



EXECUTIVE CHAMBERS

HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

Testimony HB 2521  
Relating to the Public Trust Lands

Governor Neil Abercrombie

HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

Rep. Jerry L. Chang, Chair

Rep. Sharon E. Har, Vice Chair

And

HOUSE COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Faye P. Hanohano, Chair

Rep. Chris Lee, Vice Chair

February 6, 2012  
9:15 am, Room 325

Chair Chang, Chair Hanohano, Vice Chair Har, Vice Chair Lee, and members of the committees, thank you for hearing House Bill 2521 Relating to the Public Trust Lands. I respectfully request your support of this important measure.

Last year, my administration and the Office of Hawaiian Affairs (OHA) began discussions regarding claims to income and proceeds from the public trust lands dating back to 1978. These discussions resulted in an agreement in principal that is embodied in House Bill 2521.

In accordance with the Legislature's authority to determine OHA's appropriate portion of income and proceeds from ceded lands, we are presenting this agreement in principal for your consideration and approval.

In summary, the agreement would convey approximately \$200 million worth of land in Kaka'ako Makai to OHA. No cash would be paid. In exchange for the land, any and all claims regarding OHA's share of ceded land receipts from November 7, 1978 through July 1, 2012, would be resolved.

I believe this agreement is pono and benefits both Native Hawaiians and the entire State of Hawaii. As you consider this agreement, I and my administration will work with you through the vetting process and I look forward to these discussions.

Again, mahalo for your consideration of this agreement in principal.



**O'ahu Council**  
**Association of Hawaiian Civic Clubs**  
P.O. Box 37874  
Honolulu, Hawaii 96837-1122

February 5, 2012

**TESTIMONY IN SUPPORT OF HB2521, WITH RESERVATION**  
**RELATING TO THE PUBLIC TRUST LANDS**

Hearing, Monday, February 6, 2012, 9:15 a.m., Conference Room 325, State Capitol

Representative Jerry L. Chang, Chair  
Representative Sharon E. Har, Vice Chair  
Members, Committee on Water, Land & Ocean Resources

Representative Faye P. Hanohano, Chair  
Representative Chris Lee, Vice Chair  
Members, Committee on Hawaiian Affairs

Aloha mai, kākou

The O'ahu Council of the Association of Hawaiian Civic Clubs comprised of 25 civic clubs located on the island of O'ahu testifies in support, with reservation, of HB 2521, Relating to the Public Trust Lands.

We applaud the Governor's initiative to settle OHA's claim for its share of revenue from the Public Land Trust for the period November 7, 1978 to June 30, 2012. We note that this is the third effort at attempting to settle this claim valued at \$200 million.

While cash is preferable, we note the condition of Hawai'i's economic state and appreciate the efforts being made to settle the back pay claim. We provide testimony in support with reservation, the reservation being the inclusion of ceded lands and the potential costs to mitigate cleanup of lands. Nevertheless, the Office of Hawaiian Affairs had done due diligence and in doing so has also explored opportunities to mitigate costs for cleanup of lands, where necessary. While we don't like the inclusion of ceded lands in the settlement, it does offer opportunity to immediately develop those lands with 100% of the proceeds going to the OHA to be used to enhance its programs to the Native Hawaiian community.

We understand that the proposed settlement agreement does not address, is not intended to address, and shall have no effect upon claims, disputes and controversies which may exist, relating to Hawaiian sovereignty, the overthrow of the Hawaiian Kingdom including any alleged claims to crown or government lands, the Hawaiian Homes Commission Act, or claims against the United States.

Mahalo for the opportunity to provide this testimony in support of HB 2521 with reservation.

Me kealoha pumehana

A handwritten signature in black ink that reads "Mahealani Cypher". The signature is written in a cursive style with a large initial 'M'.

