

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

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

P. O. BOX 1879
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TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS
HEARING ON FEBRUARY 1, 2022 AT 1:01PM VIA VIDEOCONFERENCE

IN SUPPORT OF

**SB 3104, RELATING TO INTERIM ADMINISTRATIVE RULES OF THE
DEPARTMENT OF HAWAIIAN HOME LANDS**

February 1, 2022

Aloha Chair Shimabukuro, Vice-Chair Keohokalole and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) strongly supports this bill allowing DHHL after beneficiary consultation and upon approval by the Hawaiian Homes Commission to issue interim rules that shall be exempt from the public notice, public hearing, and gubernatorial approval requirements of chapter 91, Hawaii Revised Statutes (HRS) and stipulating that the interim rules shall be effective for not more than eighteen months. This bill was approved by the Hawaiian Homes Commission and included in the Governor's administrative package by request of our Department.

DHHL is currently authorized to adopt rules in accordance with chapter 91, HRS, which can be a lengthy process given that the Department conducts beneficiary consultation pursuant to its administrative rules prior to initiating the rule making process. This new section, which is modeled after 103D-202, HRS, will enable the Department to move quickly in issuing interim rules after beneficiary consultation and upon approval by the Hawaiian Homes Commission on important programs and services. The eighteen-month limitation on the life of the interim rules will ensure that the Department has adequate time to adopt permanent rules through formal rulemaking procedures.

Thank you for your consideration of our testimony.

SB-3104

Submitted on: 1/28/2022 7:31:38 AM

Testimony for HWN on 2/1/2022 1:01:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kenneth R. Conklin, Ph.D.	Testifying for Center for Hawaiian Sovereignty Studies	Oppose	No

Comments:

This bill, if enacted, would strike a blow against openness and transparency at DHHL, which is an agency of the state government. It's nice that DHHL management would consult with DHHL beneficiaries during the rulemaking process, and would require the resulting rules to be rubber-stamped by the Hawaiian Homes Commission before they could be implemented. But there's no good reason why DHHL should be allowed to block the general public, or news reporters, from observing what's happening. This bill says rulemaking and the resulting rules "shall be exempt from the public notice, public hearing, and gubernatorial approval requirements" of HRS Chapter 91. What sort of nepotism, favoritism, or corruption are they trying to hide? Last year DHHL leadership was trying to rush through a proposal for gambling casinos on DHHL lands. This year Speaker Saiki has announced he wants to throw \$600 Million into DHHL. The timing of this proposal for an exemption from public scrutiny adds an extra layer of stink to what would already have a bad smell. DHHL is not a private company, and not (yet) an agency inside one of Jack Abramov's corrupt tribal governments. The 18-month limit on the exemption allows plenty of time for the slime under the rock to grow virulent. Sunlight is the best disinfectant.

SB-3104

Submitted on: 1/30/2022 3:53:00 PM

Testimony for HWN on 2/1/2022 1:01:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bronson Azama	Individual	Oppose	Yes

Comments:

We need further transparency not further closed-door policies

February 1, 2022

Senate Committee On Hawaiian Affairs
Senator Maile S.L. Shimabukuro, Chair
Senator Jarrett Keohokolole, Vice Chair

Testimony in Support of SB-3104

Allows the Department of Hawaiian Home Lands after beneficiary consultation and upon approval by the Hawaiian Homes Commission to issue interim rules that shall be exempt from the public notice, public hearing, and gubernatorial approval requirements of chapter 91, Hawaii Revised Statutes. The interim rules shall be effective for not more than eighteen months.

Aloha Chair Shimabukuro, Vice Chair Keohokolole, and members of the Committee,

I'm Homelani Schaedel, a beneficiary residing in Malu'ohai and a homestead leader in Kapolei.

Passage of this bill is very important, because it:

1. Does not amend the Hawaiian Homes Commission Act of 1920, as amended (HHCA).
2. Provides DHHL staff with a tool and time to formulate a plan and process to assist and address important issues directly affecting the health, safety, and welfare of our beneficiaries.
3. Requires DHHL to seek approval from the HHC before and after conducting beneficiary consultation, providing an opportunity for beneficiaries to participate and contribute to the process.
4. Requires the HHC to discuss, and if necessary make changes in the best interest of its' beneficiaries, and approve the plan.
5. Has a set timeline of eighteen months from implementation to see if the plan and process; addresses, resolves, and supports beneficiaries.

I urge you to pass this bill to provide the HHC and DHHL with a crucial tool to expedite relief and service to our beneficiaries.

Mahalo for this opportunity to share my mana'o.