

TESTIMONY

SB 476

LATE

From: Alan Murakami [almurak67@gmail.com]
Sent: Tuesday, February 03, 2009 5:00 PM
To: WTLTestimony
Subject: SB 1085, SB 475, SB 476

LATE TESTIMONY

REGULAR SESSION OF 2009

SENATE COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Room 229

February 4, 2009

2:45 PM

RE: Testimony of Alan T. Murakami Related to SB ~~1085, 475~~, 476

I testify in support of some form of interim moratorium on the dispositions of ceded lands pending the outcome of any resolution of Hawaiian land claims related to the illegal overthrow of the Hawaiian Kingdom in 1893.

If not an unqualified ban on the sale or exchange of ceded lands, the Legislature should impose: (1) strict limits on any disposition of this public trust resource to preserve the corpus of what was the most valuable asset base of the Kingdom, (2) a reasonable period of consultation with the Office of Hawaiian Affairs (3) an opportunity for Hawaiian beneficiary input before any disposition, and (4) a requirement for approval of any such disposition by a 2/3 majority of both chambers of the Legislature.

The State government has yet to demonstrate why any such restriction would hobble the sovereign functioning of state government. As for providing affordable housing, I note that the state has for 50 years provided such housing to beneficiaries of the Hawaiian home lands trust program. I would be astonished if the State can urge the need for fee simple sales of affordable housing to members of the general public, when it never pleaded that case for Hawai'i's first citizens under the Hawaiian Homes Commission Act.

As a first step toward reconciling the land claims acknowledged by the Hawai'i Supreme Court in *OHA v HHFDC*, this branch of government should preserve the integrity of the ceded lands trust corpus. It is the prudent and pono thing to do, especially in light of the cultural value attached to land by Hawaiian culture. No prudent trustee, operating under like circumstances would do otherwise. Indeed, the Legislature has repeatedly been on record supporting the sovereignty of its indigenous people on several occasions during that 1993 Legislative Session. Act 340; Act 354; Act 359; 1993 Haw. H.R. Con. Res. No. 179 (1993 Haw. Sess. Laws). A measure to preserve the corpus of the land claims would be a natural extension of this record of support.

I urge you to pass some form of moratorium on ceded lands disposition IMMEDIATELY, ahead of any schedule for passing legislation this session. Such timing can avert what might be an unfavorable result before the U.S. Supreme Court in the pending appeal of the *OHA v HHFDC* case.

Thank you for this opportunity to testify.

Alan T. Murakami, Litigation Director

Native Hawaiian Legal Corporation
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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2009 10:44 PM
To: WTLTestimony
Cc: ailaw001@hawaii.rr.com
Subject: Testimony for SB476 on 2/4/2009 2:45:00 PM

LATE TESTIMONY

Testimony for WTL 2/4/2009 2:45:00 PM SB476

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: William J. Aila Jr. & Melva Aila
Organization: Individual
Address:
Phone:
E-mail: ailaw001@hawaii.rr.com
Submitted on: 2/3/2009

Comments:

We support the passage of SB 476 as a fall back position should there not be enough legislative support to pass a bill that would place a moratorium on the sale of ceded lands. We would prefer a moratorium, but SB 476 should be kept alive until the legislature either passes one of the moratorium bills or needs to fall back on this bill to protect the rights of Native Hawaiians to reconcile land claims with the State of Hawaii.



KO'OLAUPOKO HAWAIIAN CIVIC CLUB

February 4, 2009

LATE TESTIMONY

TO: SEN. CLAYTON HEE, Chair
& Members
Committees on Water, Land, Agriculture & Hawaiian Affairs

FROM: MAHEALANI CYPHER, President
Ko'olaupoko Hawaiian Civic Club

SUBJECT: TESTIMONY IN SUPPORT OF S.B. 476

Aloha mai kakou. The Ko'olaupoko Hawaiian Civic Club works with the people of nine ahupua'a surrounding Kane'ohe bay. Our membership is open to native Hawaiians and others who are "Hawaiian at heart". By this, we mean those who came to the islands because they have aloha for our people, our island culture, and our 'aina.

We support this bill and ask that you report it out of committee.

E mahalo nui loa for this opportunity to share our mana'o.

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koolaupokohcc.org

KO`OLAU FOUNDATION

February 4, 2009

LATE TESTIMONY

To: Sen. Clayton Hee, Chair
And Members
House Committee on Hawaiian Affairs

From: Leialoha "Rocky" Kaluhiwa

Subject: **Support for S.B. 476, Relating to Lands Controlled by the State**

Aloha kakahiaka kakou!

My name is Leialoha "Rocky" Kaluhiwa, and I am a life-long resident and kupa`aina of the ahupua`a of He`eia, moku Ko`olaupoko, O`ahu. I wish to offer this testimony on behalf of myself, my family, and the Ko`olau Foundation.

We strongly support passage of this bill, and urge all members of the Legislature to pass it into law. We call upon Governor Lingle to sign it into law.

This bill would do a lot to restore balance between the legislative and executive branches of our government by ensuring that the administration cannot arbitrarily sell or exchange public lands that should be held in trust without a two-thirds vote of the Legislature.

This is a serious public policy matter, and you – the Legislature – are supposed to be the ones to set the policy for the State of Hawai`i.

We urge you all to pass this bill out of committee and into law.

Mahalo for this opportunity to testify.

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Kako`o O`iwi

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LATE TESTIMONY

Testimony on S.B. 476

To Chair Clayton Hee and the members of the Senate Water, Land, Agriculture and Hawaiian Affairs Committee, aloha from Kako`o O`iwi and the kupa`aina of Ko`olaupoko.

Kako`o O`iwi supports the passage of Senate Bill 476, which would require a 2/3 majority vote by the legislature to allow the sale or exchange of lands under their control.

This is an important bill, and should be signed into law by Governor Lingle.

Mahalo for this bill, and for allowing me to offer my testimony.

SB 476

From: Laulani@aol.com
Sent: Wednesday, February 04, 2009 5:53 AM
To: HAWtestimony; WTLTestimony
Subject: Moratorium on the Sale of Ceded Lands

LATE TESTIMONY

Aloha mai kakou,

I am writing on behalf of the members of the 'Ewa - Pu'uloa Hawaiian Civic Club to request your support in placing a moratorium on the sale of the ceded lands until the unrelinquished claims of Native Hawaiians have been resolved.

A ruling on the State of Hawaii's pending appeal before the U.S. Supreme Court could extend well beyond the issue of the State's right to sell or transfer ceded lands. The conservative bent of this court and the prevailing legal view of Native Hawaiians as a racial category as opposed to a political entity could result in a ruling detrimental to existing Native Hawaiian programs.

Governor Lingle's concern that the current Hawaii Supreme Court ruling clouds the State's title to these lands pales in comparison to the potential harm that could be done to the many programs currently supporting Native Hawaiians. We need to do what's right, and your support is much needed and requested.

Sincerely,

Lawrence A. Woode, Jr.
President, 'Ewa - Pu'uloa Hawaiian Civic Club

Who's never won? [Biggest Grammy Award surprises of all time on AOL Music.](#)

TESTIMONY

SB 476

LATE

(END)