MAHEALANI CYPHER  
President

**About the O'ahu Council, Association of Hawaiian Civic Clubs (AHCC)**

The O'ahu Council is one of five councils that comprise the AHCC. It advocates actions that enhance the civic, economic, educational, health and social welfare of our communities and elevates the social and intellectual status of all Hawaiians. Twenty-five clubs located throughout the island of O'ahu comprise the council.



# KO'OLAUPOKO HAWAIIAN CIVIC CLUB

February 5, 2012

TO: Rep. Faye P. Hanohano, Chair  
And Members  
Committee on Hawaiian Affairs

Rep. Jerry L. Chang, Chair  
And Members  
Committee on Water, Land & Ocean Resources

FROM: Alice P. Hewett, President  
Ko'olaupoko Hawaiian Civic Club

SUBJECT: H.B. 2521 RELATING TO THE PUBLIC TRUST LANDS

Aloha. My name is Alice Hewett, president of the Ko'olaupoko Hawaiian Civic Club. Our club was established in 1937 and includes members from Kualoa to Kane'ohe, in the nine ahupua'a surrounding Kane'ohe Bay.

We are here to testify in support of H.B. 2521, which would provide a settlement of past-due obligations of the State of Hawai'i to the Office of Hawaiian Affairs.

This settlement is long overdue. We testified in support of another measure two years ago which we felt was much better but, unfortunately, it did not pass the Senate.

We hope this bill has more success as it moves through both houses of the Legislature. We urge all of you to support this bill.

Mahalo for allowing me to testify.

**ASSOCIATION OF HAWAIIAN CIVIC CLUBS**

TESTIMONY OF PRESIDENT SOULEE STROUD

**HOUSE BILL 2521 RE: TO PUBLIC LANDS**

**COMMITTEE ON WATER, LAND & OCEAN RESOURCES**

**COMMITTEE ON HAWAIIAN AFFAIRS**

Monday; February 6, 2011; 9:15a.; Rm. 325

Aloha Chairman Chang of the Water, Land and Ocean Resources Committee and Madame Chair Hanohano of the Hawaiian Affairs Committee, and to the members of both committees. I am Soulee Stroud, president of the Association of Hawaiian Civic Clubs, here to testify in support of this bill that conveys land to the Office to resolve all disputes, controversies, claims, suits and actions related to the portion of income and proceeds from the public trust fund lands for the period of November 7, 1978 through June 30, 2012.

Our Association has supported the resolution of claims for this issue in past years, just as we support it today. At times the Office of Hawaiian Affairs has had to go to extraordinary lengths to settle these claims, seeking what is fair and equitable for the Hawaiian people, turning to both the courts and the legislature to reach decisions.

We have assisted in that process, at times disagreeing with the legislature, and at times disagreeing with OHA on how to proceed, but always looking for the end goal – the betterment of conditions of Hawaii’s native people.

Today, we are in agreement with all parties. I can confidently say that our organization will continue to be available to assist OHA as the trustees make their plans to move forward into the future. Thank you for the opportunity to testify today.

Contact: [jalna.keala2@hawaiiantel.net](mailto:jalna.keala2@hawaiiantel.net)

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 03, 2012 4:23 PM  
**To:** WLOtestimony  
**Cc:** kaiulani@kalo.org  
**Subject:** Testimony for HB2521 on 2/6/2012 9:15:00 AM

Testimony for WLO/HAW 2/6/2012 9:15:00 AM HB2521

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: V. Ka'iulani Pahi'o  
Organization: Na Lei Na'auao - Native Hawaiian Charter Schools  
E-mail: [kaiulani@kalo.org](mailto:kaiulani@kalo.org)  
Submitted on: 2/3/2012

### Comments:

On behalf of Na Lei Na'auao - Native Hawaiian Charter School Alliance; as advocates for Hawaiian focused public education and knowing the intent of the Admissions Act: " (f) The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920..."; we believe the Office of Hawaiian Affairs (OHA) has practiced due diligence in proposing this legislation to resolve this longstanding issue and trust OHA will utilize revenues from the acquired properties for the educational betterment of all native Hawaiians, today and for generations to come. Mahalo nui loa for your consideration!



