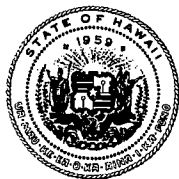


LINDA LINGLE
GOVERNOR
STATE OF HAWAII



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CHAIRMAN
HAWAIIAN HOMES COMMISSION

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STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

**Testimony of Micah A. Kane, Chairman
Hawaiian Homes Commission**

**Before the Senate Committee on Ways and Means
on the
FY 2009-2011 Biennium Budget Request
of the Department of Hawaiian Home Lands**

January 12, 2009

Chair Kim, Vice-Chair Tsutsui, and Members of the Senate Committee on Ways and Means:

Thank you for this opportunity to provide information on the Department of Hawaiian Home Lands (DHHL) Biennium Budget request for fiscal years 2010 and 2011.

We have prepared and submitted our written testimony in accordance with the format and briefing instructions provided by the House Finance and Senate Ways and Means Committees. Before discussing the details of our budget request, I would like to take a few moments to make some brief introductory comments.

At the outset, I would like to thank the members of the Senate Ways and Means Committee and your colleagues in the State Senate for your continued support of the Department of Hawaiian Home Lands. The strong partnership established between DHHL and the Legislature has resulted in tremendous progress over the past 6 years in serving the native Hawaiian community.

The mission of the department is to manage the Hawaiian Home Lands Trust effectively and to develop and deliver land to native Hawaiians. The trust, created by Congress through the Hawaiian Homes Commission Act of 1920 (Act), sets aside public lands to be used for the benefit of native Hawaiians (persons of at least 50% Hawaiian blood).

As required by the Admissions Act and as a compact with the United States, the State of Hawaii and the people of Hawaii adopted the Act as a provision of the State

Constitution and agreed to faithfully carry out the spirit of the Act for the rehabilitation of the Hawaiian race. These trust responsibilities still remain today.

The department administers two (2) programs, HHL 602, Planning and Development for Hawaiian Homesteads, and HHL 625, Management and General Support for Hawaiian Homesteads. The objective of these two programs are to develop and manage the designated Hawaiian home lands to create more homesteads for native Hawaiians (as defined by the Hawaiian Homes Commission Act, 1920, as amended) and generate the revenues needed to administer the program

The Act provides direct benefits to native Hawaiians in the form of 99-year homestead leases that may be extended for a total of 199 years at an annual rental of \$1. The leases are for residential, agricultural, or pastoral purposes. The intent of the homesteading program is to increase the economic self-sufficiency of native Hawaiians through the provision of land.

Other benefits provided by the Act include financial assistance through direct loans or loan guarantees for home construction, home replacement or repair and for development of farms and ranches; the provision of technical assistance to farmers and ranchers; and the operation of water systems.

A new benefit that was piloted in 2004, and has since become an integral component of fulfilling our mission, is the establishment of our Home Ownership Assistance Program (HOAP). HOAP offers three (3) vehicles to address barriers that native Hawaiians may face in achieving homeownership or preserving their home. The first is Financial Literacy services, second Job Training and Placement, and finally Addiction Treatment Services. These services are free of charge to our beneficiaries and have developed into a \$1.3 million program, serving more than 2,000 beneficiaries statewide.

In addition to administering the homesteading program, the department is also authorized to lease land and to issue general leases, revocable permits and licenses for lands not suitable for or not now in homestead use. Revenues from income-producing lands are used to finance the department's operating costs not covered by General Fund appropriations and to support homestead development activities, including the payment of principal and interest on revenue bonds, the proceeds of which are used to develop homestead lands.

The department aggressively seeks external sources of financing with the objective of efficiently leveraging existing and future resources for development and loan financing activities. Partnerships with other governmental agencies and the business community are critical in achieving DHHL's capital improvement goals.

At the beginning of fiscal year 2009, the department faced tremendously high inflationary costs that tested all areas of its budget due to high energy costs. The high cost of energy has since subsided and has allowed DHHL to refocus on its strategic goals of placing its beneficiaries on Hawaiian home lands, while simultaneously

repositioning our focus to address the inevitable resurgence of energy increases in the near future. DHHL believes that its program aligns itself to President-elect Obama's and Congress' focus on infrastructure development, job creation and energy sustainability and benefits the native Hawaiian community as well as the community at large.

