

HB-1747

Submitted on: 1/26/2018 10:51:35 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tamara Paltin		Support	No

Comments:

Aloha Representatives,

I feel very strongly in support of this bill, we are struggling to perpetuate all aspects of Hawaiiiana here in Hawaii nei, we need more 'lelo Hawai'i kumu, we need help to mālama ina, we need more legal services and access to justice (as seen recently in Judge Kobayashi's courtroom on Maui - there is a definite bias against Hawaiian language, people and places that we need to overcome) as well as many other areas of importance to the Hawaiian community. And the Hawaiian community is not asking for a hand out or welfare - as legislators you need to recognize the revenue being brought into the state by ceded lands that are meant to be held in trust for Hawaiians and are being grossly mismanaged. Airports, harbors, the univeristy, Haleakala and Mauna Kea are bringing in a lot of revenue through fees and other means but that revenue is not being used to support the people who the land was meant to be held in trust for. On Maui they are building a monstrosity parking garage for over \$200M that majority of kama'aina do not want this is money that could have been invested in our keiki, in cleaning up and restoring our ecosystems, etc, etc. There is a gross miscarriage of justice and this bill can help to reallocate funds to the intended recipients, let the Hawaiians take care of their kuleana by giving the resources, education and means to holomua!

Mahalo

Tamara Paltin 808-870-0052



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

Testimony of **Ford Fuchigami**
Administrative Director, Office of the Governor

Before the
House Committee on Ocean, Marine Resources, & Hawaiian Affairs
January 30, 2018
9:45 a.m., Conference Room 312

In consideration of
House Bill No. 1747
RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA
SHARE OF PUBLIC LAND TRUST FUNDS.

Chair Ing, Vice Chair DeCoite, and committee members:

Thank you for the opportunity to provide comments in Opposition for **House Bill 1747**.

The Office of the Governor opposes the bill until The Department of Budget and Finance is able to analyze the Office of Hawaiian Affairs' report that was received by the department on Friday, January 26, 2018.

We appreciate your attention and will be available to answer your questions, should you have any at this time.

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Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

For hearing Tuesday, January 30, 2018

Re: HB 1747

RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS.

Establishes \$35,000,000 as the Office of Hawaiian Affairs' pro rata share of the public land trust. Transfers \$119,000,000 less certain funds to the Office of Hawaiian Affairs for underpayment of the public land trust funds for 7/1/12 to 6/30/18. Requires the Department of Land and Natural Resources to provide an annual accounting of receipts from lands described in section 5(f) of the Admissions Act. Establishes a committee to recommend the annual amount of the income and proceeds from the public land trust that the Office of Hawaiian Affairs shall receive annually. Appropriates funds.

TESTIMONY IN OPPOSITION

SUMMARY OF MAIN POINTS:

1. The legislature always has the power to amend or rescind any statute law. Act 273 (1980) requiring payment of 20% of ceded land revenue to OHA has created 38 years of bitter controversy and litigation, and should be rescinded. OHA should be funded the same way as other departments of the State government, through ordinary budget appropriations. Put an end to OHA's incessant lawsuits over the 20% rule.
2. If the legislature chooses to maintain the 20% rule, the base for calculating 20% should be net income after expenses, not gross revenue. Taxpayers pay for all capital investments and operating expenses whereby the ceded lands are enabled to produce revenue, so it is illegal and immoral for OHA to siphon off gross revenue while the other 80% of the land trust beneficiaries, lacking a drop of Hawaiian blood, pay all the costs and receive none of the revenue.
3. The Ceded Lands Trust costs the State many times more annually for operating expense than the 1.2 million acres bring in. A previous state Director of finance and a Land Information Systems Manager acknowledged in a formal court declaration that this disparity between trust expenses and trust receipts has occurred in every year since statehood. Thus there is no net income from the ceded lands to be distributed to OHA or any of the other ceded land trust beneficiaries named in Section 5(f) of the Statehood Admissions Act -- the ceded lands money distributed to OHA is actually tax dollars in disguise.
4. This bill would require an absurd quarterly payout of OHA's share of ceded land gross revenues from each department of government without regard to ceded land deficits (capital investment or operating expenses) incurred by that department in other quarters or deficits incurred by other departments of the State government. Any corporation that irretrievably paid its taxes quarterly for profitable business lines and was never able to offset profits with losses would quickly go bankrupt.