# KANU O KA 'ĀINA LEARNING 'OHANA

Grows womb-to-tomb models of education that advance Hawaiian culture for a sustainable Hawai'i

February 6, 2012  
9:15 a.m.  
Conference Room 325

TESTIMONY TO  
THE HOUSE COMMITTEE ON HAWAIIAN AFFAIRS and  
THE HOUSE COMMITTEE ON WATER, LAND AND OCEAN RESOURCES

RE: HB 2521 -- RELATING TO THE PUBLIC TRUST LANDS.

Dear Chairs Chang and Dela Cruz, Vice Chairs Lee and Har, and Members of the Committees:

We are Taffi Wise, Executive Director and Katie Benioni, Chief Financial Officer of Kanu o ka 'Aina Learning 'Ohana (KALO) a Hawaiian non-profit organization that grows models of education that advance Hawaiian culture for a sustainable Hawai'i.

KALO **strongly supports House Bill 2521** which proposes the Conveyance of Kakaako Makai lands to Office of Hawaiian Affairs, and resolves all disputes and controversies, and extinguishes, discharges and bars all claims, suits, and actions relating to OHA's portion of income and proceeds from the public trust lands for the period November 7, 1978 through June 30, 2012.

As advocates for Hawaiian-focused public education and knowing the intent of the Admissions Act,

"(f) The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a **public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians**, as defined in the Hawaiian Homes Commission Act, 1920..."

we believe the Office of Hawaiian Affairs (OHA) has practiced due diligence in proposing this legislation to resolve this longstanding issue and trust OHA will utilize revenues from the acquired properties for the educational betterment of native Hawaiians.

Kanu o ka 'Aina Learning 'Ohana appreciates the opportunity to testify in support of HB 2521.

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 02, 2012 1:40 PM  
**To:** WLOtestimony  
**Cc:** lalaaiohi@yahoo.com  
**Subject:** Testimony for HB2521 on 2/6/2012 9:15:00 AM

Testimony for WLO/HAW 2/6/2012 9:15:00 AM HB2521

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Kainea Aiohi  
Organization: Individual  
E-mail: [lalaaiohi@yahoo.com](mailto:lalaaiohi@yahoo.com)  
Submitted on: 2/2/2012

Comments:

I oppose this bill & feel the State should be held accountable for paying their debts.



**May Momi Cazimero**

222 KAWAIKU'I PLACE  
HONOLULU, HAWAII 96821

P: 808. 373.2427

E: [momi.cazimero@hawaiiantel.net](mailto:momi.cazimero@hawaiiantel.net)

February 6, 2012

TO: House Committee on Water, Land and Ocean Resources and  
House Committee on Hawaiian Affairs

FROM: M. Momi Cazimero

RE: HB2521

I support House Bill 2521 because

1. It is the right thing to do;
2. It is past due; and
3. It will enable OHA to fulfill its obligations to Hawaiians.

I regret I could not have been present to offer my testimony in person.

Mahalo for your consideration.

Aloha,  
Momi Cazimero

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 02, 2012 9:54 PM  
**To:** WLOtestimony  
**Cc:** Ken\_Conklin@yahoo.com  
**Subject:** Testimony for HB2521 on 2/6/2012 9:15:00 AM

Testimony for WLO/HAW 2/6/2012 9:15:00 AM HB2521

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: Kenneth R. Conklin, Ph.D.  
Organization: Individual  
E-mail: Ken\_Conklin@yahoo.com  
Submitted on: 2/2/2012

### Comments:

One small step for OHA, one giant leap toward racial apartheid in Hawaii. This bill threatens to slice off another piece of the multiracial State of Hawaii, handing it over to a racially exclusionary entity. This process is slowly killing our state through the death of 1,000 cuts.

