

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**

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LATE

TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS
HEARING ON FEBRUARY 16, 2021 AT 1:02PM VIA VIDEOCONFERENCE

SB 85, SD1, RELATING TO HAWAIIAN AFFAIRS

February 16, 2021

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

The Department of Hawaiian Home Lands (DHHL) submits comments on this bill which authorizes DHHL to engage lottery and bingo enterprises pursuant to state law.

DHHL appreciates the motivation behind this bill as an additional means to generate revenue. Lottery or bingo enterprises as proposed in this bill is geared more toward residents, thereby placing the responsibility of generating revenue on residents as opposed to an integrated resort geared more toward the visitor industry. Even with the reduction in visitors as a result of the pandemic, some measure of tourism will likely return and maximizing revenue from an integrated resort would ensure that it's not just residents shouldering the burden of generating revenue.

Thank you for your consideration of our testimony.

Kūpuna for the Mo'opuna
committed to the well-being of Hawai'i for the next generations to come
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STOP LEGAL THIEVERY!

COMMITTEE ON HAWAIIAN AFFAIRS

Senator Maile S. L. Shimabukuro, Chair

Senator Jarrett Keohokalole, Vice Chair

DATE: Tuesday, February 16, 2021 TIME: 1:02pm

PLACE: Via Videoconference

Testimony of Kūpuna for the Mo'opuna

SB 85, SD1 – RELATING TO HAWAIIAN AFFAIRS. **STRONG OPPOSITION**

We, Kūpuna for the Mo'opuna, a group of kūpuna Hawaiian homestead farmers committed to the well-being of Hawai'i for the next generations to come, **strongly oppose SB 85, SD1.**

As beneficiaries of the Hawaiian Homes Commission Act (HHCA), born and raised on the homestead, we know first hand the challenges facing the Hawaiian Homes Commission, the Department of Hawaiian Home Lands (DHHL), and the beneficiaries on the land and on the waitlist. Adding lottery and bingo enterprises to the already-challenged homestead program in the face of beneficiary opposition goes against the intent of the HHCA.

Instead, DHHL must 1) collect overdue operational monies owed by the state as mandated by the State Constitution and upheld by the courts 2) overhaul general leases to maximize benefit to include airports and harbors 3) stop disposing the majority of HHCA lands to non-beneficiaries to the detriment of beneficiaries on the waitlist.

Time to FOLD on SB 85, SD1.

Ua mau ke ea o ka 'āina i ka pono!

SB-85-SD-1

Submitted on: 2/13/2021 9:42:51 AM

Testimony for HWN on 2/16/2021 1:02:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Regina Gregory	Individual	Support	No

Comments:

Thank you, this is a good alternative to the proposed casino resort.

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Unity, Equality, Aloha for all



To: SENATE COMMITTEE ON HAWAIIAN AFFAIRS

For hearing Tuesday, February 16, 2021

Re: SB 85, SD1 RELATING TO HAWAIIAN AFFAIRS.

Authorizes the Department of Hawaiian Home Lands to engage in lottery and bingo enterprises pursuant to state law. (SD1)

TESTIMONY IN OPPOSITION

SUMMARY: If Hawaii legalizes gambling in any form, even so mild and limited as lottery or bingo, there is no way Hawaii can then block any federally recognized Indian tribe from coming to Hawaii, buying land, and establishing a casino. And if a Hawaiian tribe gets federal recognition, it can certainly do the same thing on land owned by OHA, DHHL, Kamehameha Schools, etc. whenever a parcel of such land is turned over to the Hawaiian tribe.

Many legislators seem to think that authorizing gambling in the form of a lottery or bingo is fairly harmless. That may or may not be true (but ask the Hawaii Coalition Against Legalized Gambling).

Many legislators also MISTAKENLY seem to think that making it legal to gamble through lottery or bingo does not automatically open the door to more dangerous and harmful forms of gambling such as casinos.

Mainland experts on the Indian Reorganization Act of 1934, and the Indian Gaming Regulatory Act of 1988, say that if a State government allows ANY legalized form of gambling (including merely lottery tickets or bingo parlor), then any federally recognized Indian tribe has a right to set up a full-blown casino on land owned by the tribe, regardless of what State that land is in. So for Hawaii that means if the legislature enacts a state lottery, for example, then regardless of what our state legislature or DHHL might decide to do, any federally recognized mainland tribe can come here, buy land, and set up a casino. Or if a Hawaiian tribe gets federal recognition (which they will be pushing for very hard in 2021-2022), then that tribe can set up a casino in Hawaii or on the mainland. This is what's meant by self-determination; and it's part of the government-to-government relationship between USA and a recognized tribe, where the State government has little authority over what happens.

One issue that will severely impact any Hawaiian tribe which gets federal recognition and wants to use that to get a casino is a Supreme Court decision in *Carcieri v. Salazar* in 2009, which ruled that the feds cannot take land into trust on behalf of a tribe unless the tribe already had federal recognition before 1934 when the Indian Reorganization Act was passed. Turning a tribe's privately owned land into federal land (i.e., taking the land into trust) is what enables the tribe to avoid state taxation and regulation of that land and any business (i.e., casino) it operates there [a State cannot tax federal land]. Tribes newly recognized (since 1934) have tried but failed for 12 years to get Congress to pass a "Carcieri fix", but even Inouye and Akaka, each of whom served as chair of the Indian Affairs Committee, failed to pass a Carcieri fix. A Carcieri fix would be needed for a Hawaiian tribe to get a casino; but most mainland tribes could get a casino here anyway.

SB-85-SD-1

Submitted on: 2/14/2021 3:56:08 PM

Testimony for HWN on 2/16/2021 1:02:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Murakami-Akatsuka	Individual	Support	No

Comments:

I strongly support the passage of SB 85, SD 1 to "Authorize the Department of Hawaiian Home Lands to engage in lottery and bingo enterprises pursuant to state law," effective upon its approval. I am very glad that the legislature is supporting DHHL to help their Native Hawaiian beneficiaries.

SB-85-SD-1

Submitted on: 2/15/2021 12:53:07 PM

Testimony for HWN on 2/16/2021 1:02:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Marion K A Kapuniai	Individual	Oppose	No

Comments:

Absolutely NOT!

DHHL has yet to prove their efficiency proving initial services.

Thank you,

M Kapuniai