

har3 - Megan

From: Richard Ha [richard@hamakuasprings.com]
Sent: Thursday, February 03, 2011 4:41 PM
To: WLOtestimony
Cc: 'Richard Ha'
Subject: Strongly Support: HB1256 RELATING TO GEOTHERMAL ROYALTIES

Aloha Chairs, Chang and Morita;

I strongly support HB 1256-Relating to geothermal royalties. Much of the concern about community benefits arise because no one knows where the money goes. And, many, many people feel that there should be just compensation for the use of local resources. This bill attempts to make the flow of funds transparent and to direct the benefits to the county in which the resource originates. It will take away lots of the anxiety that people have of being—taken advantage of. It will aid us in getting to the heart of the matter—how to cope with the coming high cost of energy.

Mahalo

Richard Ha
Co Chair geothermal working group SCR99
HCEI Steering committee member
President Hamakua Springs Country Farms.

Persons wishing to offer comments should submit testimony at least 24 hours prior to the hearing with a transmittal cover indicating:

- Testifier's name with position/title and organization;
- The Committee the comments are directed to;
- The date and time of the hearing;
- Measure number; and
- The number of copies the Committee is requesting.

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

Rep. Jerry L. Chang, Chair
Rep. Sharon E. Har, Vice Chair

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Hermina M. Morita, Chair
Rep. Denny Coffman, Vice Chair

NOTICE OF HEARING

DATE: Friday, February 04, 2011
TIME: 10:00 a.m.
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

LATE TESTIMONY

har3 - Megan

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 03, 2011 7:10 PM
To: WLOtestimony
Cc: sterlingw@oha.org
Subject: Testimony for HB1256 on 2/4/2011 10:00:00 AM
Attachments: HB1256 Geothermal Revenues.pdf

Testimony for WLO/EEP 2/4/2011 10:00:00 AM HB1256

Conference room: 325
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Clyde Namuo
Organization: Office of Hawaiian Affairs
Address: 711 Kapiolani Blvd Ste 500 Honolulu, HI
Phone: 594-1834
E-mail: sterlingw@oha.org
Submitted on: 2/3/2011

Comments:

Please disregard previous testimony from OHA and accept this one instead. Sorry for the inconvenience. Mahalo a nui



HB 1256
RELATING TO GEOTHERMAL ROYALTIES
House Committee on Water, Land and Ocean Resources
House Committee on Energy and Environmental Protection

February 4, 2011

10:00 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB 1256, which would require geothermal royalties paid to the state and OHA to be expended in the county in which the geothermal resource was produced. The bill also directs the auditor to audit the expenditure of geothermal royalties paid to the State and OHA.

While we appreciate the need for financial resources in the Puna community, we oppose this bill for two reasons. First, the geothermal revenues OHA receives are generated from the public land trust and are used by OHA to better the conditions of Native Hawaiians, pursuant to §10-3, Hawaii Revised Statutes. HB1256 would impede the Board of Trustees' ability to allocate funds in accordance with the needs of its beneficiaries and thereby hinder OHA's efforts to fulfill its constitutional and statutory mandates.

Moreover, the OHA trustees are vested with exclusive authority to direct the expenditure of OHA's trust fund resources. As stated in an opinion by the Department of the Attorney General:

The State Constitution expressly makes native Hawaiians the beneficiaries of the § 5(f) trust lands, see Haw. Const. Art XII, § 4, directs the Legislature to quantify the extent of native Hawaiians' interest in ceded land receipts, see Haw. Const. art. XII, § 6, and makes the elected trustees of OHA, not the Legislature, responsible for determining how the native Hawaiians' portion of ceded land receipts are spent to further § 5(f)'s purposes, see Haw. Const. art. XII, §§ 5 and 6. See Opinion No. 03-04 of the Department of the Attorney General (emphasis added).

In addition, page 8 of the Attorney General's opinion states:

The Constitution limits the Legislature's role to quantifying the extent of the native Hawaiians ceded land interest. Responsibility for "controlling" the native Hawaiians' share and determining how best to use it to better the conditions of native Hawaiians is exclusively that of the trustees of OHA.... (emphasis added)