That's the big picture regarding the Kakaako Makai lands agreement between Governor Abercrombie and OHA which this bill seeks to enact into law:

Let me move from the general to the specific. First I'll describe that big picture. Then I'll point out that any "settlement" reached by OHA will be disavowed by the Akaka tribe or Act 195 tribe, because they will say that OHA was a state agency which had no right to speak on behalf of the Native Hawaiian people or the tribe. Finally I'll discuss the ownership of ceded lands and allocation of revenues from them.

### THE BIG PICTURE

I recently published a book you all should read. It's not in bookstores but is available in the library or from the publisher through <http://tinyurl.com/2a9fqa>. The title says it all: "Hawaiian Apartheid -- Racial Separatism and Ethnic Nationalism in the Aloha State."

Since 1978 the government of Hawaii has been facilitating the development an Evil Empire of racially separate governmental and private institutions exclusively for ethnic Hawaiians. The Office of Hawaiian Affairs (OHA) was founded on three pillars of racial separatism: Only ethnic Hawaiians could vote for OHA trustees; only ethnic Hawaiians could run for OHA trustee; and only ethnic Hawaiians could receive benefits from OHA. The first pillar was knocked down by the U.S. Supreme Court in *Rice v. Cayetano*. The second pillar was knocked down by the U.S. District Court in Honolulu and the 9th Circuit Court of Appeals in *Arakaki v. State of Hawaii*. But the third pillar remains standing despite substantively correct lawsuits dismissed on technicalities.

In response to those lawsuits, the Akaka bill has been continuously re-introduced in Congress for nearly 12 years, with zealous support from our Governor, Attorney General, and nearly every member of our Legislature. The Akaka bill seeks to authorize creation of a racially exclusionary government for all persons worldwide who have a drop of Hawaiian native blood -- that is the primary requirement for membership. The bill would authorize transfer of land, money, and jurisdictional authority to the phony Akaka tribe.

The whole concept of a racially exclusionary government is evil. And unlike any of the real Indian tribes which include a small number of people in a restricted and usually remote area of land, this one would legally segregate 20% of the entire population of a State, and perhaps 50% of the State's lands; thus deserving the label "apartheid";

Hawaii's Evil Empire of racially exclusionary institutions has grown so powerful that hardly any public officials will dare to stand up against it. The multiracial, multicultural society of Hawaii has hardly any voice in government to advocate for unity and equality; because the wealthy, powerful institutions of the Evil Empire have silenced their voice through the expenditure of untold millions of dollars in lobbying, advertising, school curriculum, and outright intimidation. Remember those expensive, racist Kau Inoa commercials beamed into our living rooms at least 200 times, or newspaper ads "explaining" the Akaka bill?

In case the Akaka bill does not get enacted, OHA created "Plan B" to expand the Evil Empire almost as effectively anyway by passing Act 195 last year. The idea is to get our compliant Governor and Legislature, plus the Counties and private groups, to transfer land, money, and jurisdictional authority directly to a clone of OHA -- a plan already being implemented.

On O'ahu the County of Honolulu used tax dollars plus money from several environmental groups to purchase the entire Waimea Valley. OHA made only a small contribution, but was given the deed to the entire valley. In Waokele O Puna on Hawaii Island, OHA again contributed only a small portion of the purchase price but ended up with the deed to the entire parcel of 40 square miles.

Bills are now pending in the Legislature that would create racially stacked commissions to manage Ha'iku Valley and Makua Valley, with OHA having seats on those boards, and including a provision for outright transfer of the entire valley to the Akaka tribe or Act 195 tribe. OHA keeps asking for money to build its new headquarters, which would become the national capitol of the new Akaka tribal nation (until 'Iolani Palace which taxpayers renovated is handed over). Now comes the State of Hawaii ready to give away \$200 Million of public land to OHA through this current bill.

If the Akaka bill passes, or the Act 195 tribe actually builds a membership roll and tribal council, then the leadership of the new tribe will negotiate with the State of Hawaii for enormous amounts of land, money, and jurisdictional authority -- and who will stand up to protect the rights of the general public? Not our legislators!

