



TESTIMONY OF THE STATE ATTORNEY GENERAL TWENTY-FIFTH LEGISLATURE, 2009

ON THE FOLLOWING MEASURE:

S.B. NO. 1677, S.D. 1, RELATING TO LANDS CONTROLLED BY THE STATE.

BEFORE THE:

HOUSE COMMITTEE ON HAWAIIAN AFFAIRS

DATE: Wednesday, March 4, 2009 **TIME:** 9:30 AM

LOCATION: State Capitol, Room 329

TESTIFIER(S): Mark J. Bennett, Attorney General,
or Charleen M. Aina, Deputy Attorney General,
or Bill J. Wynhoff, Deputy Attorney General

Chair Carroll and Members of the Committee:

The Department of the Attorney General offers the following comments on this bill.

While nothing stands in the way of lawsuits being filed in the federal courts challenging this bill's constitutionality, were it to be enacted, we believe this bill does not facilitate the types of challenges that other bills to prohibit the sale or exchange of ceded lands would generate, were they to be enacted. However, we recommend amendments to certain provisions of the bill.

This bill conditions the sale or exchange of the lands listed in the bill upon the department or other state agency proposing the sale or exchange first securing the Legislature's approval of the sale or exchange, as evidenced by the adoption of a concurrent resolution by at least a two-thirds majority of the members of each house.

While there does not appear to be any pressing need for this bill, if the Legislature believes there is a need to amend the current procedures, we believe that the bill should be amended to be consistent with statutes like sections 171-41 and 171-50, Hawaii Revised Statutes, which subject exchanges of certain state lands and sales for certain purposes, to legislative disapproval, rather than pre-approval, by a

two-thirds vote of either the House or the Senate, or by a majority vote of each of the houses at a regular or special session following the date of disposition. Disapproval, rather than individual transaction pre-approval, not only conforms to the present statutory scheme, but also would appear to make far more sense as a method of allowing legislative input into these types of transactions.

In addition, we also suggest removing the purpose clause, to reduce the risk of legal challenges.

Finally, if this bill is passed, we recommend that it be passed with a defective effective date to facilitate further discussion.

We have attached a redline version of S.B. No. 1677, S.D. 1, reflecting these proposed amendments. If this bill is passed, we recommend that it be passed with these amendments.

A BILL FOR AN ACT

RELATING TO LANDS CONTROLLED BY THE STATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 ~~SECTION 1. In January 2008, the Hawaii Supreme Court in~~
2 ~~Office of Hawaiian Affairs v. Housing and Community Development~~
3 ~~Corporation of Hawaii, 117 Hawaii 174, 177 P.3d 884 (2008),~~
4 ~~enjoined the State from selling or otherwise transferring to~~
5 ~~third parties any ceded lands from the public lands trust until~~
6 ~~the claims of the native Hawaiian people to the ceded lands have~~
7 ~~been resolved.~~

8 ~~In April 2008, the governor directed the attorney general~~
9 ~~to petition the United States Supreme Court for a writ of~~
10 ~~certiorari on whether the passage of Public Law 103-150,~~
11 ~~otherwise known as the Apology Resolution, strips the State of~~
12 ~~Hawaii of the authority to sell, exchange, or transfer ceded~~
13 ~~lands unless or until the State reaches a political settlement~~
14 ~~with native Hawaiians about the status of these lands. In~~
15 ~~October 2008, the United States Supreme Court granted the~~
16 ~~State's petition for certiorari in the foregoing case.~~

1 ~~In light of these developments, the legislature believes~~
2 ~~that it is necessary to reassert its constitutional authority in~~
3 ~~that it has the sole authority to resolve this issue on behalf~~
4 ~~of the State and to dispose of lands under the control of the~~
5 ~~State as it deems appropriate.~~

6 ~~The purpose of this Act is to require the adoption of a~~
7 ~~concurrent resolution by two thirds majority vote of each house~~
8 ~~of the legislature to sell or exchange ceded lands.~~

9 SECTION 21. Chapter 171, Hawaii Revised Statutes, is
10 amended by adding a new part to be appropriately designated and
11 to read as follows:

12 "PART . CEDED LANDS

13 §171-A Sale of ceded lands under the control of state
14 departments and agencies; legislative disapproval ~~required~~. (a)

