

LATE

KALIHI PALAMA HAWAIIAN CIVIC CLUB
Susan K. Pine, President
Dexter K. Soares, Vice-President
94-223 Kupuna Loop
Waipahu, Hawai'i 96797
Ph: 808-6760541/Cellular 808-3860548

February 8, 2008

TO: The Honorable Senator Jill N. Tokuda, Chair & Members of the Senate Committee on Agriculture and Hawaiian Affairs

FROM: Dexter K. Soares, Vice President, Kalihi Palama Hawaiian Civic Club

**SUBJECT: WRITTEN TESTIMONY IN SUPPORT OF SENATE BILL 2733
OFFICE OF HAWAIIAN AFFAIRS-PUBLIC TRUST LANDS SETTLEMENT**

Aloha Senator Tokuda and Members of the Senate Committee on Agriculture and Hawaiian Affairs;

My name is Dexter Ke'ala Soares and I am submitting this written testimony in support of and passage of Senate Bill 2733 relating to the OHA Public Land Trust Settlement Bill. The Hawaiian Civic Clubs is one of the oldest and largest Hawaiian organization established by Prince Johah Kuhio Kalaniana'ole in the early 1920's. Its purpose was to improve the conditions of Native Hawaiians through social, political, educational, health and other major conditions affecting Hawaii's host culture. Today, we have over fifty five (55) civic clubs in the State of Hawaii, continental U.S. and Alaska all working towards the betterment of the conditions of Hawaiians' in areas of education, health and welfare, scholarship, employment, training, perpetuation of na mea Hawaii (Hawaiian culture, history, language), advocacy and active involvement in areas and issues impacting Hawaiians and other ethnic groups in the state of Hawaii. Collectively, we have a membership of over 3,500 individuals with a common mission of enhancing and perpetuating all things Hawaiian.

The Office of Hawaiian Affairs was established as a result of the Constitutional Convention of 1978. I believe the key purpose and primary mission of the organization is to better the conditions of Native Hawaiians and Hawaiians. When we look at the conditions of native Hawaiians from past to present, it is very disheartening or "kaumaha" (of heavy heart) to note the following:

HEALTH: In areas of health, Hawaiians have one of the highest rates of diabetes in the nation; cervical, breast, lung, prostate cancer, cardiovascular disease takes it high toll on Hawaii's host culture. (data available from Papa Ola Lokahi-a not for profit organization; and the Native

Hawaiian Health Care Systems charged with the mission of improving the health constitutions of native Hawaiians and Hawaiians in the State of Hawaii.

EDUCATION: In areas of higher education, Hawaiians represent approximately 22-24% of the state-wide population with an enrollment of 12% within the UH-System. One can see the under-representation of native Hawaiians in higher education with a collective mission of increasing Hawaiian enrollment within the system.

SOCIAL CONDITIONS: Every day, we read the newspaper or watch the news as families are being evicted from the beaches (tent city). Young women and their children being displaced and cannot afford the high cost of rent. Here too, Hawaiians represent the highest percentage of the homeless population in the State of Hawaii. Mental illness, women and children fleeing spousal abuse, living in tents, cars, abandon buses for shelter.

Upon review of prison incarceration, Hawaiian men and women has the highest percentage of incarceration.

Collectively, I believe we have a commitment to improve the conditions of Hawaii's host culture. OHA's fiduciary trust and responsibility and its overall mission for the betterment of conditions of native Hawaiians and Hawaiians is indeed a tremendous task and responsibility. OHA cannot meet this major task alone. Agency networking, and partnership development between the public and private sector is crucial for OHA to implement its current and long range strategic plans for the betterment of Hawaiians.

The Trustees of the Office of Hawaiian Affairs and the Executive branch have worked for the last four years to bring forward a settlement that resolves the "disputed" revenue issues from November 7, 1978 to July 1, 2008 (present).