Why should the State of Hawaii give away anything at this time, in the face of future negotiations where more will be demanded? Would a business owner give away part of something even before he enters negotiations where his opponent is demanding all of it?

The time is now to begin protecting all Hawaii's people against wealthy, powerful, greedy race-based institutions seeking to grab as much as they can at the expense of everyone else. Hawaii is experiencing the death of 1,000 cuts. Waimea Valley and Waokele O Puna were two of those cuts. This bill would take another cut out of the State of Hawaii, continuing the erosion of our tax base. To stop death by 1,000 cuts there must come a time when the knife is brushed aside before it can cut again.

OHA IS A STATE AGENCY WHICH LACKS THE AUTHORITY TO SPEAK ON BEHALF OF THE FUTURE TRIBE.

On the mainland, Indian tribes often enter into contracts with state or county governments, or with private companies. But when disputes arise, the tribes assert their sovereign rights and refuse to submit themselves to the jurisdiction of non-tribal courts. Vendors go unpaid, while workers or visitors on tribal lands who get injured are unable to sue for damages.

We already hear Hawaiian sovereignty activists saying that under international law, any agreements with state or federal governments, or decisions by state or federal courts, will have no force or effect on the future Nation of Hawaii, because the Nation of Hawaii was under belligerent occupation and its actions were taken under duress.

OHA is a State agency. Any future tribal government or Nation of Hawaii is likely to disavow any negotiated settlement reached between OHA and the State of Hawaii. OHA trustees are elected by all Hawaii voters, regardless of race. Therefore OHA trustees cannot claim to speak on behalf of Native Hawaiians in disputes between the State and Native Hawaiians.

The State of Hawaii will feel bound to abide by whatever agreements it makes with OHA. But Native Hawaiians will never feel bound to abide by agreements made by OHA allegedly on their behalf.

Since this legislature seems to be rushing headlong to support creation of the Act 195 tribe, you should not make any so-called "settlement" with the soon-to-be-defunct entity OHA. Wait for the tribe to build its membership roll and elect its officers, who will then have the authority to make an agreement with the State. So-called "past due" monies are part of the eventual package to be negotiated.

#### CEDED LANDS AND REVENUES

It is historically, legally, and morally wrong to allocate government land, or revenues from land, for exclusive use by a racial group. Neither Kingdom law, nor the Organic Act for annexation, nor the Statehood Admissions Act, contemplated or required the creation of OHA. The Constitutional amendment that created OHA in 1978 was passed by the smallest number of yes votes among all the amendments coming out of the Constitutional Convention; and the amendment creating OHA would have been defeated except that blank votes were counted as yes votes at that time, contrary to the way we count blank votes today.

The decision to set aside 20% of ceded land revenue for OHA in 1978 was an arbitrary and capricious enactment of an ordinary law. It is NOT part of our Constitution -- the Legislature can AND SHOULD repeal the 20% law at any time.

The public lands of Hawaii, including the ceded lands, belong to all the people of Hawaii without racial distinction. During the Kingdom, following the Mahele, the government lands were held by the government on behalf of all the people, just as now. The Crown lands also became government property by act of the Kingdom Legislature, gladly signed by the King, to issue government bonds to pay a mortgage lien on the Crown Lands the King had incurred to pay the King's personal (gambling) debts. Thereafter the government owned the Crown Lands, while income from the Crown Lands was set aside to maintain the office of head of government in his official capacity but not as his private property. Thus, when the monarchy ended, the Crown lands and government lands were indistinguishable, all held by government as public lands to benefit all the people without regard to race -- both then and now.

The Statehood Act of 1959 does not require setting aside any ceded land income specifically for any racial group. It identified 5 purposes for the use of ceded land revenues, and explicitly said that part or all of the revenue could be used for any one or more of those 5 purposes.