DHHL views the current economic and fiscal conditions as a window of opportunity. DHHL is currently pursuing energy sustainability for all of its new homestead developments and will be adopting a formal energy policy that will assist the State of Hawaii in achieving its energy initiatives. In addition we are actively pursuing increased federal funding support, increased leveraging of our resources through partnerships, expanding DHHL's capacity to generate revenues and identifying external sources of monies to fund DHHL programs.

While there are tremendous challenges in front of us, the department is positioned to play an integral part in bridging our State's economic downturn through significant CIP projects that will trigger private investment. We look forward to coordinating our efforts with the Legislature.

Biennium Budget Request

Operating Budget Request for Fiscal Biennium 2009-2011

DHHL will be requesting a change of means in financing for 18 general funded positions to special funding. By this request, DHHL's administrative and operating costs will essentially be wholly funded by its special and trust funds. DHHL will be requesting an increase in its operating budget appropriation funded from DHHL's special and trust funds to augment the reduction in general fund support, other personnel costs adjustments, and principal portion of DHHL's debt service payments.

Special Fund Adjustment (FY 2010- \$2,243,157; FY 2011- \$2,243,157)

Increases to DHHL special fund budget reflects the change in means of financing of 18 general funded positions to special funding (\$1,307,862), personnel cost adjustments to fully fund positions (\$217,610), increases in fringe benefit costs due to change in fringe benefit rates from 40% to 42% (\$97,685), and payment of the principal portion of DHHL's debt service payment (\$620,000).

These requested adjustments will be funded from the Hawaiian Home Administration Account, a DHHL special fund.

Federal Fund Adjustment (FY 2010- \$9,601,391; FY 2011-\$9,601,391)

DHHL is requesting authorization to receive Native American Housing Assistance and Self Determination Act (NAHASDA) funds, a Federal Native American Housing Block Grant program under the United States Department of Housing and Urban Development (HUD). DHHL is requesting authorization to receive and expend \$9.6 million in FY 2010

and \$9.6 million in FY 2011 for development, loan and administrative activities related to the NAHASDA program.

Trust Fund Adjustment (FY 2010- \$147,201; FY 2011-\$147,201)

The trust fund appropriation request from the Hawaiian Home Operating Fund is for personnel costs only. The adjustment relates to fully funding exempt positions in the Hawaiian Home Operating Fund (\$56,430) and increasing the fringe benefit costs due to change in fringe benefit rates from 40% to 42% (\$90,771).

Capital Improvement Request for Fiscal Biennium 2009-2011

DHHL CIP request for the biennium period totals in the amount of \$41 million, \$30 million of which is in anticipation of receiving NAHASDA federal funds from the U.S. Department of Housing and Urban Development. In addition, DHHL is requesting general obligation bond financing for two (2) CIP projects, Water Source Development for State Housing Projects in the Villages of Leialii on the island of Maui (\$4.8 million) and Water System Improvements, Lalamilo, Waimea on the island of Hawaii (\$6.2 million).

Summary

We are most appreciative of the support given by the Legislature to our program throughout the years. We again thank the Committee for the opportunity to brief you on our biennium budget request. We would be pleased to respond to any questions the committee may have.

Worksheet 1
Funding levels for divisions/branches

Division or Branch Name	FY09 (P)	FY09 (T)	FY09 \$\$\$	FY10 (P)	FY10 (T)	FY10 \$\$\$	MOF
Office of the Chairman	1.00		32,424	-		-	A
Office of the Chairman	8.00		479,376	9.00		605,640	B
Office of the Chairman	14.00	5.00	752,448	14.00	5.00	822,144	T
Planning Office	1.00		37,944	-		-	A
Planning Office	3.00		180,372	4.00		252,156	B
Planning Office	5.00	1.00	271,164	5.00	1.00	273,828	T
Administrative Services Office	1.00		60,024	-		-	A
Administrative Services Office	6.00		288,504	7.00		237,248	B
Administrative Services Office	6.00	2.00	235,800	6.00	2.00	262,353	T
Fiscal Office	-			-		-	A
Fiscal Office	17.00		664,116	17.00		735,756	B
Fiscal Office	3.00	1.00	101,268	3.00	1.00	136,620	T
Homestead Services Division	12.00		453,652	-		-	A
Homestead Services Division	41.00		1,737,612	53.00		2,191,264	B
Homestead Services Division	27.00	1.00	969,504	27.00	1.00	1,089,168	T
Land Development Division	1.00		48,024	-		-	A
Land Development Division	15.00		779,196	16.00		890,916	B
Land Development Division	17.00	1.00	1,107,360	17.00	1.00	1,159,440	T
Information and Community Relations Office	1.00		60,024	-		-	A
Information and Community Relations Office	1.00		55,500	2.00		124,944	B
Information and Community Relations Office	2.00		98,868	2.00		122,187	T
Land Management Division	1.00		55,500	-		-	A
Land Management Division	8.00		416,988	9.00		493,500	B
Land Management Division	8.00		428,988	8.00		474,060	T

