DHHL land.

Act 273 (1980) says "twenty per cent of all funds derived from the public land trust ... shall be expended by the office of Hawaiian affairs ... for the purposes of this chapter." Act 273 does not say the funds may be invested in an investment portfolio, it says the funds SHALL BE EXPENDED to provide services. Yet OHA seems to think it can grab tens of millions of dollars every year which it then invests or uses for political purposes such as lobbying for the Akaka bill or building a racial registry for "nationbuilding", but OHA fails to provide more than sporadic and inadequate funding for purposes which OHA should be supporting.

OHA currently has over \$662 Million in assets. No other agency of the state government is allowed to squirrel away huge amounts of wealth as a permanent cash stash.

Make OHA spend its vast wealth for the needs of DHHL -- i.e., for the betterment of native Hawaiians as defined in HHCA. If DHHL decides to use some of the money for "micro housing units" it can do so. DHHL can build slums for low-income native Hawaiians, to the consternation of middle-class suburban homeowners (including native Hawaiians) living right across the street.

The legislature has the power to command OHA to provide full funding for the administrative and operational expenses of DHHL, including building the infrastructure to support housing development.

The legislature often passes laws compelling OHA to comply with certain requirements or telling OHA what OHA must spend money for. For example, OHA is commanded to obey the state procurement laws, and to cooperate with the state auditor. In recent years the legislature required that OHA must pay for the training program which state government officials are required to attend regarding laws governing "Native Hawaiian rights."

**MAKE OHA PAY FOR DHHL.** Do not force 100% of Hawaii's taxpayers to pay for a program which 95% of us are excluded from solely on account of race.

**SB-282**

Submitted on: 1/25/2019 3:58:24 PM

Testimony for HWN on 1/31/2019 1:15:00 PM

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

Comments:



# Ke One O Kakuhihewa

O'ahu Council - Association of Hawaiian Civic Clubs

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BENTON KEALII PANG, PH.D.,  
PELEKIKENA



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SEN. MAILE SHIMABUKURO, SEN. KAIALI'I KAHELE,  
AND THE COMMITTEE ON HAWAIIAN AFFAIRS

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Aloha e Sen. Maile Shimabukuro, Sen. Kaiali'i Kahele, and the Committee on Hawaiian Affairs,

My name is Benton Kealii Pang. I am the newly elected president for the O'ahu Council of the Association of Hawaiian Civic Clubs which is made up of 25 civic clubs on the island of O'ahu. We support SB282.

DHHL has been severely underfunded for many years. The State of Hawai'i has not been upholding it's own laws and constitution which were written specifically to allow DHHL to fulfill it's legal mandate granted by the US Congress.

The purpose of Article XII, Section I of the Hawai'i State Constitution states:

"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 by 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 administration and operating budget of the department of Hawaiian home lands..."

The 2016-2017 Native Hawaiian Annual Performance Report published by the U.S. Housing and Urban Development determined 68,385 total native Hawaiian individuals households were needed and 34,022 total native Hawaiian households were eligible under the Native American Housing Assistance and Self Determination Act (NAHASDA). Furthermore, sufficient funding was calculated to be \$10,850,450,000.00 (page 11). Recognizing

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both the State of Hawai'i and the US Congress share responsibility for DHHL, Hawai'i's portion would be roughly \$5.42 Billion.

Based upon this publication written by the DHHL we not only support SB282 but also request you increase the budget for DHHL this legislative session and request funding match from the US Congress.

The O'ahu Council is comprised of 25 clubs including the Hawaiian Civic Club of Honolulu which was started by Prince Jonah Kūhiō Kalani'ana'ole in 1918. Two years later, Prince Kūhiō urged the US congress to pass the Hawaiian Homes Commission Act of 1920. It is this legacy that impels us to bring this attention to you today.

If you have any questions, feel free to contact me at 808-349-3636.

Sincerely,

Benton Kealii Pang, Ph.D., Pelekikena





**SB-282**

Submitted on: 1/30/2019 11:48:01 AM

Testimony for HWN on 1/31/2019 1:15:00 PM

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

Comments:

**SB-282**

Submitted on: 1/30/2019 7:19:22 PM

Testimony for HWN on 1/31/2019 1:15:00 PM

**LATE**

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

Comments:

I support this bill and expect the maximum allocation of funds to actually release lots and look for opportunities to provide needed housing to Beneficiaries. They should also look for existing opportunities such as the Courtyards at Waipouoli in Kauai.