When 100% of ceded land revenues was sent to the public schools from 1959 to 1979, the result was that 26% of ceded land revenues were thereby used for the betterment of Native Hawaiians, without need for racial separatist designation, simply because 26% of the children were of that racial group. Wasn't that a wonderful idea? Why not do that again?

It must also be noted that the section 5(f) language identifying "betterment of native Hawaiians" as one purpose for spending ceded land revenues explicitly defined "native Hawaiians" as that term was used in the Hawaiian Homes Commission Act of 1920, which required 50% native blood quantum. Therefore neither OHA, nor the anticipated Akaka tribe, is a proper receptacle for ceded land revenue, since OHA beneficiaries and Akaka tribe members are defined as needing only to have a single drop of the magic blood.

On January 20, 2008 in the Honolulu Star-Bulletin, Jon Van Dyke wrote: "the revenue generated from these lands to be used for five named purposes ..." No Jon, not really. There was no requirement to spend one dime on any particular one of those purposes. Van Dyke laments "During the next two decades, however, the state failed to allocate any of the revenue specifically for this purpose [betterment of native Hawaiians], devoting almost all of it to public education. To address this failure ..." No Jon, not really. As I explained above, Native Hawaiians received 26% of the ceded land revenues without any need for racist set-asides. Furthermore, it was not a failure to send the money to the public schools, who now get zero money from the ceded lands because 20% of gross revenue sent to OHA exceeds 100% of net income after allowing for capital improvements and operating expenses for which we all pay.

TELL OHA TO SPEND ITS HOARDED CASH AND STOP GIVING THEM MORE

OHA already has about \$400 Million. Most of that money has been sucked out of Hawaii's economy and sent to New York for stock market investments. OHA occasionally makes small grants to its "beneficiaries" but very little money reaches the maka'ainana (little people). It's time to stop feeding the beast. Repeal the law sending 20% of ceded land revenues to OHA. You can repeal that law tomorrow by a simple majority vote.

In the past OHA has sued the State of Hawaii (can a hand sue its arm?) for past-due "rent" and "owed" for the 20% share of revenue. Does anybody think that won't happen again? Stop this craziness. Repeal the 20% law.

**Testimony of Ms. Kehaulani Lum**  
**Presented to the Committees on Water, Land & Ocean Resources and Hawaiian Affairs**  
**Hearing Date: 2/06/2012 9:15 a.m.**  
**Room 325**  
**In Support of HB 2521**

Aloha Chair Hanohano, Vice Chair Lee, Chair Chang, Vice Chair Har and Members of the Committees. Mahalo nui loa for the opportunity to present testimony **in support** of HB 2521, which conveys Kaka`ako Makai lands to the Office of Hawaiian Affairs, and resolves all disputes and controversies, and extinguishes, discharges and bars all claims, suits, and actions relating to OHA's portion of income and proceeds from the public trust lands for the period November 7, 1978 through June 30, 2012.

My family and I **support** HB 2521 because we believe that it will peacefully resolve the matter of past due public land trust revenues owed to OHA and bring about stability and co-existence between Native Hawaiians and the State of Hawai`i based on mutual co-operation and benefit. This measure will properly put to rest thirty four years of anguish, costly litigation, and lost economic development opportunity suffered by both OHA and the State, in pursuit of justice inherent in the Constitution of this land.

Meaningful and intentional effort by many thoughtful people has gone into the crafting of this bill, and we are deeply grateful to the Committees for bringing it to light. While it may be too late for the thousands of kupuna who crossed the veil without witnessing the fulfillment of promises made decades ago, we are confident that this outcome will benefit their descendants, and the community of Hawai`i, for generations to come. Please support HB 2521.

Mahalo,

Ms. Kehaulani Lum & Miss Kanani D'Angelo

Melody Kapilialoha MacKenzie, Esq.  
579 Kāne'apu Place ♦ Kailua, Hawai'i 96734  
(808) 780-8236 ♦ melodykmackenzie@gmail.com

**H.B. 2521**

**Relating to the Public Trust Lands**

House Committee on Water, Land and Ocean Resources

House Committee on Hawaiian Affairs

Hearing on Monday, February 6, 2012, at 9:15 a.m.