Table 1
Priority List of Functions

<u>Priority #</u>	<u>Description of Function</u>	<u>Performance Measures</u>	<u>Statutory Reference (HRS, PL, etc.)</u>
1	To develop and deliver land and housing to native Hawaiian beneficiaries of the Hawaiian home lands trust.	Number of new residential homestead awarded as percentage of planned homesteads, number of lots reawarded as percentage of lots surrendered, number of residential loans granted as percentage of loans planned, number of new general leases awarded as percentage of planned, number of FHA loans granted as percentage of FHA loans planned and number of new residential homesteads awarded as percentage on waiting list.	Article XII, Section 1 of the State Constitution, Hawaiian Affairs; Hawaiian Homes Commission Act, 1920, as amended
2	To manage trust assets including land, water and other related sources.	Number of delinquent loans as percentage of total outstanding loans	Article XII, Section 1 of the State Constitution, Hawaiian Affairs; Hawaiian Homes Commission Act, 1920, as amended
3	To provide direction and administrative support to staff that perform core activities	Percentage of vendor payments made within 30 days and percentage of data processing requests completed	Article XII, Section 1 of the State Constitution, Hawaiian Affairs; Hawaiian Homes Commission Act, 1920, as amended

Table 2
Program ID Listing of Major Activities

<u>Prog ID/Org</u>	<u>Major Activity or Activities performed</u>	<u>Priority #</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>PS \$\$\$\$</u>	<u>Other \$\$\$\$</u>	<u>MOF</u>
HHL 602	To plan, organize, and carry out programs and activities involved in leasing homestead lots for residential, pastoral, farming, ranching, and aquaculture purposes and in providing loans and other assistance to native Hawaiians	1	80.00	0.00	\$ 5,621,312	880,327	B
	To provide for the design and construction of housing projects, master-planned communities, and subdivisions for residential, agricultural, commercial, industrial, and mixed of other uses. Provides for the financing of projects by identifying and obtaining commitment of private funds or by preparing budgets and budget justification for the appropriation of allotment of public funds	2	51.00	2.00	\$ 3,820,555	0	T
HHL 625	To provide for the acquisition of land and land exchanges; manage unencumbered land and land not in homestead use; market and manage revenue-producing property; conduct land and real property appraisals; recommend terms and conditions of land and real property transactions; carry out enforcement activities; and develop and maintain land inventory and real property transaction records.	3	38.00	0.00	\$ 2,823,771	2,224,382	B
	To provide assistance to the divisions and the Hawaiian Homes Commission in the areas of personnel, budgeting, program evaluation, information and communication services, accounting, planning and public relations.	4	26.00	9.00	\$ 2,680,602	0	T

Table 3
Biennium Budget Reductions

#	<u>Description of Reduction</u>	<u>Impact of Reduction</u>	<u>Prog ID/Org</u>	<u>Pos</u>		<u>\$\$\$ 10</u>	<u>Pos</u>		<u>\$\$\$ 11</u>	<u>MOF</u>
				<u>(P) 10</u>	<u>Pos (T) 10</u>		<u>(P) 11</u>	<u>(T) 11</u>		
1	Change in Means of Financing	No Significant Impact	HHL 602	(14)	(746,517)		(14)		(746,517)	A
2	Change in Means of Financing	No Significant Impact	HHL 625	(4)	(225,660)		(4)		(225,660)	A
3										
4										
5										