**LATE**

**SB-282**

Submitted on: 1/30/2019 11:03:06 PM

Testimony for HWN on 1/31/2019 1:15:00 PM

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

Comments:

**LATE**

**SB-282**

Submitted on: 1/30/2019 11:21:23 PM

Testimony for HWN on 1/31/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephanie Lauifi	Testifying for Kalamaula Homesteaders Association	Support	No

Comments:

**LATE**

**SB-282**

Submitted on: 1/31/2019 12:05:51 PM

Testimony for HWN on 1/31/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kapua Keliikoa-Kamai	Individual	Support	Yes

Comments:

Aloha Chair Shimabukuro, Vice Chair Kahele and Committee Members,

I support SB 282 RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS and ask you to increase the appropriation then pass this Bill out of your committee. As you may be aware, DHHL requested over \$45M for FY2019 & FY 2020 to fully meet their mandated mission. DHHL is dependent upon their maximum funding and is significantly challenged when not insufficiently funded. While the Governor's Budget only reflects \$25M, I am optimistic of an increase considering the numerous decades of minimal funding. That said, like DHHL, I too am pleased to receive the recent annual increased funding from the Legislature.

I also appreciate and support the current leadership of Jobie Masagatani and the improvements she's implementing on our behalf. I remain a proud HHCA beneficiary and HHL lessee. Mahalo for this opportunity to support SB 282 the Hawaiian Homes Commission Act and it's beneficiaries.

Kapua Keliikoa-Kamai

Wai'anae Valley Homestead

**LATE**

Testimony in Support of SB 282

SENATE COMMITTEE ON HAWAIIAN AFFAIRS  
Senator Maile S.L. Shimabukuro, Chair  
Senator Kaiali'i Kahele, Vice Chair

**SB 282 RELATING TO THE HAWAIIAN HOMES COMMISSION ACT**

January 31, 2019

Aloha Chair Shimabukuro and members of the Committee,

My name is Homelani Schaedel. I am a lessee residing at Malu'ōhai homestead in Kapolei for the past 17 years, a homestead leader in the Kapolei region, a beneficiary, and advocate for the Hawaiian Home Lands Trust.

On August 3-5, 2018 the Department of Hawaiian Home Lands held its' bi-annual Puwalu for homestead leaders across the state. It was a grueling 3 day schedule with very little downtime; but in the end I know we walked away understanding DHHL financial constraints and lack of action to many of our demands. We may not have liked what we heard, but I for one understood my kuleana is to be here today to ask for your support to increase funding to DHHL's Administration and Operating Budget.

General funds do not cover all of DHHL's operational expenses, I know firsthand. As Hurricane Lane began to approach our island in August 2018 I received calls from concerned lessees about the trees that line a main thorough fare very close to the back of their homes. I contacted staff at DHHL and asked to have the trees trimmed. It took several calls, e-mails and a threat that DHHL would have to replace the lessees \$25,000.00 PV system if it was damaged by the tree behind a lessees home before staff came out, did an assessment, tagged the 10 most threatening trees and a vendor came to trim the trees. You may say its' not about funding, its' lack of staff response. NO, its' about funding; to trim our trees, fix our streetlights, replace sidewalks and curbing for the past 17 years, and this is just in my homestead. I consider myself lucky that this is all I have to deal with. Imagine what other homesteads are dealing with.

Purpose 5 of the requires DHHL to provide *“financial support and technical assistance to native Hawaiian beneficiaries of this Act so that by pursuing strategies to enhance economic self-sufficiency and promote community-based development, the traditions, culture and quality of life of native Hawaiians shall be forever self-sustaining”*.

Homestead leaders across the state have their priorities and projects initiated by beneficiaries in their Regional plans. Sadly many of these projects are on hold due to lack of funding.

Mahalo for this opportunity to come before you, and your commitment to ensure DHHL have sufficient funds to serve all its' beneficiaries as stated in the Hawaiian Homes Commission Act.