



HCR188 HD1
REQUESTING THE ESTABLISHMENT OF A PUBLIC LAND TRUST REVENUES
NEGOTIATING COMMITTEE
Senate Committee on Hawaiian Affairs

April 15, 2016

1:15 p.m.-2:45 p.m.

Room 016

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HCR188 HD1, which would request the establishment of a Public Land Trust Revenues Negotiating Committee comprising the President of the Senate, the Speaker of the House of Representatives, the Governor, and the Chairperson of the Office of Hawaiian Affairs, or their designees. If adopted, this concurrent resolution would be the first major step taken in the past ten years to ensure that Native Hawaiians receive a fair annual share of the Public Land Trust.

Hawai'i's constitution provides that a share of Public Land Trust income be used for the "betterment of the conditions of native Hawaiians." Accordingly, state law requires that OHA expend 20% of all funds derived from the Trust.

Unfortunately, for decades, OHA and the state disagreed on how OHA's 20% share should be calculated. In 2006, OHA and the state finally agreed on an interim resolution, by the passage of Act 178, which temporarily set OHA's annual share as \$15.1 million, "until further action is taken by the legislature." Importantly, Act 178 also required individual state agencies to report on their proceeds and revenues from the Public Land Trust; these reports can now be used to better estimate OHA's 20% share.

Clearly, the temporary, \$15.1 million cap established ten years ago no longer fairly reflects Native Hawaiians' 20% share of the Public Land Trust, and the cap and related issues should be revisited and discussed by the Governor, the Legislature, and OHA. Such a discussion is necessary for Hawai'i to meaningfully uphold its constitutional, statutory, and moral responsibilities to the Native Hawaiian community. For example, according to the state's own reports, which omit certain revenue streams, the state generated an average of \$158,077,656 annually in Public Land Trust revenues over the past three fiscal years. 20% of this amount is \$31,615,531, more than twice the \$15.1 million received annually by OHA under Act 178.

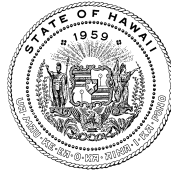
Providing OHA with a fairer share of the Public Land Trust would benefit the Native Hawaiian community as well as the social, economic, environmental, and cultural welfare of our islands. Just this past year alone, OHA provided nearly \$11 million in grants for programs addressing our state's most critical issues, including housing and homelessness, education, environmental stewardship, food security, and healthcare. OHA

also provided more than \$1 million in loans for beneficiary needs ranging from home and auto repairs to legal fees and educational opportunities. Furthermore, OHA manages over 27,000 acres of legacy, conservation, and agricultural lands, in furtherance of the state's environmental, cultural, and food self-sufficiency interests. By taking steps to establish a more fair share of the Public Land Trust revenues due to Native Hawaiians, this resolution will allow OHA to improve its support for Native Hawaiians and, by extension, all those who live in and love Hawai'i nei.

In light of the above, OHA strongly urges the Committee to **PASS** HCR188 HD1.

Mahalo nui loa for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR



WESLEY K. MACHIDA
DIRECTOR

RODERICK K. BECKER
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE

P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

TESTIMONY BY WESLEY K. MACHIDA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS
ON
HOUSE CONCURRENT RESOLUTION NO. 188, H.D. 1

April 15, 2016
1:15 p.m.

REQUESTING THE ESTABLISHMENT OF A PUBLIC LAND TRUST REVENUES
NEGOTIATING COMMITTEE

House Concurrent Resolution No. 188, H.D. 1, requests establishment of a Public Land Trust Revenues Negotiating Committee to engage in discussions on the matter of the income and proceeds from the public land trust that the Office of Hawaiian Affairs (OHA) should receive annually. This measure also requests that the committee submit a status report of its discussions to the Legislature no later than 20 days prior to the commencement of the 2017 Regular Session and submit a final report of its findings, recommendations, and any proposed legislation to the Legislature no later than 20 days prior to the commencement of the 2018 Regular Session.

The Department of Budget and Finance would like to point out that departments making ceded land payments have informally expressed concerns with respect to the recent report that OHA commissioned on public land trust payments. These concerns relate to the completeness and appropriateness of the conclusions reached in the report including, but not limited to, discrepancies over land parcels that the report identified as public-land trust lands and discrepancies regarding revenues to which OHA is entitled to a pro-rata share.

We strongly recommend that these issues and concerns be taken into consideration.



KO`OLAUPOKO HAWAIIAN CIVIC CLUB

April 14, 2016

To: Sen. Maile Shimabukuro, Chair
Sen. J. Kalani English, Vice-Chair
& Members, Committee on Hawaiian Affairs

From: Alice P. Hewett, President
Ko`olaupoko Hawaiian Civic Club

Re: HCR 188, HD1, Requesting the Establishment of a Public Land Trust
Revenues Negotiating Committee

Aloha Chair Shimabukuro, Vice Chair English and Members:

The Ko`olaupoko Hawaiian Civic Club urges your support and passage of House Concurrent Resolution 188, House Draft 1, which would call for the establishment of a negotiating committee to ensure equitable distribution of revenues from Hawai`i's public land trust to the Hawaiian people, currently represented by the Office of Hawaiian Affairs.