Table 4
Biennium Budget Additions

<u>Description of Addition</u>	<u>Prog ID/Org</u>	<u>Pos</u>		<u>\$\$\$ 10</u>	<u>Pos</u>		<u>\$\$\$ 11</u>	<u>MOF</u>
		<u>(P) 10</u>	<u>(T) 10</u>		<u>(P) 11</u>	<u>(T) 11</u>		
Change in Means of Financing	HHL 602	14.00		1,008,773	14.00		1,008,773	B
Change in Means of Financing	HHL 625	4.00		299,089	4.00		299,089	B
Fringe Benefits Adjustment	HHL 602			63,081			63,081	B
Fringe Benefits Adjustment	HHL 602			53,016			53,016	T
Fringe Benefits Adjustment	HHL 625			34,604			34,604	B
Fringe Benefits Adjustment	HHL 625			37,755			37,755	T
Lease Payment - Principal	HHL 625			620,000			620,000	B
Fully Fund Special & Trust Positions	HHL 602			133,786			133,786	B
Fully Fund Special & Trust Positions	HHL 602			56,430			56,430	T
Fully Fund Special Funded Positions	HHL 625			83,824			83,824	B

Table 5
Current Year (FY09) Restrictions

<u>Prog ID</u>	<u>FY09 \$\$\$</u>	<u>Impact</u>	<u>FY10 \$\$\$</u>	<u>FY11 \$\$\$</u>
HHL 625	(35,348)	No Significant Impact	0	0

Table 6
 Prog ID
 Program Performance Results

#	<u>Measures of Effectiveness</u>	<u>Direction of Success</u>	<u>FY07 Result</u>	<u>FY08 Result</u>	<u>FY09 Plan</u>	<u>FY10 Plan</u>
		(increase/decrease)				
1	Number of new homesteads awarded as percentage of planned homes	increase	100	215	100	100
2	Number of lots reawarded as percentage of lots surrendered	increase	0	167	100	100
3	Number of residential loans granted as percentage of loans planned	decrease	103.61	46	100	100
4	Number of delinquent loans as percentage of total outstanding loans	decrease	18.4	7	21	21
5	Number of new general leases awarded as percentage of planned for award	increase	0	20	0	0
6	Number of homes constructed on Hawaiian Home Lands as percentage planned	increase	104.76	172	100	100
7	Number of FHA loans granted as percentage of FHA loans planned	increase	40	122	100	100
8	Number of new residential omesteads awarded as percentage on waiting list	increase	1.09	2	1.01	1.01

Attachment 1
Department-Wide Summary Information (by MOF)

Fiscal Year (FY) 2009					
Act 158/08 Appropriation (a)		Restriction (b)	Emergency Request (c)	Total FY09 (a)+(b)+(c)	MOF
883,699		(35,348)		848,351	A
10,668,908				10,668,908	B
6,159,771				6,159,771	T
9,600,545				9,600,545	N
27,312,923		(35,348)	-	27,277,575	Total

Fiscal Year (FY) 2010					
Act 158/08 Appropriation (d)	Collective Bargaining (e)	Reduction (f)	Additions (g)	Total FY10 (d)+(e)+(f)+(g)	MOF
883,699	88,478	(972,177)		-	A
10,668,908	357,727		2,243,157	13,269,792	B
6,159,771	294,185	(100,000)	147,201	6,501,157	T
9,600,545	846			9,601,391	N
27,312,923	741,236	(1,072,177)	2,390,358	29,372,340	Total

Fiscal Year (FY) 2011					
Act 158/08 Appropriation (h)	Collective Bargaining (i)	Reduction (j)	Additions (k)	Total FY11 (h)+(i)+(j)+(k)	MOF
883,699	88,478	(972,177)		-	A
10,668,908	357,727		2,243,157	13,269,792	B
6,159,771	294,185	(100,000)	147,201	6,501,157	T
9,600,545	846			9,601,391	N
27,312,923	741,236	(1,072,177)	2,390,358	29,372,340	Total

Please indicate restrictions and reductions as negative numbers, using brackets ()

Attachment 2
 FY09 Proposed Emergency Requests

<u>Program ID</u>	<u>Description of Emergency Request</u>	<u>FTE</u>	<u>\$\$\$</u>	<u>MOF</u>
	None			