15 This section applies to the following lands:

- 16 (1) Land defined as public lands under section 171-2;
17 (2) Land set aside pursuant to law for the use of the
18 United States;
19 (3) Land to which the United States relinquished the
20 absolute fee and ownership under section 91 of the
21 Organic Act prior to the admission of Hawaii as a
22 state of the United States unless subsequently placed

- 1 under the control of the board of land and natural
2 resources and given the status of public lands in
3 accordance with the state constitution, or other laws;
- 4 (4) Land to which the University of Hawaii holds title;
- 5 (5) Land to which the Hawaii housing finance and
6 development corporation in its corporate capacity
7 holds title;
- 8 (6) Land to which the department of agriculture holds
9 title by way of foreclosure, voluntary surrender, or
10 otherwise, to recover moneys loaned or to recover
11 debts otherwise owed the department under chapter 167;
- 12 (7) Land that is set aside by the governor to the Aloha
13 Tower development corporation; land leased to the
14 Aloha Tower development corporation by any department
15 or agency of the State; or land to which the Aloha
16 Tower development corporation holds title in its
17 corporate capacity;
- 18 (8) Land that is set aside by the governor to the
19 agribusiness development corporation; land leased to
20 the agribusiness development corporation by any
21 department or agency of the State; or land to which

1 the agribusiness development corporation in its
2 corporate capacity holds title; or
3 (9) Land to which the high technology development
4 corporation in its corporate capacity holds title.
5 (b) ~~Notwithstanding any law to the contrary, no sale of~~
6 ~~lands under subsection (a) in fee simple, including land sold~~
7 ~~for roads and streets, shall occur without the prior approval of~~
8 ~~the sale by the legislature by concurrent resolution to be~~
9 ~~adopted by each house by at least a two thirds majority vote of~~
10 ~~the members to which each house is entitled in a regular or~~
11 ~~special session at which a concurrent resolution is submitted~~
12 ~~for approval of the sale~~Notwithstanding any law to the contrary,
13 any sale of lands under subsection (a) in fee simple, including
14 land sold for roads and streets, shall be subject to disapproval
15 by the legislature by two-thirds vote of either the senate or
16 the house of representatives or by majority vote of both in any
17 regular or special session next following the date of
18 disposition; provided that the provisions of this section shall
19 not apply to the sale of remnants, as defined in section 171-52,
20 or portions thereof; and provided further that this section
21 shall not apply to the issuance of licenses, permits, easements,

1 and leases in conformance with the applicable law for lands
2 listed in subsection (a).

3 ~~(c) The state department or agency proposing to sell any~~
4 ~~state land listed under subsection (a) shall submit for~~
5 ~~introduction to the legislature a concurrent resolution for~~
6 ~~review of any sale of state land. The concurrent resolution~~
7 ~~shall contain a list of all sales of state land proposed by the~~
8 ~~state department or agency. The concurrent resolution shall~~
9 ~~contain the following information:~~

10 ~~(1) The location and area of the parcels of land to be~~
11 ~~sold;~~

12 ~~(2) The appraisal value of the land to be sold;~~

13 ~~(3) The names of all appraisers performing appraisals of~~
14 ~~the land to be sold;~~

15 ~~(4) The date of the appraisal valuation;~~

16 ~~(5) The purpose for which the land is being sold; and~~

17 ~~(6) A detailed summary of any development plans for the~~
18 ~~land to be sold.~~

19 ~~(d) If the legislature fails to approve the concurrent~~
20 ~~resolution by at least a two thirds majority vote of both~~
21 ~~houses, the transaction shall not be consummated by the state~~
22 ~~department or agency.~~

1 §171-B Exchange of lands under the control of state
2 departments and agencies for private land; legislative
3 disapproval~~required~~. (a) This section applies to the
4 following lands:
5 (1) Land defined as public land under section 171-2;
6 (2) Land set aside pursuant to law for the use of the
7 United States;
8 (3) Land to which the United States relinquished the
9 absolute fee and ownership under section 91 of the
10 Organic Act prior to the admission of Hawaii as a
11 state of the United States unless subsequently placed
12 under the control of the board of land and natural
13 resources and given the status of public lands in
14 accordance with the state constitution, or other laws;
15 (4) Land to which the University of Hawaii holds title;
16 (5) Land to which the Hawaii housing finance and
17 development corporation in its corporate capacity
18 holds title;
19 (6) Land to which the department of agriculture holds
20 title by way of foreclosure, voluntary surrender, or
21 otherwise, to recover moneys loaned or to recover
22 debts otherwise owed the department under chapter 167;