The State of Hawai`i has an obligation to fulfill its duty under the law to provide a percentage of the revenues acquired from use of these trust lands to the Office of Hawaiian Affairs, and has failed to do so. We are disappointed that a bill to ensure the percentage due to OHA would be paid, and that we should even have to negotiate an amount – that should be automatic, left to accountants to figure out. However, we assume this negotiating committee will pursue a correct accounting from all of the revenues derived from trust land uses and that OHA will be provided the appropriate amounts.

We thank you for considering this legislation, and respectfully ask your kokua to move it forward to passage, implementation, and approval of additional revenues due to the Hawaiian people through the Office of Hawaiian Affairs.

Mahalo for this opportunity to offer our mana`o.

The Ko`olaupoko Hawaiian Civic Club was established in 1937 and is one of the largest in the Association of Hawaiian Civic Clubs nationwide. Ko`olaupoko HCC is a not-for-profit community organization dedicated to preserving and perpetuating the history, heritage and culture of Native Hawaiians and providing leadership and scholarships. Its membership is open to people of Hawaiian ancestry and those who are "Hawaiian at heart."



Association of Hawaiian Civic Clubs

P. O. Box 1135
Honolulu, Hawai`i 96807

SENATE COMMITTEE ON HAWAIIAN AFFAIRS

HCR 188 HD1 Requesting the establishment of a Public Land Trust Revenues Negotiating Committee

Friday, 4/15/16; 1:15; Room 016

Aloha Madam Chair Shimabukuro, vice chair English and members of the Senate Committee on Hawaiian Affairs. I am Annelle Amaral, president of the Association of Hawaiian Civic Clubs, an organization founded by Delegate to Congress Kalaniana'ole in 1918 when the Hawaiian Civic Club of Honolulu was formed as an advocacy group for Hawaiian Homes legislation.

In 1959 existing civic clubs were incorporated into an Association currently numbering sixty seven clubs statewide and sixteen states on the continent. I wish to submit this testimony in support and on behalf of the AHCC which has benefited from the programs and grants from this Trust Fund.

In 1959 existing civic clubs on all islands were incorporated into an Association currently numbering sixty seven clubs throughout Hawaii and the continent. Members join understanding that civic clubs serve as advocates for the betterment of conditions of the indigenous people of Hawaii.

The Board of Directors of the Association of Hawaiian Civic Clubs held a quarterly meeting on January 15, 2016 which included the presidents and board members of the councils in each county of Hawaii as well as the council representing sixteen states on the continent. Representatives from the Office of Hawaiian Affairs appeared before the AHCC Board to discuss the OHA legislative measures to be introduced in the 2016 legislative session.

After some discussion the AHCC board agreed to support legislation that would provide OHA with a fair share of the Public Trust Land revenues. OHA's share of the PTL revenues go toward a wide range of support programs, services and initiatives that include but are not limited to health, education, housing, culture and general community wellness.

This legislation will establish a public land trust revenues negotiating committee to sort out what has become a complicated issue of payment, overpayment, shortfalls and repayments. We sincerely hope that the committee suggested in HCR 188 to consist of: the Senate president (or designee), Speaker of the House (or designee), Governor of Hawaii (or designee) and the Chairperson of the Office of Hawaiian Affairs (or designee) will be able to fairly resolve the matter of PLT annual income and proceeds to OHA.

We would like to offer an amendment to the bill that would require transparency when the negotiating committee meets and a pre-meeting agenda be published just as with any other board or commission.

Thank you for the opportunity to support this concurrent resolution that is of extreme importance to the continued betterment of conditions of the indigenous people of Hawaii.

Contact: Jalna.keala2@hawaiiantel.net

From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: brytni@hawaii.edu
Subject: Submitted testimony for HCR188 on Apr 15, 2016 13:15PM
Date: Wednesday, April 13, 2016 3:28:18 PM

HCR188

Submitted on: 4/13/2016

Testimony for HWN on Apr 15, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Brytni K-aloha	Individual	Support	No

Comments: I live in Punalu'u, O'ahu. I strongly SUPPORT HCR188 which would be the first major step taken in the last 10 years to ensure that Hawaiians receive a fair annual share of Public Land Trust revenues. The temporary \$15.1 million cap on the state's annual transfers to OHA is no longer a fair reflection of what is due. The Public Land Trust revenue provides OHA with funding to support important programs and services, including Hawaiian charter schools, health, housing, and cultural based initiatives. OHA has greatly impacted my community through their grants and loan programs. I urge the committee to PASS this measure.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: hawaiifishingfanatic@gmail.com
Subject: Submitted testimony for HCR188 on Apr 15, 2016 13:15PM
Date: Wednesday, April 13, 2016 3:21:16 PM

HCR188

Submitted on: 4/13/2016

Testimony for HWN on Apr 15, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Don Aweau	Individual	Support	Yes

Comments: I am in full support of this legislation slated to help the Office of Hawaiian Affairs continue their initiatives set forth but not limited to their 2010-2018 OHA Strategic Plan. The Public Land Trust revenues is an important part of OHA's plan to establish a solid foundation for the betterment of Native Hawaiians. In passage of HCR188, a negotiating committee would finally be able to work on the often complicated and difficult issues of rightful payment schedules and monies. This is the time to make pono the pro-rata share that is long overdue for Native Hawaiians.

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From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: kaliko08@gmail.com
Subject: Submitted testimony for HCR188 on Apr 15, 2016 13:15PM
Date: Wednesday, April 13, 2016 3:39:45 PM

HCR188

Submitted on: 4/13/2016

Testimony for HWN on Apr 15, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Donna K Santos	Individual	Support	No

Comments: Aloha, I live in Lihu`e, Kaua`i and I strongly SUPPORT HCR188. I believe the temporary \$15.1 million cap on the state's annual transfers to OHA is no longer a fair reflection of what is due. The Public Land Trust revenue provides OHA with funding to support important programs and services, including Hawaiian charter schools, health, housing, and cultural based initiatives. OHA has greatly impacted my community through their grants and loan programs so, I urge the committee to PASS this measure.

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From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: kealohafox@gmail.com
Subject: Submitted testimony for HCR188 on Apr 15, 2016 13:15PM
Date: Wednesday, April 13, 2016 3:26:29 PM

HCR188

Submitted on: 4/13/2016

Testimony for HWN on Apr 15, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Leanne Fox	Individual	Support	No

Comments: I live in Royal Kunia, O'ahu. I strongly SUPPORT HCR188 which would be the first major step taken in the last 10 years to ensure that Hawaiians receive a fair annual share of Public Land Trust revenues. The temporary \$15.1 million cap on the state's annual transfers to OHA is no longer a fair reflection of what is due. The Public Land Trust revenue provides OHA with funding to support important programs and services, including Hawaiian charter schools, health, housing, and cultural based initiatives. OHA has greatly impacted my community through their grants and loan programs. I urge the committee to PASS this measure.

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THE SENATE
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2016
COMMITTEE ON HAWAIIAN AFFAIRS
SENATOR MAILE S.L. SHIMABUKURO, CHAIR
SENATOR J. KALANI ENGLISH, VICE CHAIR
HRC188 HD1 REQUESTING THE ESTABLISHMENT OF A PUBLIC LAND TRUST
REVENUES NEGOTIATING COMMITTEE
FRIDAY, APRIL 15, 2016
1:15 – 2:45 PM
CONFERENCE ROOM 016
STATE CAPITOL
415 SOUTH BERETANIA STREET

I am a Masters in Social Work Graduate Candidate graduating in May 2016 from the University of Hawaii at Manoa at the Myron B. Thompson School of Social Work. My testimony is in Support of HRC188 HD1 Requesting the Establishment of a Public Land Trust Revenues Negotiating Committee.

This legislation will establish a public land trust revenues negotiating committee to sort out the complicated issue of payment, overpayment, shortfalls and repayments. I am in support of the changes made to HCR 188 HD1 to consist of: the Senate president (or designee), Speaker of the House (or designee), Governor of Hawaii (or designee) and the Chairperson of the Office of Hawaiian Affairs (or designee) will be able to fairly resolve the issues surrounding annual income and proceeds to OHA.

Mahalo for the opportunity to testify on this concurrent resolution that is of extreme importance to the continued betterment of conditions of the kanaka of Hawaii.

Mahalo nui loa for the opportunity to address the COMMITTEE ON HAWAIIAN AFFAIRS.
TRINA JONES ARTIS
MSW GRADUATE CANDIDATE –SPRING 2016
MYRON B. THOMPSON SCHOOL OF SOCIAL WORK
trinaja@hawaii.edu

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Cc: tabraham08@gmail.com
Subject: *Submitted testimony for HCR188 on Apr 15, 2016 13:15PM*
Date: Tuesday, April 12, 2016 8:13:53 AM

HCR188

Submitted on: 4/12/2016

Testimony for HWN on Apr 15, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Troy Abraham	Individual	Support	No

Comments:

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Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HCR188 on Apr 15, 2016 13:15PM*
Date: Tuesday, April 12, 2016 11:31:44 AM

HCR188

Submitted on: 4/12/2016

Testimony for HWN on Apr 15, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Oppose	No

Comments:

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