Attachment 4
Budget Decisions

Priority	Prog ID/Org	Description	MOF	Dept FY10			Dept FY11			B&F FY10			B&F FY11			Gov FY10			Gov FY11		
				FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$	FTE(P)	FTE(T)	\$\$\$
1	HHL 625	Lease Payment - Principal	B			620,000			620,000			620,000			620,000			620,000			620,000
2	HHL 602	Fully Fund Special & Trust Positions	B			133,786			133,786			133,786			133,786			133,786			133,786
3	HHL 602	Fully Fund Special & Trust Positions	T			56,430			56,430			56,430			56,430			56,430			56,430
4	HHL 625	Fully Fund Special Funded Positions	B			168,394			168,394			83,824			83,824			83,824			83,824
5	HHL 602	Fringe Benefits Adjustment	B			63,081			63,081			63,081			63,081			63,081			63,081
6	HHL 602	Fringe Benefits Adjustment	T			53,016			53,016			53,016			53,016			53,016			53,016
7	HHL 625	Fringe Benefits Adjustment	B			34,604			34,604			34,604			34,604			34,604			34,604
8	HHL 625	Fringe Benefits Adjustment	T			37,755			37,755			37,755			37,755			37,755			37,755
9	HHL 602	Change in Means of Financing	B	3.00		142,062	3.00		142,062	14.00		1,008,773	14.00		1,008,773	14.00		1,008,773	14.00		1,008,773
10	HHL 625	Change in Means of Financing	B	2.00		118,598	2.00		118,598	4.00		299,089	4.00		299,089	4.00		299,089	4.00		299,089

Attachment 5
All Positions Vacant as of 12/1/08

<u>Date of Vacancy</u>	<u>Position Title</u>	<u>Position Number</u>	<u>Exempt (Y/N)</u>	<u>Budgeted Amount</u>	<u>Actual Salary Last Paid</u>	<u>MOF</u>	<u>Prog ID</u>	<u>Authority to Hire (Y/N)</u>
08/01/05	CLERK STENOGRAPHER II	12/07/03	N	07/31/67		A	HHL-602	Y
07/16/08	SECRETARY I	03/11/22	N	03/26/82		B	HHL-625	Y
03/01/06	SECRETARY III	03/24/26	N	10/08/88		B	HHL-625	Y
06/14/03	HOMESTEAD DISTRICT SUPERVISOR II	03/28/26	N	11/26/29		B	HHL-602	Y
02/01/07	HOMESTEAD DISTRICT SUPERVISOR I	05/18/36	N	10/11/24		B	HHL-602	Y
12/01/06	ACCOUNT CLERK II	06/09/36	N	01/09/76		B	HHL-625	Y
11/23/01	CLERK TYPIST III	06/10/36	N	03/29/70		B	HHL-625	Y
01/25/96	CLERK TYPIST II	03/24/61	N	01/09/76		B	HHL-625	Y
01/01/04	SECRETARY III	12/08/64	N	10/08/88		B	HHL-625	Y
11/01/04	LAND AGENT V	02/20/72	N	11/26/29		B	HHL-602	Y
04/01/08	ACCOUNT CLERK III	03/24/72	N	01/25/82		B		Y
11/23/02	PLANNING & DEVELOPMENT COORDINATOR	08/05/78	N	11/28/72		B	HHL-602	Y
12/31/06	SUPERVISING LAND AGENT	08/18/78	N	12/13/99		B	HHL-602	Y
01/01/08	PROGRAM BUDGET ANALYST IV	10/13/81	N			A	HHL-625	Y
01/01/08	MORTGAGE LOAN SPECIALIST	04/08/04	N	05/08/15		A	hh-602	Y
08/01/08	GROUNDSKEEPER I	08/01/90	N	12/14/89		B	HHL-602	Y
07/28/06	ACCOUNTANT III	04/11/04	N	09/10/98		B	HHL-625	Y
09/01/05	ACCOUNTANT III	04/13/04	N	09/10/98		B	HHL-625	Y
02/16/07	HOMESTEAD APPLICATIONS CLERK II	06/25/04	N	06/14/85		A	HHL-602	Y
05/31/97	PLANNING & DEVELOPMENT COORDINATOR	12/26/30	N	11/28/72		B	HHL-602	Y
11/01/07	LAND AGENT III	01/03/33	N	05/08/15		B	HHL-602	Y
02/01/08	HHL CLERK TYPIST III	05/07/74	Y	12/28/75		B	HHL-602	Y
03/01/00	DELINQUENT LOAN COLLECTION ASSISTANT	02/12/75	Y	12/25/64		B	HHL-602	Y
01/08/08	HHL PLANNER V	05/11/76	Y	06/25/40		T	HHL-625	Y
08/20/03	HHL ACCOUNTANT II	03/23/78	Y	02/25/99		T	HHL-625	Y
08/01/08	HOMESTEAD HOUSING SPECIALIST III	06/27/80	Y	05/08/15		B	HHL-602	Y
03/08/08	HHL CLERK TYPIST II	10/29/81	Y	04/10/70		T	HHL-602	Y

