



BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS

JANUARY 30, 2020

Senate Bill 2391

Relating to the Hawaiian Home Lands

Aloha Chair Shimabukuro, Vice Chair Kahele, and Members of the Committee,

Ka Lāhui Hawai'i Political Action Committee (KPAC) **STRONGLY SUPPORTS** Senate Bill 2391 which allows the Hawaiian homes commission or the department of Hawaiian home lands to retain independent legal counsel as needed.

Since 1959 there have been numerous instances where it has been clear that the interests of the State and the interests Kanaka Maoli beneficiaries of the Hawaiian Homes trust do not align. The most glaring has been the State's failure to fully fund the Department of Hawaiian Home Lands (DHHL) operational and administrative costs for years which forced beneficiaries into a 5 year lawsuit known as the 'Nelson Case' and contributed to the growing number of beneficiaries waiting for homesteads.

Another example, is the Mauna Kea Access road which sits on Hawaiian Home Lands. Beneficiaries have been occupying this road for 6 months, yet when DHHL needs legal counsel as to the disposition of the road it has to turn to the Attorney General whose office is also in charge of prosecuting the Kupuna who were arrested for protecting Mauna Kea in July 2019. Many of these Kupuna who were arrested are also Hawaiian Home Lands beneficiaries making plain the conflict of interests that exists and the impossibility of an unbiased legal opinion from the Attorney General's office as to who has jurisdiction over the Mauna Kea Access road and other matters related to DHHL Mauna lands.

Allowing DHHL to have independent legal counsel would allow that department to put the interests of the beneficiaries first, eliminate conflict of interests and provide parity for Kanaka Maoli who qualify.

Respectfully submitted,

M. Healani Sonoda-Pale
Chair, KPAC