With enactment of 2008 legislation to implement settlement, the State legislature will have fulfilled the Court's direction and will have participated in not only codifying statute to settle the undisputed but also the disputed issues surrounding payment of ceded land revenues to OHA from 1978 to 2008, and will codify the minimum payment of \$15.1 million annually to OHA.

I humbly ask for your support of Senate Bill 2733 relating to the Public Trust Lands Settlement. These revenues will greatly enhance OHA's efforts to provide the much needed DIRECT SERVICES for native Hawaiians and Hawaiians.

Mahalo a nui loa.

Respectfully submitted,


Dexter Ke'ala Soaria

Kalihi Palama Hawaiian Club.

LATE

LEGISLATIVE TESTIMONY IN SUPPORT OF
SB 2733 RELATING TO THE PUBLIC TRUST LANDS SETTLEMENT

Before the Joint Committee on Agriculture & Hawaiian Affairs;
Judiciary; & Water & Land
February 9, 2008 10:00 am
State Capitol Auditorium

Aloha Chairperson Tokuda, Chairman Taniguchi, and Chairman Hee and members of the Joint Committee. I am Bruce Yamashita. In 1978, I was a delegate to the Hawaii State Constitutional Convention which created the Office of Hawaiian Affairs (OHA). I am a practicing attorney in Washington, D.C., however, I remain concerned about the progress and efficacy of OHA.

Many years ago the State of Hawai'i promised, through Act 273, SLH 1980, to provide OHA with 20% of the revenues from ceded lands held in trust by the State. The State has not judiciously met its obligations to provide OHA beneficiaries with its pro rata share of the revenues from the Public Land Trust.

I support SB 2733 for the following reasons:
First, OHA's mission is to develop programs for the betterment of Native Hawaiians, and is required by law to expend funds derived from ceded lands to carry out this mission. It is clear that over the years the State has failed to provide the required funds.
Second, the bill will settle unresolved issues regarding what the State owes OHA. It is unacceptable that the Legislature has not resolved this matter after many years of litigation. The State Supreme Court has clearly explained that resolution of revenue entitlement are a "political question and that the Legislature and OHA must jointly resolve those issues."
Third, the bill would still allow a Hawaiian governing body to negotiate with the federal government or the State of Hawai'i for claims arising out of annexation.
Fourth, the bill would ensure a steady annual stream of revenues that OHA beneficiaries would be able to rely upon in the future.
Thank you for the opportunity to testify.

Ernest M. Kimoto
Senior Staff Attorney
Office of Hawaiian Affairs
711 Kapi'olani Blvd, 5th Floor
Honolulu, Hawaii 96813
Phone: 594 1954 Fax: 594 1865

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THANK YOU.

The Senate
Twenty-Fourth Legislature
Regular Session of 2008
State of Hawai'i

LATE

February 11, 2008

To Senate Committees:
Agriculture and Hawaiian Affairs, Chair Jill N. Tokuda
Water and Land, Chair Clayton Hee
Judiciary and Labor, Chair Brian T. Taniguchi

Subject: Testimony in Opposition to SB 2733 (Public Trust Lands Settlement)

It is not acceptable that an agreement between the Office of Hawaiian Affairs (OHA) and the State Administration, pertaining to the Ceded Lands was crafted in secrecy from the legislature or from the community at-large, particularly Hawaiian beneficiaries. Because the administration and OHA reached the settlement in this manner without discussion or input from the beneficiaries or their representatives, I am burdened to accept along with other Hawaiian beneficiaries to support SB 2733 without sufficient information.

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h opposition to SB 2733. I oppose SB 2733,
dit of the Ceded Lands gross revenues were
I would like to see reconciliation occur, but
ement" just because the Office of Hawaiian
ai'i State Constitutional Convention.

Sincerely,



Tamar R. P. deFries, Kalawahine Hawaiian Homestead Resident
2031 Ha'alelea Place
Honolulu, HI 96813
(808) 478-9627