5. Section 5(f) of the statehood Admissions Act identifies 5 purposes for which ceded land revenues can be used. So what about the remaining 4 purposes in addition to "betterment of native Hawaiians"? If OHA gets a dedicated 20% of ceded land revenue to fulfill one of the 5 purposes, then the public school system should also be getting its own dedicated 20% portion; the development of low-income housing should be getting its 20% portion; the Department of Land and Natural Resources (especially the Parks Department) should be getting its 20% portion; etc.

6. For the first 20 years of statehood, 100% of ceded land revenue was given to the public schools, where 26% of the children are Native Hawaiians. Thus 26% of ceded land revenues went for the betterment of Native Hawaiians, without any need for race-specific earmarking. Remove racial entitlements, which are both unconstitutional and immoral.

7. As a condition for receiving budget appropriations or ceded land revenues, OHA should be required to fulfill whatever obligation the State may have to fund the operation of the Department of Hawaiian Homelands -- especially the huge amount of alleged arrears which a court decision ordered the legislature to pay.

8. The dollar amount for future annual payments as specified in this bill is unsupportable by facts. The dollar amount for makeup of alleged arrears is both unsupportable by facts and would violate previous agreements negotiated in good faith.

SOME DETAILS ABOUT THOSE POINTS

1. There is a long history of contentious negotiation, legislation, and litigation over the amount of money owed to OHA under the rule specifying 20% of ceded land revenue. The first half of this bill reviews some of the elements of that history. The requirement to pay OHA 20% of ceded land revenue is statutory law enacted as Act 273, Session laws of 1980. Therefore, this law can be amended by the

legislature at any time to reduce the percentage; or the law can be rescinded entirely.

Act 273, Session laws of 1980 should be rescinded. OHA should be funded in the same manner as any other branch of the State government; i.e., by an appropriation included in the annual or biennial State budget, including a line-item listing of the purposes for which the money is to be spent. Then there would be no further conflict or litigation over how to calculate the 20%. This bill proposes yet another in a long history of complicated formulas for calculating the number of dollars required by the 20% rule. Over the years these recalculations have come to resemble a Rube Goldberg device where a long series of tracks, levers, springs, bells, and whistles eventually propel a ball to its final destination. Let's get rid of that nonsense.

Repeal the 20% rule and fund OHA by ordinary budget appropriations in the same way as any other department of the State government.

Act 273 (1980) says "twenty per cent of all funds derived from the public land trust ... shall be expended by the office of Hawaiian affairs ... for the purposes of this chapter." Act 273 does not say the funds may be invested in an investment portfolio, it says the funds SHALL BE EXPENDED to provide services. Yet OHA seems to think it can grab tens of millions of dollars every year which it then invests or uses for political purposes such as lobbying for the Akaka bill or building a racial registry for "nationbuilding", but OHA fails to provide more than sporadic and inadequate funding for purposes which OHA should be supporting.

OHA currently has over \$600 Million in assets. No other agency of the state government is allowed to squirrel away huge amounts of wealth as a permanent cash stash. At its current level of expenditures OHA has enough money in its slush fund to meet all its budget needs for more than a decade. Stop feeding this beast.

2. If the legislature unwisely chooses to keep the requirement of a specific percentage of ceded land revenue to be paid to OHA, then the legislature should write into law that the percentage must be

calculated on the base of NET INCOME AFTER EXPENSES rather than gross revenue. It costs a lot of money to construct roads and buildings, supply water and electricity, and pay salaries of staff who operate or maintain the facilities that generate revenue from the ceded lands. Those capital expenditures and operating expenses should be deducted from gross revenue to determine the net income to be used when applying the percentage to calculate how much money to pay to OHA. In many if not most cases, government lands and infrastructure operate at a loss because their purpose is to provide services rather than to make a profit. That's why government imposes taxes in order to provide funding for its operations. Taxpayers pay for all capital investments and operating expenses whereby the ceded lands are enabled to produce revenue, so it is illegal and immoral for OHA to siphon off gross revenue while other land trust beneficiaries pay all the costs and receive none of the revenue.

