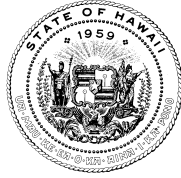


JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia 'āina o ka Moku'āina 'o
Hawaii 'i*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia 'āina o ka Moku'āina
'o Hawaii 'i*



IKAIKA ANDERSON
CHAIRMAN DESIGNATE, HHC
Ka Luna Ho'okele

KATIE L. DUCATT
DEPUTY DESIGNATE TO THE
CHAIRMAN
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawaii 'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

**TESTIMONY OF IKAIKA ANDERSON, CHAIRMAN DESIGNATE
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS
HEARING ON JANUARY 31, 2023 AT 1:01PM IN CONFERENCE ROOM 224**

IN SUPPORT OF

**SB 437, RELATING TO INTERIM ADMINISTRATIVE RULES OF THE DEPARTMENT
OF HAWAIIAN HOME LANDS**

January 31, 2023

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

The Department of Hawaiian Home Lands (DHHL) strongly supports this measure allowing DHHL to issue interim administrative rules after beneficiary consultation and upon approval by the Hawaiian Homes Commission 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. The intent of this bill is to have interim rules, formed with the input of its beneficiaries and approved by the Hawaiian Homes Commission, which can be effective and enforced pending DHHL's effort to formalize the rules through the usual Ch. 91 rule-making process. 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 prior to initiating the Ch. 91 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.



HUI KAKO'O 'ĀINA HO'OPULAPULA

"Let the people flourish on the land."

Testimony Presented Before the
Senate Committee on Hawaiian Affairs
Tuesday, January 31, 2023 at 1:01pm

By
Elmer Ka'ai
President and Chair
Hui Kako'o 'Āina Ho'opulapula

SB 437 – Relating to Interim Administrative Rules of the Department of Hawaiian Home Land.

Chair Shimabukuro, Vice Chair Fevella and Members of the Committee:

Thank you the opportunity to provide comments on this measure.

First and foremost, Hui Kako'o 'Āina Ho'opulapula (Hui Kako'o) believes that the Department of Hawaiian Home Lands must conduct beneficiary consultations. This process provides the beneficiaries with a seat at the table with regards to the decision-making on matters directly impacting the Trust.

Hui Kako'o understands the intent of Senate Bill 437 which will put in place interim rules on a limited bases to address the immediate needs of Trust. At this point, Hui Kako'o does not have a position; however, we encourage the passage of this measure for the purpose of further discussion.

Thank you for the opportunity to comment on SB 437.

Hui Kako'o 'Āina Ho'opulapula is a volunteer community non-profit organization focusing on advocating for waitlist beneficiaries of the Hawaiian home land trust. Our organization was established in December 1994; however, our roots started with a small group of DHHL waitlist beneficiaries meeting in 1992 to provide a voice from their perspectives.

SB-437

Submitted on: 1/26/2023 10:35:45 PM

Testimony for HWN on 1/31/2023 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB437

SB-437

Submitted on: 1/30/2023 11:52:06 AM

Testimony for HWN on 1/31/2023 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Marlene Kamuela Purdy	Individual	Oppose	Written Testimony Only

Comments:

I, Marlene K. Purdy, do not support SB437. In the past, it's been the practice of DHHL to make decisions without any beneficiary consultation. After years of advocating for consultation with beneficiaries, we finally succeeded to be in the know before, not after the fact. This bill will kill all our years of work to be included in all issues that directly affect us. We can't go backwards. Part of the reason for DHHL's problems (which has becomes our problems) have to do with the lack of beneficiary consultation. No more hidden deals or decisions to give our prime lands to non Hawaiians. First and foremost our Hawaiian Home Lands are for the rehabilitation of Hawaii's native people. Mahalo!

SB-437

Submitted on: 1/30/2023 12:32:14 PM

Testimony for HWN on 1/31/2023 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Marion K A Kapuniai	Individual	Oppose	Written Testimony Only

Comments:

DHHL, even with the approval of the Hawaiian Homes Commission, shall not legislate any law which infringes on the beneficiaries rights, without complete beneficiary consultation and agreement. The full rule-making process being denied in the interest of highly paid staff time, and claimed to be of benefit to the beneficiary is totally egregious, to issue Interim Rules without the prescribed Public Notice, nor Public Hearing, nor Gubernatorial Approval is totally unacceptable, detriment, and unconscienable behavior of the very agency which kuleana is to implement the intent of the Hawaiian Homes Commission Act, 1921, as amended by providing land and services designed to support Self-sufficiency and Self-determination for the designated population, the qualified people of Hawaiian Ancestry. **DEFER THIS BILL!!!**



Eric W. Gill, Financial Secretary-Treasurer

Gemma G. Weinstein, President

Cade Watanabe, Senior Vice-President

January 30, 2023

Committee on Hawaiian Affairs
Senator Maile S.L. Shimabukuro, Chair
Senator Kurt Fevella, Vice Chair

Testimony in opposition to SB 437

Chair Shimabukuro, Vice Chair Fevella and Members of the Committee:

UNITE HERE Local 5 represents working people throughout Hawaii’s hotel, food service and health care industries. UNITE HERE Local 5 is opposed to SB437. A similar bill was proposed in 2022 – SB2383 – which in its original form would have allowed the State Procurement Office to make 18-month interim rules without public notification or public hearings. We opposed that notion then, and we continue to oppose it in its current form, SB437, which would do the same thing for DHHL.