1 (7) Land that is set aside by the governor to the Aloha
2 Tower development corporation; land leased to the
3 Aloha Tower development corporation by any department
4 or agency of the State; or land to which the Aloha
5 Tower development corporation holds title in its
6 corporate capacity;

7 (8) Land that is set aside by the governor to the
8 agribusiness development corporation; land leased to
9 the agribusiness development corporation by any
10 department or agency of the State; or land to which
11 the agribusiness development corporation in its
12 corporate capacity holds title; or

13 (9) Land to which the high technology development
14 corporation in its corporate capacity holds title.

15 (b) ~~Notwithstanding any law to the contrary, no exchange~~
16 ~~of lands under subsection (a), including land being used for~~
17 ~~roads and streets, shall occur without the prior approval of the~~
18 ~~exchange by the legislature by concurrent resolution to be~~
19 ~~adopted by each house by at least a two thirds majority vote of~~
20 ~~the members to which each house is entitled in a regular or~~
21 ~~special session at which a concurrent resolution is submitted~~
22 ~~for approval of the exchange~~Notwithstanding any law to the

1 contrary, any exchange of lands under subsection (a) in fee
2 simple, including land exchanged for roads and streets, shall be
3 subject to disapproval by the legislature by two-thirds vote of
4 either the senate or the house of representatives or by majority
5 vote of both in any regular or special session next following
6 the date of disposition; provided that the provisions of this
7 section shall not apply to the exchange of remnants, as defined
8 in section 171-52, or portions thereof; and provided further
9 that this section shall not apply to the issuance of licenses,
10 permits, easements, and leases in conformance with the
11 applicable law for lands listed in subsection (a).

12 ~~(c) The state department or agency proposing the exchange~~
13 ~~shall submit for introduction to the legislature a concurrent~~
14 ~~resolution for review of any exchange. The concurrent~~
15 ~~resolution shall contain a list of all exchanges proposed by the~~
16 ~~state department or agency and shall be submitted with the~~
17 ~~proposed exchange deeds for the exchanges to be executed by the~~
18 ~~parties, together with the following information:~~

19 ~~(1) The location and area of the parcels of land to be~~
20 ~~exchanged;~~

21 ~~(2) The appraisal value of the lands to be conveyed by the~~
22 ~~State and the private party;~~

1 ~~(3) The names of all appraisers performing appraisals of~~
2 ~~the parcels of land to be exchanged;~~

3 ~~(4) The date of the appraisal valuation;~~

4 ~~(5) The purpose for which the parcels of land are being~~
5 ~~exchanged; and~~

6 ~~(6) A detailed summary of any development plans for the~~
7 ~~parcels of land to be exchanged.~~

8 ~~—— (d) If the legislature fails to approve the concurrent~~
9 ~~resolution by at least a two thirds majority vote of both~~
10 ~~houses, the transaction shall not be consummated by the state~~
11 ~~department or agency."~~

12 SECTION ~~3~~2. In codifying the new sections added by section
13 1 of this Act, the revisor of statutes shall substitute
14 appropriate section numbers for the letters used in designating
15 the new sections in this Act.

16 SECTION ~~4~~3. This Act shall take effect ~~upon its approval on~~
17 July 1, 2050.

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
HAWAIIAN AFFAIRS**

**Wednesday, March 4, 2009
9:30 AM
State Capitol, Conference Room 329**

**In consideration of
SENATE BILL 1677, SENATE DRAFT 1
RELATING TO LANDS CONTROLLED BY THE STATE**

Senate Bill 1677, Senate Draft 1 proposes to require two-thirds majority vote of the Legislature to adopt concurrent resolution to sell or exchange certain public lands. The Department of Land and Natural Resources defers to the Department of the Attorney General with regard to providing specific comments on this measure.

