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Unity, Equality, Aloha for all



To: SENATE COMMITTEE ON WAYS AND MEANS
For hearing Thursday, February 28, 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: 2/24/2019 11:32:47 PM

Testimony for WAM on 2/28/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raytan K. Vares	Individual	Support	No

Comments:

Aloha Senator Dela Cruz, Vice Chair Keith-Agaran, and members of the committee,

The Democratic Party of Hawaii Hawaiian Affairs Caucus stands in strong support of this bill. We urge your committee to appropriate sufficient funding to the Department so that it may fulfill its obligation under the Hawaiian Homes Commission Act of 1921.

Mahalo for your consideration.