It is hard to imagine how cutting the public out of a rulemaking process would be good for the public. While SB437 would still have beneficiary consultation – as it should – reducing transparency to the public creates a process ripe for abuse. It undermines the public’s system of checks and balances in an especially important venue. That venue is one in which corporations stand to be awarded potentially long-term, lucrative land leases, lease extensions, land swaps, land purchases, etc. There are certainly numerous instances of corporations trying to buy political or regulatory influence (and succeeding) in other venues statewide, nationwide and worldwide.

We fail to see how this bill is in the public’s best interest. Please do not pass SB437.

Thank you for your consideration.



1481 South King St #448
Honolulu, HI 96814
151 North Carolina Ave SE
Washington DC 20003
policy@hawaiianhomesteads.org

LATE

Date: January 30, 2023

To: Senate Committee on Hawaiian Affairs

Fr: SCHHA Policy Committee, Chaired by KipuKai Kualii
Staffed by Rolina Faagai, SCHHA Policy Analyst

Re: SB 437 – DHHL Exemption from Chapter 91 on Interim Administrative Rules - Oppose

The Sovereign Council of Hawaiian Homestead Associations (SCHHA) is a 36-year-old hui of Homestead Associations located across the state, from Kauai to Hawaii Island. We are an HHCA beneficiary organization of experienced leaders, on the waitlist and residing in homestead communities. SCHHA is duly registered with the U.S. Department of Interior as a federally defined homestead association under 43CFR Part 47/48, representing the interests and provision of services to our homestead and waitlist communities with a service area of the entire Hawaiian Home Loan Trust of 203,000 acres statewide.

Typically, our SCHHA Council Chair would lead and communicate policy positions of the SCHHA to state and federal policy makers. However recently, our SCHHA Chair of the last 8 years, Ms. Robin Puanani Danner stepped down to accept a position as a Senior Policy Advisor in the Office of the Governor.

The above referenced bill would exempt DHHL from Chapter 91 HRS on interim administrative rules put upon HHCA families in community or on the Waitlist.

The SCHHA communicates its opposition to a bill that would deny the tenets of Chapter 91 HRS for the mere convenience of an agency that has caused so much suffering to native Hawaiian beneficiaries over decades. SCHHA recommends this measure be denied in the name of transparency, accountability and good government. It is a travesty that it would even be entertained to treat native Hawaiians as “less than” any other Hawaii citizen.

Thank you. For additional information, please email policy@hawaiianhomesteads.org

LATE

SB-437

Submitted on: 1/30/2023 10:34:27 PM

Testimony for HWN on 1/31/2023 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
SYBIL LOPEZ	Individual	Oppose	Written Testimony Only

Comments:

My mom has been on the waitlist since 1972. I am her successor. I am here to **STRONGLY OPPOSE** SB 437. DHHL consistently fails to provide beneficiary consultation to its beneficiaries.

DHHL provided **NO BENEFICIARY CONSULTATION** for Act 279. There was no notice.

An example is last week Friday, the Commission held a Special meeting and did not provide proper notice to its beneficiaries, those on the waitlist, in regards to the Executive Session for Act 279, addressing the waitlist. The notice went out on the Wednesday of the Friday meeting. We were unable to provide testimony because we were not able to take off to do so and did not have enough time to submit any written testimony.

Also, DHHL fails to properly provide the Hawaiian Homes Commission agenda in a timely manner making it harder for us to provide testimony. Interim Administrative Rules does not do justice for our right to due process.

Please don't take away our right to due process.

LATE

SB-437

Submitted on: 1/31/2023 2:40:47 PM

Testimony for HWN on 1/31/2023 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Kapua Keliikoa-Kamai	Individual	Oppose	Written Testimony Only

Comments:

Aloha kakou,

I absolutely stand in STRONG OPPOSITION OF SB 437

RELATING TO INTERIM ADMINISTRATIVE RULES OF THE DEPARTMENT OF HAWAIIAN HOME LANDS.

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

Aloha kakou,

I absolutely stand in STRONG OPPOSITION OF SB 437

RELATING TO INTERIM ADMINISTRATIVE RULES OF THE DEPARTMENT OF HAWAIIAN HOME LANDS.

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

Beneficiary Consultation is an absolute necessity for DHHL to inform the beneficiaries of their proposed actions. DHHL is not a dictatorial entity and we don't want to give such license to it, albeit it temporarily for 18 months. So much damage to the HHCA, the HHL, and the beneficiaries, successors and heirs could be done in that time! Absolutely NO NO NO to this

HEWA LEGISLATION. Mahalo for this opportunity to say NO and OPPOSE SB439. Please DEFER it immediately!

Mahalo,

Kapua Keliikoa-Kamai

HHCA beneficiary

Wai'anae Valley Homestead Lessee

Mother of two HHL Waitlisters

Future Tutu of many more homestead lessee's and successors!