Attachment 5
All Positions Vacant as of 12/1/08

11/29/97	HHL ENGINEER III	11/02/81	Y	09/20/35	T	HHL-602	Y
07/01/08	HHL LEGISLATIVE ANALYST	11/05/81	Y	10/11/24	T	HHL-625	Y
06/30/07	HHL APPLICATIONS OFFICER	11/18/81	Y	11/30/10	T	HHL-602	Y
09/01/08	HHL PLANNER V	11/20/81	Y	06/25/40	T	hhl-625	Y
01/01/91	HHL DELINQUENT LOAN COLLECTION ASST	03/11/85	Y	11/04/92	T	HHL-602	Y
07/06/00	HHL CLERK TYPIST III	09/14/85	Y	11/16/67	T	HHL-602	Y
02/21/08	DHHL POLICY & PROGRAM ANALYST	07/08/90	Y	12/13/51	T	HHL-625	Y
05/01/00	HHL CLERK IV	09/26/90	Y	01/09/76	T	HHL-602	Y
07/16/00	HHL EQUIPMENT OPERATOR II APPRAISAL/TECHNICAL	05/01/91	Y	10/02/80	B	HHL-602	Y
12/01/95	SERVICES MANAGER	05/08/91	Y	09/02/52	T	HHL-602	Y
06/16/94	HHL EQUIPMENT OPERATOR II	05/11/91	Y	10/02/80	B	HHL-602	Y
07/14/07	HHL PERSONNEL CLERK III	05/13/91	Y	04/10/70	T	HHL-625	Y
12/03/07	GENERAL LABORER I	10/23/09	N	12/14/89	B	HHL-602	Y
03/12/07	HHL PERSONNEL CLERK V	04/09/21	Y	03/02/82	T	HHL-625	Y
05/05/05	HHL ACCOUNT CLERK III BRANCH MANAGER, LOAN SERVICES	98001I	Y	12/13/51	B	HHL-602	Y
N/A	HHL GENERAL LABORER I	98002I	Y	04/22/70	T	HHL-602	Y
07/01/93	LOAN PROCESSING ASSISTANT II	98103I	Y	11/04/92	B	HHL-602	Y
N/A	LOAN PROCESSING ASSISTANT II	98104I	Y	02/05/96	B	HHL-602	Y
N/A	LOAN PROCESSING ASSISTANT I	98105I	Y	02/05/96	B	HHL-602	Y

*As of 9/30/08

Attachment 6
 Federal Fund Expenditures Exceeding Ceiling for FY08 and FY09 to date

<u>Prog ID</u>	<u>Appropriation Ceiling</u>	<u>Ceiling Increase</u>	<u>Date of Transfer</u>	<u>Reason for Exceeding Ceiling</u>	<u>Recurring (Y/N)</u>	<u>GF Impact (Y/N)</u>
				None		

Attachment 8
CIP Summary

<u>Priority</u>	<u>Project Title</u>	<u>FY10 \$\$\$</u>	<u>FY11 \$\$\$</u>	<u>MOF</u>
1	NAHASDA, Development Projects, Statewide	15,000,000	15,000,000	N
2	Water Source Development for State Housing Projects in the Villages of Leialii, Maui	2,500,000	2,300,000	C
3	Water System Improvements, Lalamilo, Waimea, Hawaii	6,200,000		C