Public Land Trust

HB2585, HD1, Relating to the Office of Hawaiian Affairs
Requires all grants or contracts awarded by OHA to be approved by the board of trustees.
Establishes a public land trust revenue negotiating committee to determine the increase to the annual amount of the income and proceeds from the PLT that the OHA shall receive annually under the state constitution and other state law. Requires the Dept of Budget and Finance to conduct an annual financial review of the amounts of revenue generated from the PLT. Requires the Office of Planning to assist in the financial review by liaising with affected departments and agencies. Appropriated funds. **HAC POSITION: Testify expressing concerns**, such as, this issue has been before the legislature for years; the current $15M is no longer fair; the Negotiating Committee appointed in 2016 failed to complete its work and there is no assurance that the new committee will complete its work; the State should increase PHA’s pro rata sharing while the Negotiating Committee is meeting to settle on a permanent increase. Clearly reports to the legislature that have been made indicate increased amounts of PLT revenue. We believe the state has failed to fulfill its fiduciary responsibility in a timely manner to properly and correctly set the PLT pro rata share of the revenue. The committee is heavily composed of government leaders in comparison to just one organization, OHA, representing the Native Hawaiian community; the lack of parity in the way this bill treats OHA as compared to other government agencies; and procurement and contracting issues. Lastly, a recommendation that the Negotiating Committee include DHHL and DLNR. House Water, Land, and Housing Committee passed out the bill with amendment and referred to JUD. Awaiting hearing announcement.

OHA Legislative Package

HB1781/SB2192 (OHA-1): Relating to Hawaiian Expertise in Land Use and Resource Management, prohibits council, board, and commission members from serving if the member has not completed, within the requisite time, the required training course related to native Hawaiian and Hawaiian traditional and customary rights, native Hawaiian and Hawaiian natural resource protection and access rights, and the public trust, including the State’s trust responsibility. Requires that at least 4 members of each board of land and natural resources and the state land use commission be appointed from a list submitted by the OHA. 1/21, rHB1781 referred to WLH, JUD, FIN. SB2192: The committee(s) on HWN recommended that the measure be PASSED, WITH AMENDMENTS. **HAC POSITION: Support.**

HB1782/SB2193: (OHA-2) Relating to Employment Discrimination. Limits the convictions that may be used in employment decision from all convictions in the most recent ten years to felony convictions that occurred in the most recent five years and misdemeanor convictions that occurred in the most recent three years. 2/7: HB1782 scheduled to be heard by LAB on 2/11/20, in conf rm 209. SB2193 2/6 adopted by LCA and referred to JDC. **HAC POSITION: Support.**
HB1783/SB2194: (OHA-4), Relating to Historic Preservation. 1/29, the House Committee on WLH deferred this measure.

HCR5/SCR3 (OHA-4) Requesting the DLNR to adopt administrative rules that better protect Iwi Kupuna and Native Hawaiian Cultural and Historic Resources. HCR 5 1/17, offered. SCR3 2/6, Committee on HWN recommended measure be passed with amendments. HAC POSITION: Support.

HB1784/SB2195 (OHA-5), Relating to Landowner Liability, Provides liability protections for public and private landowners who expressly allow access and use of their land to practitioners of Native Hawaiian traditional and customary practices. HB1784, WLH recommended measure be deferred. SB2195, 1/28, Committee on HWN recommended measure be passed with amendments. HAC POSITION: Monitor.

HB1780/SB2191 (OHA-6), Relating to Water Storage and Distribution System for Certain Agricultural Land in Wahiawa, Oahu, Authorizes the issuance of general obligation bonds for the purpose of funding construction costs of a water storage and distribution system on agricultural lands owned by OHA in Wahiawa, Oahu. 2/5/20 WLH passed HB1780 with amendment and referred to FIN. 1/31, HWN passed SB2191 unamended. HAC POSITION: Monitor.

HCR5/SCR3 (OHA-5), Requesting the DLNR to Adopt Administrative Rules that Better Protect Iwi Kupuna and Native Hawaiian Cultural and Historic Resources. 1/17. HCR 5 offered. 2/6, Senate Committee on HWN recommended passage with amendments. HAC POSITION: Support.

HAWAIIAN AFFAIRS

SB42, SD1, Relating to Hawaiian Affairs, Prohibits the Attorney General from investigating nonprofit organizations for exercising their constitutional right to free speech and assembly or practicing native Hawaiian traditional and customary rights expressly protected under article XII, Section 7 of the state constitution, with exceptions. Senate Committee on Hawaiian Affairs is holding public hearing on Feb 11, 1:16 p.m., Conf Room 016. HAC POSITION: Monitor.

SCR37, Requesting the Governor to Convene a Blue Ribbon Commission to Examine and Formulate a Reconciliation Process Relating to Issues of Past, Present, and Future Importance to the Native Hawaiian People, State of Hawaii and United States of America. HAC POSITION: Monitor.
**Sovereign Councils of Hawaiian Homestead Legislative Initiatives (briefed to caucus in January)**

**SB2393/HB2216**: Requires at least 5 Hawaiian Homes Commission members to be native Hawaiian or current Hawaiian homestead lessees; and at 2 of those 5 to be on the waitlist for Hawaiian home lands. Authorizes commission members to elect a chairperson and vice chairperson. Creates the position of Director of Hawaiian Home Lands and separates the Director’s responsibilities from those of the Chairperson of the Commission.