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA
Executive Director
Tel: 808.543.0011
Fax: 808.528.0922

NORA A. NOMURA
Deputy Executive Director
Tel: 808.543.0003
Fax: 808.528.0922

DEREK M. MIZUNO
Deputy Executive Director
Tel: 808.543.0055
Fax: 808.523.6879

**The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Hawaiian Affairs**

**Testimony by
Hawaii Government Employees Association
March 4, 2009**

**S.B. 1677, S.D. 1 – RELATING
TO LANDS CONTROLLED
BY THE STATE**

The Hawaii Government Employees Association supports the purpose and intent of S.B. 1677, S.D.1. The bill, as drafted, would require the adoption of a concurrent resolution by a two-thirds majority vote of each legislative house for the State to sell, transfer or exchange ceded lands. We agree that it is necessary for the Legislature to assert its constitutional authority to resolve the ceded lands issue and to dispose of lands under the control of the State as it deems appropriate.

S.B. 1677, S.D. 1 will enable the Legislature to carry out its fiduciary responsibilities to the people of Hawaii, and ensure the preservation of the public land trust (ceded lands) until the claims of Native Hawaiians are resolved.

Thank you for the opportunity to testify in support of S.B. 1677, S.D.1.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director



Na Koa Ikaika o Ka Lahui Hawaii

c/o 400 Hualani Street, Bldg 10, Suite 194 ❖ Hilo, HI 96720

(808) 961-2888 phone • (808) 935-8854 fax • gibson@ilhawaii.net

MILILANI B. TRASK, Convener



Co

TESTIMONY RE: SB 1677 SD1 IN SUPPORT

DATE: Wednesday March 4, 2009

TIME: 9:30am

PLACE: CR 329

Aloha Legislators,

I am forwarding this testimony in support of the Senate measure, which will establish a standard and criteria for the sale of ceded lands by 2/3 votes. This measure was not the only measure addressing the need for a moratorium, earlier in the session a House version was introduced which called for a blanket prohibition of sale of ceded lands, however this measure did not pass and was not supported by the House Leadership. It is my understanding that the House leadership still opposes a blanket prohibition, but will support the version introduced by Senator Colleen Hanabusa.

As the result of litigation at the U.S. Supreme Court in the OHA v. State case, the U.S. Supreme Court has indicated that it is seeking guidance from the Hawaii State Legislature. Several comments can be found in the Courts discussion during oral arguments, whereby the Supreme Court Justices are asking the parties to speculate on legislative options and powers. There is an immediate need for our State legislature to clarify its position on this, and to indicate for the Court and all of Hawaii's citizens, the circumstances under which ceded lands might be sold or alienated permanently from the trust.

The 2/3's requirement sets a difficult standard for alienation of trust lands. There are very few examples of measures which have received a 2/3's majority for approval in our state legislature because of this.

I support the Senate measure because it has the strong support of the Senate, and unlike the initial House Bill, also has the support of House leadership. It would be pointless to insert the House language into the Senate bill as this would only result in House leadership killing the only remaining vehicle for a moratorium this session.

Sincerely, Mililani B. Trask

Rep. Maile Shimabukuro

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2009 2:10 PM
To: HAWtestimony
Cc: rjlives@gmail.com
Subject: Testimony for SB1677 on 3/4/2009 9:30:00 AM

Testimony for HAW 3/4/2009 9:30:00 AM SB1677

Conference room: 329
Testifier position: oppose
Testifier will be present: No
Submitted by: Rj Mendoza
Organization: Individual
Address: Hilo, HI
Phone:
E-mail: rjlives@gmail.com
Submitted on: 3/3/2009

Comments:

Aloha Esteemed members of the Legislature,

Mahalo for the opportunity to testify in opposition to SB1677. I am of Native Hawaiian descent, and have begun to do research into my family history on these islands. I discovered that during the annexation, petitions were circulated throughout the islands in protest. I found my great-great-grandparents signatures on the petitions, as well as signatures from other branches of my extended 'ohana. I myself was born and raised on the Mainland, and only occasionally made trips to these islands. Upon relocating here, I realized that the stories of my Mother and Grandmother were different than the reality that I live in. I enjoy connecting with my Hawaiian heritage, and while I have admired the aim of OHA, Bishop Estate and several other organizations dedicated to the enrichment and betterment of the Native Hawaiian people- I believe at this juncture, this bill is not appropriate. I urge the Legislature to re-draft this bill with considerations to the results of the current Supreme Court case, and the possibility of the Akaka Bill being passed. According to previous testimony- this bill may only be effective this session, and could be easily amended in future sessions. Mahalo for your time.

Best,
RJ Mendoza
Hilo, HI

Rep. Maile Shimabukuro

From: Old Growth Alliance [columbuswasnohero@yahoo.com]
Sent: Tuesday, March 03, 2009 8:27 AM
To: HAWtestimony
Subject: testimony bill 1677

Dear Madam Chair Carroll and Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is (enter name here). I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,

Tabitha Milian
Old Growth Alliance, WA

Name: Keapoī Namaka'eha
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Keapoī Namaka'eha. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

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Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,

Keapoī Namaka'eha
941033 Pouhana Way
Waipahu, Hawaii 96797
699-5868

Rep. Maile Shimabukuro

From: Phoebe Roman [roman.phoebe@gmail.com]
Sent: Tuesday, March 03, 2009 10:21 AM
To: HAWtestimony
Subject: Support of Senate Bill 1677

Name: Phoebe A. Roman
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll and Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Phoebe Roman. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,
Phoebe A. Roman
86-130 A Analipo Place
Waianae, HI 96792

Rep. Maile Shimabukuro

From: micah williams [bandanatized@yahoo.com]
Sent: Tuesday, March 03, 2009 10:28 AM
To: HAWtestimony
Subject: Support of Senate Bill 1677

Name: Micah M.K. Williams
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll and Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Micah M.K. Williams. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,

Micah M. K. Williams
84-101 Kiapa Place
Waianae, HI 96792

Rep. Maile Shimabukuro

From: Dawne Hampton [dawneygirl5@yahoo.com]
Sent: Tuesday, March 03, 2009 10:21 AM
To: HAWtestimony
Subject: Strong Support of Senate Bill 1677.

Name: Dawne P. Hampton
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll and Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Dawne Hampton. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,

Dawne P. Hampton
84-755 Ala Mahiku St., 67C
Waianae, HI 96792

Rep. Maile Shimabukuro

From: Kepano [sscribner@cppmail.com]
Sent: Tuesday, March 03, 2009 2:18 AM
To: HAWtestimony

Name: Stephen L. Scribner
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is (enter name here). I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

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Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,
Stephen L. Scribner

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Name: F. Kaina Yasuhara
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll and Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Frederic Kaina Yasuhara. I am a Native Hawaiian resident of the State of Hawaii. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,

F. Kaina Yasuhara

Rep. Maile Shimabukuro

From: Pamela Williams [pwillia4@hawaii.edu]
Sent: Tuesday, March 03, 2009 10:13 AM
To: HAWtestimony
Subject: Support of Senate Bill 1677

Dear Madam Chair Carroll and Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

Re: Resubmission of testimony: I added my residence address in this mailing below. Thank you

Name: Pamela M. Williams
Committee: House Hawaiian Affairs Committee Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll and Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Pamela M. Williams. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Respectfully submitted,

Pamela M. Williams
84-101 Kiapa Place
Waianae, HI 96792

Rep. Maile Shimabukuro

From: Donnalene Sing [donnalenes@hotmail.com]
Sent: Monday, March 02, 2009 8:32 PM
To: HAWtestimony
Subject: Senate Bill 1677 - TESTIMONY IN SUPPORT

Name: Donnalene P. Sing
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll and Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Donnalene Pi'ikea Sing. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,

Donnalene Pi'ikea Sing

Hotmail® is up to 70% faster. Now good news travels really fast. [Find out more.](#)

SB1677 Relating to Ceded Lands

HAW; Chair, Rep Mele Carroll

PLEASE PASS THIS BILL.

I would first like to say that I am not of Hawaiian blood, but I was born and raised here, on `Oahu and have a deep love for the Hawaiian culture. As many other people feel, I too believe that Hawaii's ceded lands are supposed to be given back to the Native Hawaiian population. These lands were taken away over a hundred years ago in an unjust manner. Then, these lands were given back to the Hawaiian people because the former President of the United States of America acknowledged the unethical and illegal way that these lands were acquired.

If the Governor of Hawaii is granted the right to go against not only the laws protecting these lands, but also the power to sell these lands to non-Hawaiian people without the knowledge and history of our 'aina, this would be both morally and legally wrong.

I know that the Supreme Court has given Gov. Lingle the power to do just this, but giving one person the ability to override all other judgment is not the democratic way. We need to pass SB1677 because this will put the ceded lands into the hands of many people who are the voices of our communities and people. This is the democratic process and although I do not believe that these lands should be sold on any account until the debt to the Hawaiian people is settled, this bill is definitely more of a democratic way to compromise.

Mahalo nui loa,

Sarah

Sarah Inouye
MSW student at the University of Hawaii at Manoa
491 Ulumanu Dr.
Kailua, HI 96734
Inouyes96734@gmail.com

Rep. Maile Shimabukuro

From: Derek Kauanoe [dkauanoe@gmail.com]
Sent: Tuesday, March 03, 2009 12:58 AM
To: HAWtestimony
Subject: Testimony regarding Senate Bill 1677

Derek H. Kauanoe
House Committee on Hawaiian Affairs
March 4, 2009 hearing at 9:30 am
Re: Senate Bill 1677 - Testimony in Support.

Dear Madam Chair Mele Carroll, Madam Vice-Chair Maile Shimabukuro and members of the Committee,

I submit testimony in strong support of Senate Bill 1677, since Senate Bill 1085 has not yet moved out of committee on the Senate side. Unfortunately, Senator Brian Taniguchi has not scheduled SB 1085 for a hearing yet, despite an expression he made to me on February 4, 2009, that more than likely, he would schedule it for a hearing.

As you know, it is necessary for us to protect the so-called "ceded" lands from being sold. The state through its legislative, the executive and the judiciary branches have all recognized the importance of reconciliation with the Native Hawaiian people. A moratorium on the sale of ceded lands, until the unrelinquished claims of Native Hawaiians are resolved, is a just action to take. SB 1677, in its current form, does not provide an expressed moratorium on "ceded" lands. Its two-thirds majority requirement however, does place restrictions on the sale of ceded lands. If no moratorium is passed this legislative session, this bill may be the only vehicle to provide any semblance of protection for the "ceded" lands.

In addition, I urge this committee to both discuss and formally acknowledge the importance this bill plays toward the betterment of the conditions of Native Hawaiians. The betterment of the conditions of Native Hawaiians is one of the five purposes of the public lands trust as described in the Admission Act.

Mahalo for the opportunity to submit my testimony.

--

Derek H Kauanoe

Rep. Maile Shimabukuro

From: Stephen Dinion [sdinion@mac.com]
Sent: Monday, March 02, 2009 4:21 PM
To: HAWtestimony
Subject: Testimony for HAW Committee hearing 3/4/09, on SB1677

To: Hawai'i House of Representatives
Committee on Hawaiian Affairs
Chair Rep. Carroll
Vice Chair Rep. Shimabukuro
March 4, 2009
9:30 a.m. hearing

Re: Senate Bill 1677 - TESTIMONY IN STRONG SUPPORT

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Steve Dinion. I stand in strong support of Senate Bill 1677, which may be our only hope this legislative session to protect the (so-called) ceded lands from being sold. It is important that these lands be protected so that the unrelinquished claims of Native Hawaiians can be resolved.

We must support legislation that protects the "ceded" lands. While Senate Bill 1677 does not explicitly provide a moratorium, its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Steve Dinion
1441 Victoria St. #505
Honolulu, HI 96822
(808) 543-6054

Rep. Maile Shimabukuro

From: Julia Estigoy [estigoyj@sbcglobal.net]
Sent: Monday, March 02, 2009 3:55 PM
To: HAWtestimony
Subject: SB 1677 Testimony

Name: Julia Estigoy
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Julia Estigoy. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,

Julia Estigoy

Rep. Maile Shimabukuro

From: Joyce Kainoa [haupukele@yahoo.com]
Sent: Monday, March 02, 2009 4:47 PM
To: HAWtestimony
Cc: Pono Kealoha
Subject: Senate Bill 1677
Attachments: SB 1677 Testimony[1].doc

Name: Pono Kealoha
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Pono Kealoha. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of reaffirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,

Pono Kealoha
Hawaiian National
1107 Acacia Road. Apt. # 113
Pearl City, Hawaii 96782
456-5772

Rep. Maile Shimabukuro

From: Ellie [emkeola@yahoo.com]
Sent: Monday, March 02, 2009 3:51 PM
To: HAWtestimony
Subject: Senate Bill 1677

Name: Ellie Keola
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll and Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Ellie Keola. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,
Ellie Keola

P.O. Box 1169
Waianae, Hi 96792
E-mail kananikb2@hawaii.rr.com

Phone (808) 426-4647
Cellular: (808) 783-9302
Fax (808) 696-1654

Kanani Kaaiawahia Bulawan

Date: March 2, 2009

To: Rep. Carroll, Chair Hawaiian Affairs Committee
Rep. Shimabukuro, Vice-Chair Hawaiian Affairs Committee

Date/Time of hearing: March 4, 2009 at 9:30am

Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Aloha Chair, Vice Chair (Maile) and committee members:

My name is Kanani Kaaiawahia Bulawan. I'm a resident of Waianae and a Kanaka Maoli. I submit written testimony in **STRONG SUPPORT of Senate Bill 1677.**

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677 and continue to support the issues that affect our Hawaiian community. Thank you for the opportunity to provide testimony.

Mahalo,

Rep. Maile Shimabukuro

From: Pamela Williams [pwillia4@hawaii.edu]
Sent: Monday, March 02, 2009 11:49 AM
To: HAW/testimony
Subject: Written Testimony SB1677

Name: Pamela M. Williams
Committee: House Hawaiian Affairs Committee Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll and Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Pamela M. Williams. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Respectfully submitted,

Pamela M. Williams

Rep. Maile Shimabukuro

From: Natasha Baldauf [natasha.baldauf@gmail.com]
Sent: Monday, March 02, 2009 11:52 AM
To: HAWtestimony
Subject: Ceded Lands Bill - support

Dear Madam Chair Carroll and Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Natasha Baldauf. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

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Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,

Natasha Baldauf

Rep. Maile Shimabukuro

From: Kelley L Uyeoka [kuyeoka@hawaii.edu]
Sent: Monday, March 02, 2009 11:54 AM
To: HAWtestimony
Subject: Senate Bill 1677 - TESTIMONY IN SUPPORT

Name: Kelley L. Uyeoka
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is (enter name here). I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,

Kelley Lehuakeapuna Uyeoka

Name: Amber Nanikehau Keama
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Amber Nanikehau Keama. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,

Amber Nanikehau Keama

Rep. Maile Shimabukuro

From: Paul Gabriel [paul@entertainmentrevolution.com]
Sent: Monday, March 02, 2009 12:48 PM
To: HAWtestimony
Subject: Testimony in support of SB 1667

Dear Madam Chair Carroll and Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Paul Gabriel. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,

Paul Gabriel

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.557 / Virus Database: 270.11.5/1979 - Release Date: 3/1/2009 5:46 PM

Rep. Maile Shimabukuro

From: Kehaulani Lum [kehaulani@ameritech.net]
Sent: Monday, March 02, 2009 2:08 PM
To: HAWtestimony
Subject: Testimony in Support of Senate Bill 1677

Name: Kehaulani Lum
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs. Aloha.

A wonderful full-page advertisement appears on page 27 of the Feb. 9 and 16 edition of the New Yorker. Along with photographs of kumu hula Kapu Kinimaka-Alquiza and members of her halau, a "Stories of Hawai'i" article by Beverly Creamer deftly unveils the dream-filled experience of a master hula teacher and the traditions behind this ancient Native Hawaiian cultural practice. As kumu hula Kinimaka-Alquiza reveals her inspirational source on the north shore of Kaua'i island, near Ke'e Beach, she notes, "Dawn...the winds...the sound of the sea...I almost always call out for spiritual guidance for nature to be part of my creativity." Such is the making of an image, created and promoted by Hawai'i's official tourism bureau, for the benefit of potential visitors thousands of miles away. It is lovely. It is subtle. It is reverent. And, it spells out the Native Hawaiian's central connection to the elements, as a fundamental manifestation of who we are.

It is ironic that such an ad should run concurrent to the Legislature's debate over whether or not lands identified to be of benefit for Native Hawaiians should be saleable. The very mystique upon which the ad is constructed defies the action asserted in the latter. For, if it is true that we are spiritually connected to the `aina, the kai, and the lani, then, our disconnection from them amounts to our self-destruction. In order for our culture to survive, and nourish the hunger of these islands, we must remain connected to the lands.

On behalf of myself and my `ohana, I herewith submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved in a fair and just manner.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the

Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court” in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court’s decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,

Kehaulani Lum

Rep. Maile Shimabukuro

From: Dee Texidor [DeeTex123@hawaii.rr.com]
Sent: Monday, March 02, 2009 2:17 PM
To: HAWtestimony
Subject: TESTIMONY RE: SENATE 1085

Importance: High

Name: Diane Texidor
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Diane Texidor. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,
Diane Texidor

Rep. Maile Shimabukuro

From: Dee Texidor [DeeTex123@hawaii.rr.com]
Sent: Monday, March 02, 2009 2:27 PM
To: HAWtestimony
Subject: SUPPORT OF SENTATE BILL 1677

Importance: High

Name: K. Subramaniam Krishnan
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is K. Subramaniam Krishnan. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

Senate Bill 1677 does not explicitly provide a moratorium, but its two-thirds requirement to sell ceded lands provides a mechanism for restricting the sale of such lands. We must support legislation that protects the "ceded" lands.

Recently, our legislature passed a resolution that urged Governor Lingle to withdraw the "ceded" lands case from U.S. Supreme Court. Perhaps more importantly, the resolution provided that "the Legislature declares the public policy of the State of Hawaii is to honor the decision of the Hawaii Supreme Court" in its January 31, 2008, landmark ruling. Although Senate Bill 1677 falls short of re-affirming our highest state court's decision, Senate Bill 1677 in effect provides some protection of these lands.

Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,
K. Subramaniam Krishnan

Rep. Maile Shimabukuro

From: Dee Texidor [DeeTex123@hawaii.rr.com]
Sent: Monday, March 02, 2009 2:29 PM
To: HAWtestimony
Subject: SUPPORT OF SB 1677

Importance: High

Name: Chesare Texidor
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Chesare Texidor. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

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Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,
Chesare Texidor

Name: Alii Pauahi Hawaiian Civic Club
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Kealii Lum. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

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Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,

Kealii Lum
Alii Pauahi Hawaiian Civic Club, President

Rep. Maile Shimabukuro

From: Laure Dillon [lauredillon@hawaii.rr.com]
Sent: Monday, March 02, 2009 3:02 PM
To: HAWtestimony
Subject: SB 1677 (& SB 1085) in SUPPORT

Hearing: March 4, 2009 at 9:30am

Representative Mele Carroll
Chair
Representative Maile Shimabukuro
Vice Chair
House Committee on Hawaiian Affairs

Re: SB 1677 in SUPPORT

Aloha Madame Chair Carroll, Madame Vice Chair Shimabukuro and Members of the Committee:

This brief testimony is **in support of SB 1677** (as well as SB 1085 should it progress to your committee).

As you know very well, there are many issues pending resolution on ceded land issues with a very long and controversial history. Once sold, it is impossible to return land to the previous status, so I encourage you to pass SB 1677 to allow some protection of these important lands to our host culture of Hawaii.

It is difficult for me to understand the advantage to Native Hawaiians for sales of ceded lands to proceed, therefore I urge you to protect these precious lands for the benefit of Native Hawaiians, the Hawaiian culture and future generations.

Mahalo for considering my views,

Laure Dillon
2345 Ala Wai Blvd.
Honolulu, HI 96815

Name: Marie Alohalani Brown
Committee: House Hawaiian Affairs Committee
Date/Time of hearing: March 4, 2009 at 9:30am
Re: Senate Bill 1677 - TESTIMONY IN SUPPORT

Dear Madam Chair Carroll, Madam Vice-Chair Shimabukuro, and members of the House Committee on Hawaiian Affairs:

My name is Marie Alohalani Brown. I submit written testimony in strong support of Senate Bill 1677. Unfortunately, Senate Bill 1085, at the time of this writing, has not yet been passed out of all its Senate committees. Senate Bill 1085, apparently, is stalled at the Judiciary and Government Operations committee, chaired by Senator Brian Taniguchi.

Senate Bill 1677 may be our only hope this legislative session to protect the so-called ceded lands from being sold. It is important that the "ceded" lands be protected from sales so that the unrelinquished claims of Native Hawaiians can be resolved.

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Please pass Senate Bill 1677. Thank you for the opportunity to provide testimony.

Sincerely,

Marie Alohalani Brown