Mahalo for the opportunity to submit this testimony in **support** of H.B. 2521. I am an associate professor at the William S. Richardson School of Law and director of Ka Huli Ao Center for Excellence in Native Hawaiian Law. I submit this testimony, however, in my personal capacity as a private citizen and an attorney who has worked, litigated, and written on Native Hawaiian legal controversies, particularly in relation to the public trust lands, for many years.

H.B. 2521 would resolve claims related to revenues due to the Office of Hawaiian Affairs for the period from OHA's creation on November 7, 1978, through June 30, 2012. I have carefully reviewed this bill with several objectives in mind:

- First, to ensure that H.B. 2521 does not waive any claims of the Native Hawaiian people to sovereignty, lands, or other natural and cultural resources.
- Second, to determine whether the settlement itself is fair – in other words, acknowledging that a settlement by its very nature means that each party must compromise in some respects, is the \$200 million adequate compensation.
- Finally, to make certain that current laws, such as Chap. 673, waiving the State's sovereign immunity for breaches of trust, would not be negatively impacted by H.B. 2521.

My review of the bill indicates that it does not waive any broader claims of the Native Hawaiian people; it relates solely to claims for the income and proceeds due OHA from the public land trust under sections 4 and 6 of article XII of the Constitution. Secondly, while one could dispute the exact amount due OHA, OHA's efforts to settle the revenue issue through the courts have failed. The Hawai'i Supreme Court, while acknowledging the State's trust responsibility and duty to fulfill the terms of the State Constitution, has consistently held that this is an issue for the Legislature to resolve. Given all of the relevant factors, the \$200 million amount appears fair to both OHA and the State. I understand that OHA is now doing its "due diligence" in reviewing the specific parcels of land in Kaka'ako proposed for the settlement. Finally, H.B. 2521 has no negative impact on the waiver of State sovereign immunity under Chap. 673 or other similar laws; it basically confirms the current state of the law.

This is a significant bill. It will ensure that the Legislature is fully implementing its responsibilities under the State Constitution related to the public land trust revenue due OHA. It will bring closure to a contentious issue that has often divided our community. It will immediately provide OHA with additional funding to support its beneficiary initiatives and with the potential to provide a robust revenue stream in the future. I strongly urge its passage.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 03, 2012 4:27 PM  
**To:** WLOtestimony  
**Cc:** kaiulani@kalo.org  
**Subject:** Testimony for HB2521 on 2/6/2012 9:15:00 AM

Testimony for WLO/HAW 2/6/2012 9:15:00 AM HB2521

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: V. Ka'iulani Pahi'o  
Organization: Individual  
E-mail: [kaiulani@kalo.org](mailto:kaiulani@kalo.org)  
Submitted on: 2/3/2012

### Comments:

As a concerned Hawaiian working in education, I would like to advocate for Hawaiian focused public education/programs and knowing the intent of the Admissions Act: " (f) The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920..."; I believe the Office of Hawaiian Affairs (OHA) has practiced due diligence in proposing this legislation to resolve this longstanding issue and trust that OHA will utilize revenues from the acquired properties for the educational betterment of all native Hawaiians, today and for generations to come. Mahalo nui loa for your consideration!



## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 03, 2012 3:39 PM  
**To:** WLOtestimony  
**Cc:** soor001@hawaii.rr.com  
**Subject:** Testimony for HB2521 on 2/6/2012 9:15:00 AM

Testimony for WLO/HAW 2/6/2012 9:15:00 AM HB2521

Conference room: 325  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: Richard Soo  
Organization: Individual  
E-mail: [soor001@hawaii.rr.com](mailto:soor001@hawaii.rr.com)  
Submitted on: 2/3/2012

Comments: