

SB-1501-SD-1

Submitted on: 2/19/2019 9:26:25 AM

Testimony for WAM on 2/20/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:



Luna O Na Papa Alakai

Committee on Ways and Means

Pelekikena
A. Makana Paris

Wednesday, February 20, 2019
10:05 am Conference Room 211

Hope Pekekikena
Ekahi
Randi Fernandez

State Capitol
415 South Beretania Street

Hope Pelekikena
Elua
Matthew Gumapac

Re: RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS

Puuku
Denise Kekuna

The Prince Kūhiō Hawaiian Civic Club **SUPPORTS** the passage of SB1501 SD1. The bill authorizes the issuance of general obligation bonds and appropriates funds for Department of Hawaiian Home Lands capital improvement projects. Our namesake, Prince Jonah Kūhiō Kalaniana'ole, was instrumental in the passage of the Hawaiian Homes Commission Act establishing the Hawaiian Home Lands Trust. The Trust is essential to the housing of native Hawaiians and addressing the lack of affordable housing in the State. The U.S. Department of Housing and Urban Development reported in *Housing Needs of Native Hawaiians: A Report From the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs* (May 2017) that there is a **significant need for affordable housing among Native Hawaiians.**

Kakauolelo Hoopaa
Sai Furukawa

Kakauolelo Hooholo
Palapala
Kamuela Werner

The lack of housing for Native Hawaiians has a direct and negative impact on their social indicators, including health, educational performance, and job performance. We believe, in line with the legacy of the Prince, that a flourishing Native Hawaiian Community and Hawai'i is dependent upon adequate, habitable, and affordable housing. Through the passage of this bill the state will act justly upon its trust responsibilities to Native Hawaiians by helping to meet the housing need.

Pelekikena Hala
Koke
Yvonne 'PeeWee'
Ryan

Founded in 1964, PKHCC was organized to promote the education and social welfare of people of Hawaiian ancestry and objectives include supporting high ethical standards in business, industry and the professional fields of enterprise.

Luna Alakai
Kuni Agard
Puamana Crabbe
Kanani Pali
Marlene Sai
Jennifer Smythe
Bruce Wong

PKHCC urges the committee to **PASS** SB1501 SD1.

Mailing Address:
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Honolulu ~ Hawaii
96812

Me ke aloha,

A. Makana Paris
Pelekikena
president@pkhcc.org

www.pkhcc.org

Founded in 1964
by Liliuokalani
Kawananakoa Morris



THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS

Committee on Ways and Means
Pō‘alua, Peipeluali 19, 2019
Lumi ‘Aha Kūkā 211
Ke Kapikala Moku ‘āina
415 South Beretania Street

Re: SB1501 SD1 - RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS

Aloha Luna Ho‘omalu Maile Donovan Dela Cruz, Hope Luna Ho‘omalu Gilbert Ketih-Agaran
and members of the Senate Committee on Ways and Means:

The Association of Hawaiian Civic Clubs **SUPPORTS** SB1501 SD1. This bill appropriates funds for deposit into and out of the cesspool compliance grant program special fund to implement the cesspool compliance grant program. In addition, it authorizes the issuance of general obligation bonds for capital improvement projects including lot development, loans, and rehabilitation projects and appropriates an unspecified amount for building homes, infrastructure, capital improvement projects, operating and administrative costs, fringe, and other needs and priorities. At its 53rd annual convention, the Association passed resolution 2012-7, which urges the governor and the state legislature to appropriate sufficient sums to the Department of Hawaiian Homelands (DHHL), and 2012-8, which reaffirms its support of the Native Hawaiian trusts, including the Department of Hawaiian Homelands.

The mission of DHHL is to manage the Hawaiian Home Lands Trust effectively and to develop and deliver land to native Hawaiians. This bill proposes to authorize the issuance of general obligation bonds to fully fund DHHL’s sufficient sums request for lot development, loans, and rehabilitation projects. If funded, this bill will result in the development of over 1,300 lots beginning in FY 2020, and mortgage capitalization for gap group and low to moderate income families as well as interim financing for turnkey development. In addition, the needs identified by homestead association and beneficiary leaders at the Puwalu discussion in Maui in August 2018 are also included in this measure. By passing this bill, the state would fund DHHL’s sufficient sums Capital Improvement Projects budget request.

Our founder, Congressional Delegate Prince Jonah Kūhiō Kalaniana‘ole, was instrumental in the passage of the Hawaiian Homes Commission Act establishing the Hawaiian Home Lands Trust.

The Hawaiian Homes Land Trust is critical to the housing of native Hawaiians and addressing the lack of affordable housing in the State. The principal finding of the report released by the U.S. Department of Housing and Urban Development (HUD) in May 2017 entitled *Housing Needs of Native Hawaiians: A Report From the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs* is of a significant need for affordable housing among Native Hawaiians. Through passage of this bill, the state will better fulfill its trust responsibilities to Native Hawaiians by being an essential part of meeting the housing need.

Thus, the Association respectfully urges the Committee to **PASS** SB1501 SD1.

The civic club movement was founded in 1918 by Congressional Delegate Prince Jonah Kūhiō Kalanianaʻole with the creation of the Hawaiian Civic Club; the Association was formally organized in 1959 and has grown to a confederation of over sixty (60) Hawaiian Civic Clubs located throughout the State of Hawaiʻi and the United States. The Association is the oldest Hawaiian community-based grassroots organization. The Association is governed by a 16-member Board of Directors; advocates for improved welfare of Native Hawaiians in culture, health, economic development, education, social welfare, and nationhood; and perpetuates and preserves language, history, music, dance and other Native Hawaiian cultural traditions.

Mahalo for allowing us to share our *mana* ʻo.

Me ka ʻoia ʻi ʻo,

Hailama Farden
Pelekikena

**ASSOCIATION OF HAWAIIAN
CIVIC CLUBS**

A RESOLUTION

12-7

**URGING THE GOVERNOR AND THE STATE LEGISLATURE TO APPROPRIATE
SUFFICIENT SUMS TO THE DEPARTMENT OF HAWAIIAN HOME LANDS**

WHEREAS, Congress enacted the Hawaiian Homes Commission Act in 1921 to set aside 203,500 acres of ceded lands for native Hawaiian homesteads; and

WHEREAS, Prince Jonah Kuhio Kalaniana'ole, Hawaii's congressional delegate at the time, was instrumental in shepherding the Hawaiian Homes Commission Act through Congress, arguing that native Hawaiians "were entitled to a share of the lands that had been 'ceded' from the Republic of Hawaii to the United States in 1898 because they had not obtained their fair share of the lands distributed during the Mahele"; and

WHEREAS, as a condition of admission to statehood, the federal government conveyed the 200,000+ acres of home lands to the State, and the State was required to adopt the Hawaiian Homes Commission Act under its constitution; and

WHEREAS, the State of Hawai'i accepted specific trust obligations relating to the management of the Hawaiian home lands imposed by the federal government; and

WHEREAS, Article XII, Section 1 of the Hawai'i State Constitution provides in pertinent part that 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, but not be 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; in furtherance of (1), (2), (3) and (4) herein, by appropriating the same in the manner provided by law; and

WHEREAS, the State of Hawai'i has failed to provide sufficient sums to the Department of Hawaiian Home Lands to minimize the number and waiting time on its waiting list for homesteads to a reasonable level; and

WHEREAS, the failure to provide sufficient sums are breaches of the State Constitution and the trust; and

WHEREAS, payments made pursuant to Act 14, 1995 Special Session, do not diminish sufficient sums that the Department of Hawaiian Home Lands is entitled pursuant to Article XII, section 1 of the Constitution of the State of Hawai'i; and

WHEREAS, the compensation for the past breaches of trust by the State under Act 14 is exclusive of the sufficient sums to which the Department of Hawaiian Home lands is entitled to pursuant to Article XII, section 1 of the Constitution of the State of Hawai'i; and

WHEREAS, the Hawai'i Supreme Court in Nelson v. Hawaiian Homes Commission agreed that the State has failed, by any reasonable measure, under the undisputed facts, to provide sufficient sums to the Department of Hawaiian Home Lands; and

NOW, THEREFORE BE IT RESOLVED by the Association of Hawaiian Civic Clubs at its 53rd annual convention in Washington, D.C., this 20th day of October 2012, that it urges the Governor and the State Legislature to appropriate sufficient sums to the Department of Hawaiian Home Lands; and

BE IT FURTHER RESOLVED, that the legislature is mandated by Article XII, Section 1 of the Hawai'i State Constitution to 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; and (3) rehabilitation projects to include, but not be limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved; and

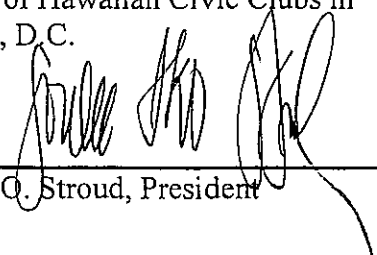
BE IT FURTHER RESOLVED, that at a minimum, the legislature must provide sufficient sums for administrative and operating expenses to the Department of Hawaiian Home Lands; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be transmitted to the Governor of Hawaii, State Senate President, State Speaker of the House, State Senate Committees on Hawaiian Affairs and Ways and Means, State House Committees on Hawaiian Affairs and Finance, and the Hawaiian Homes Commission.



Washington, D.C. 2012

The undersigned hereby certifies that the foregoing Resolution was duly adopted on the 20th day of October 2012, at the 53rd Annual Convention of the Association of Hawaiian Civic Clubs in Washington, D.C.



Soulee L.K.O. Stroud, President

***ASSOCIATION OF HAWAIIAN
CIVIC CLUBS***

A RESOLUTION

12 - 8

**REAFFIRMING SUPPORT OF THE NATIVE HAWAIIAN PUBLIC AND
PRIVATE ALII TRUSTS BY THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS**

WHEREAS, in English Common Law a trust is defined as tangible or intangible property held to benefit others; and

WHEREAS, with much foresight, understanding and love for their people, Hawaii's Alii created private trusts from their estates to benefit the Native Hawaiian people in fundamental conditions of life; and

WHEREAS, King Lunalilo left his estate to care for Hawaiian elderly, Princess Pauahi's trust is for educational purposes, Kamehameha III and Queen Emma created a trust addressing the health of Hawaiians and Queen Liliuokalani left a trust to care for orphaned and half orphaned Hawaiian children; and

WHEREAS, despite the betrayals and overthrow of the Kingdom, and although he had no estate to share, in keeping with alii tradition, the legacy of Prince Kuhio as Delegate to Congress in 1920 was the creation of the Hawaiian Home Lands, providing a portion of ceded lands for Hawaiians of thirty two percent blood quantum; however, the blood quantum requirement was amended to fifty percent blood quantum by unfriendly members of Congress and remains at fifty percent today; and

WHEREAS, when Hawaii became a State of the Union in 1959, one of the conditions of the Admissions Act, was that the State had to accept the public trust obligations of the Hawaiian Homes Commission Act under its State Constitution, including the fifty percent blood quantum requirement as defined in Section 5(f) of the Admissions Act; and

WHEREAS, in 1978, in acknowledgement of Hawaiians as Hawaii's native people, another public trust was created when the Office of Hawaiian Affairs(OHA) was constitutionally and statutorily confirmed using the same blood quantum requirements as defined in the Admissions Act whose beneficiaries are also defined in Hawaii Revised Statutes, Chapter 10-2 as native Hawaiians and Hawaiians; and

WHEREAS, the State Legislature agreed to provide a twenty percent portion of revenues generated on ceded lands to OHA for the provision of programs, projects and advocacy for the betterment of conditions of the Hawaiian and native Hawaiian people; and

WHEREAS, the Legislature acknowledged that native Hawaiians are identified only as those of fifty percent blood quantum, and provides a limited sum of general funds of the State for operational, administrative and other expenses for Native Hawaiians, or those of less than fifty percent blood quantum; and

WHEREAS, the alii and public trusts have been consistently challenged in court and will continue to be challenged by hostile persons who believe they should share in the trust benefits and/or that Hawaiians are not deserving of such largesse; and

WHEREAS, suits brought against the alii and public trusts have been extremely costly and created much ill will, and the trusts have had to be constantly vigilant to fend off such attacks and even the possibility thereof; and

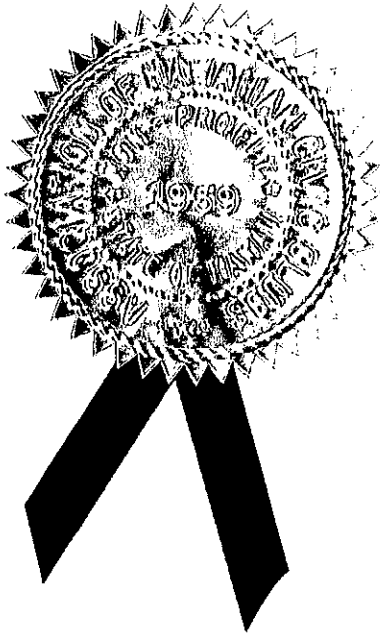
WHEREAS, in keeping with Prince Kuhio's intent when he and a group of prominent Hawaiians founded the first civic club in 1918 to support the Hawaiian Homes legislation and protect vestiges of the Kingdom, the Association of Hawaiian Civic Clubs has strongly supported rules and requirements set by the trustees of the alii and public trusts at the legislature, in the Congress, in the public and in the courts; and

WHEREAS, on those few occasions when there has been disagreement on issues we have worked with trustees, commissioners and administrations to resolve things amicably "among the family" to preserve Hawaiian solidarity.

NOW THEREFORE BE IT RESOLVED, that the membership of the Association of Hawaiian Civic Clubs, meeting at convention in Washington, D.C. this 20th day of October, 2012, Reaffirms support of the private ali'i and public trusts, while reserving the right to make meaningful inquiries and/or to engage in constructive dialogue as needed; and

BE IT FURTHER RESOLVED, that certified copies of this resolution shall be transmitted to the Chairperson of the Board of Trustees of Kamehameha Schools, Chairperson of the Board of Trustees of Lunalilo Estate, Chairperson of the Board of Trustees of the Queen Liliuokalani Estate, Chairperson of the Board of Trustees of the Office of Hawaiian Affairs and Chairperson of the Department of Hawaiian Home Lands; and

BE IT FURTHER RESOLVED, that the aforesaid Chairpersons are requested to share copies of this resolution with their respective Trustees and Commissioners in anticipation of a creative discussion to protect the Trusts and benefits for qualified beneficiaries.



The undersigned hereby certifies that the foregoing Resolution was duly adopted on the 20th day of October 2012, at the 53rd Annual Convention of the Association of Hawaiian Civic Clubs in Washington; D.C.

A handwritten signature in black ink, appearing to read "Sulee L.K.O. Stroud", written over a horizontal line.

Sulee L.K.O. Stroud, President

SB-1501-SD-1

Submitted on: 2/18/2019 7:19:36 PM

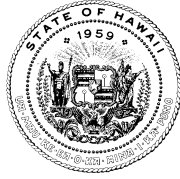
Testimony for WAM on 2/20/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Makana Paris	Individual	Support	No

Comments:

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
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
HONOLULU, HAWAII 96805

TESTIMONY OF JOBIE M. K. MASAGATANI, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS
DECISION MAKING ON FEBRUARY 20, 2019 AT 10:05AM IN CR 211

SB 1501, SD1 RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS

February 19, 2019

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Committee:

Thank you for the opportunity to testify on Senate Bill 1501, SD1, which appropriates funds for deposit into and out of the cesspool compliance grant program special fund; authorizes the issuance of general obligation bonds for CIP; and appropriates an unspecified amount for building homes, infrastructure, CIP, operating and administrative costs, fringe, and other needs and priorities. The Department greatly appreciates the bill's intent of appropriating funds for DHHL.

The Hawaiian Homes Commission approved the "Sufficient Sums" biennium budget request, which DHHL submitted to the Governor and the Legislature as detailed in our budget briefing testimony that can be reviewed at https://www.capitol.hawaii.gov/session2019/testimony/Info_Testimony_WAM-HWN_01-09-19_HHL.pdf. While DHHL's obligation to make this request is clear, the operating budget included in the Governor's Executive budget request, which includes \$25.5 million annually in general fund support and \$25 million annually in CIP funding is an appropriate base line given our current staffing levels and funding provided over the past two years.

Thank you for your consideration of our testimony.