2/5/20, WLH passed amended HB2216HD1 and referred to the committee on JUD.  2/6/20. 

**Senate Committee on HWN recommended SB2393 be passed with amendments.**  
**HAC POSITION: Monitor.**

**SB2526, HHCA; DHHL, HH Comm; Appraisal; Lease Cancellation; Loan Default; Loan Delinquency; Second Position Loans; Loan Loss Mitigations; Loan Servicing Manual.** Amends the HHCA to require appraisals of improvements to identify the replacement cost or the leasehold market value. Grants authority to DHHL to authorize second position loans on homestead leases by approved lenders. Requires DHHL to develop and implement a loan servicing manual, subject to commission approval, to standardize loan loss mitigation policies, procedures, and methods. Clarifies that DHHL shall not cancel a lease solely based on a loan default or delinquency unless all loan loss mitigation procedures are exhausted pursuant to the loan servicing manual. 2/4/20.  

**HWN deferred the measure.**

**SB2525, Defines beneficiary consultation.** Prohibits the DHHL from disposing or extending a general lease to non-beneficiaries, unless there are not applicants seeking to enter into a general lease to the use and occupancy of a tract of Hawaiian home lands. Requires the department to notify beneficiaries through beneficiary consultation prior to the disposition of Hawaiian home lands. Prohibits the department from establishing additional criteria to enter into a general lease with an applicant, under certain conditions. Specified that the department may grant a license or enter into a general lease, under certain conditions. Allocates the interest or other earnings from the Hawaiian home loan fund and Hawaiian home general loan fund into their respective funds, under certain conditions. Requires the dept to submit a quarterly report to the legislature and beneficiaries. Authorizes the department to negotiate with homestead association governed water agencies to maintain water systems prior to other service providers, under certain conditions. 1/28/20: Re-referred to HWN/WTL/JDC/WAM  

**HAC POSITION: Support intent.**

**SB2265/HB1402**: Establishes the micro enterprise assistance program on Hawaiian home lands resolving fund to provide grants and loans through the implementation of the micro enterprise assistance program to qualified native Hawaiians, native Hawaiian controlled homestead associations, homestead association community development corporations, and Native Hawaiian community organizations with a demonstrated ability and history of making and administering loans and providing support to qualified native Hawaiians. Appropriates funds.  

SB2265 SD2 – WAM will hold public decision making on 2/11/10, 10:40 am in conference room 211.  

**HAC POSITION: Support intent.**
HOUSING

SB3104/HB2542, Affordable Housing; HHFDC; Lease of State Lands; Boundary Amendments; SHPD, Historic Preservation; Counties; Condominiums; Rental Housing Resolving Fund; Appropriation. Authorizes the Hawaii Housing Finance and Development Corporation to lease real property for a period not to exceed 99 years for the development of certain projects that include affordable housing. Requires the Hawaii Housing Finance and Development Corporation to submit a report to the legislature that identifies state lands that may be developed for multi-unit dwellings. Authorizes the issuance of $200,000,000 in general obligation bonds, with the proceeds used for the establishment of infrastructure to support the development of housing on lands near the UH West Oahu campus, and so much more.

HOU/WTL has deferred the measure until 2/11/20, 1:15 p.m., in conference room 225. **HAC POSITION:** **MONITOR IN VIEW OF PENDING SD1 THAT MAY SIGNIFICANTLY ALTER SOME OF THE PROVISIONS OF THE BILL.** HAC concerns include 99 year leases that could ultimately lead to permanent title to the land; only 50% will be affordable, remaining will not be; no consultation with the Native Hawaii people since this will significantly impact upon Public Trust Lands; should these lands be tied up for housing only since there may be need for other uses, such as agriculture for food; etc.

MAUNA KEA

HB1067, Relating to Mauna Kea, Prohibits any development on conservation lands of the Mauna Kea summit at 6,000 feet above sea level and higher. **Supported by HAC in 2019.** Being introduced this session as a resolution; draft circulated by Healani Sonoda-Pale, HAC member. **Supported by HAC with amendment** on certain whereas clauses for consistency with HAC resolution on Mauna Kea.

CULTURE

SB3096, Relating to State Holidays, Reestablishes La Ku’oko’a, Hawaiian Recognition Day, as an official state holiday. 2/5/20, Committee on LCA has scheduled a public hearing on 2/11/20, 3:00 p.m., Conference Room 224. **HAC POSITION: Support.**

SB2368, Relating to Hawaiian Language, Designates the month of February as ‘Olelo Hawaii Month”. Requires all letterheads, documents, symbols, and emblems of the State and other political subdivisions that include Hawaiian words or names to include accurate and appropriate Hawaiian names, spelling, punctuation, etc. 2/6/20 HWN deferred this measure till 2/11/20. **HAC POSITION: Monitor** in view of another bill that proposes to direct OHA to convene a task force to determine appropriate sources for authenticating and verifying appropriate Hawaiian usage and syntax in public documents, letterhead, emblems, and symbols and establish a process for review.
HB423, Relating to Rapid OHIA Death, Appropriates funds to the Department of Land and Natural Resources to combat rapid ohia death in the State. Requires matching funds.  HAC POSITION: SUPPORT