

[REDACTED]

From: Jennifer Wilbur
Sent: Friday, January 28, 2011 3:55 PM
To: WLOtestimony
Subject: HB399

Testimony for HAW/WLO 1/31/2011 10:00:00 AM HB399

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Kenneth R. Conklin, Ph.D.
Organization: Individual
Address: [REDACTED]
Phone: [REDACTED]
E-mail: [REDACTED]
Submitted on: 1/28/2011

Comments:
To: WLO/HAW, JUD, FIN

Re:
HB399 RELATING TO THE PORTION OF INCOME AND PROCEEDS FROM THE LANDS OF THE PUBLIC LAND TRUST FOR USE BY THE OFFICE OF HAWAIIAN AFFAIRS.

FOR HEARING MONDAY JANUARY 31, 10 AM

FROM:
[REDACTED]
[REDACTED]
Name: [REDACTED]
tel/fax: [REDACTED]
e-mail: [REDACTED]

DATE: Friday January 28, 10 AM, Room 325

TESTIMONY IN OPPOSITION

First a procedural issue: The notice adding this bill to your Monday hearing was received in my e-mail in-box at approximately 1 PM on Friday January 28, which would make it impossible to comply with your requirement to submit testimony at least 24 hours prior to a hearing; unless, of course, your staff works Saturdays and Sundays. Do you really want to receive testimony in time to read and think about it?

Here are some of the reasons I oppose HB399.

1. The Governor has said the State is in such terrible financial condition that he finds it necessary to tax retiree pensions and raise other taxes just to cover the expected deficit. This bill would add \$200 Million to that deficit. Do you really want to tell HGEA and HSTA members that you're going to tax their pensions in order to give OHA \$200 Million?
2. OHA already has about \$400 Million invested in the stock market. All that money was sucked out of Hawaii's economy and sent to New York. Clearly, OHA does not need the money. Tell OHA to bring the money back to Hawaii. Indeed, you should treat OHA's stash the same way you treat all other special funds -- raid it! If you can take money away from the Hurricane

Relief Fund, or the Tobacco Settlement Fund, then surely you can take money away from the OHA slush fund.

3. Take this opportunity to shut off the flow of ceded land revenue to OHA permanently. The requirement to send 20% of ceded land revenue to OHA was an ordinary piece of legislation. It is not a requirement in either the Constitution or the Admissions Act. You can repeal that law at any moment. I suggest this would be a good moment to do so.

4. Senator Akaka has said he plans to introduce the Akaka bill in Congress again this year. This legislature has repeatedly passed resolutions supporting the Akaka bill. If you think there's any chance at all of passing the Akaka bill, then you should not be giving away state assets of land or money before negotiations even begin with the Akaka tribe.

5. I note the existence of Senate Bill #1 which contemplates the creation of a state-recognized tribe even though the Akaka bill does not pass. SB1 includes a provision to turn over all the ceded lands to the tribe. God help us if that bill is ever enacted. But in the meantime, don't give away anything.

6. The State previously negotiated a settlement for "back rent" on the ceded lands and paid the settlement in full to OHA. Why are we now being asked to pay more? This matter was already settled many years ago.

7. Follow the advice of Nancy Reagan when someone asked her what to do when a friend or family member requests money to feed a bad habit: "Just say no."