3. In 2008 Georgina K. Kawamura, Director of Finance of the State of Hawaii, and Arthur J. Buto, State Land Information Systems Manager, stated in a formal court declaration that the Ceded Lands Trust costs the State many times more annually than the 1.2 million acres bring in. They also acknowledged that this disparity between trust expenses and trust receipts has occurred in every year since statehood. Thus there is no net income from the ceded lands to be distributed to OHA or any of the other ceded land trust beneficiaries named in Section 5(f) of the Statehood Admissions Act -- the ceded lands money already distributed to OHA is actually tax dollars in disguise. As attorney H. William Burgess said in 2002, "This can be fairly characterized as a confession of guilt to systematic and massive misappropriation of trust funds over the last three decades." From July 1, 1990 to June 30, 2002 OHA and DHHL together cost the State treasury more than a Billion dollars, and in 2002 the estimated cost for the following 10 years from July 1, 2004 through June 2014 was projected to be an additional two Billion dollars, for a total of three Billion dollars. See documentation of these figures, including spreadsheets filed in Arakaki v. Lingle, at

<http://www.angelfire.com/hi5/bigfiles/ohadhhlburdenstatetreasury.html>

Enough already! No wonder the State is having budget problems!

4. This bill would require that " ... the departments [named] ... shall determine and transfer to the office of Hawaiian affairs that portion of their receipts from the use, sale, lease, or other disposition of lands within the public land trust collected during each fiscal quarter ... is transferred to the office of Hawaiian affairs, within thirty days of the close of each fiscal quarter ..." This piecemeal attack on each individual department and agency would impose a heavy burden of staff time and accounting. More importantly, it would cause the disappearance of net losses from the overall accounting regarding departments and agencies whose capital expenditures and operating expenses for the ceded lands under their control exceed the revenue generated by those ceded lands. Let's say that more clearly. If a department has a profit for a calendar quarter, it must immediately pay 20% to OHA; but if it has a loss in another calendar quarter, that loss cannot be used to offset the profit in any previous or subsequent quarter; and also, if a department has a loss, that loss cannot be used by any other department or agency to offset its profit. Profits have 20% skimmed off immediately and sent to OHA, whereas losses get swept under the rug. The correct way to do the accounting should be annually not quarterly, and should be done overall for the totality of ceded land revenue from all departments rather than individually for each department separately. A corporation does not send the government irretrievable taxes quarterly for each profitable line of its business while "eating" and ignoring that business line's losses in other quarters and ignoring the losses of other business lines. Any corporation that did its accounting in such a manner would soon go bankrupt (just like the State of Hawaii is on track to do!). As noted in item (3), annual accounting for all departments jointly would then discover that net income is zero or negative, and 20% of zero would be zero dollars for OHA. Indeed, if net ceded land income is negative then OHA should be required pay 20% of that to the State general fund as its rightful share of the loss. Shouldn't OHA help to paddle our collective canoe?

5. Here is the relevant language from section 5(f) of the statehood Admissions Act identifying the 5 purposes for the use of ceded land revenues: "... 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, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use." So what about the remaining 4 purposes in addition to betterment of native Hawaiians? If OHA gets a dedicated 20% of ceded land revenue to fulfill one of the 5 purposes, then the public school system plus UH should also be getting its own dedicated 20% portion; the development of low-income housing should be getting its 20% portion; the Department of Land and Natural Resources (especially the Parks Department) and the Highway Department should be getting its 20% portion; etc. Furthermore, each of those departments should be getting its money quarterly as the bill requires for OHA, and in the same dollar amount. Really?

6. For the first 20 years of statehood, 100% of ceded land revenue was given to the public schools, where 26% of the children are Native Hawaiians. Thus 26% of ceded land revenues went for the betterment of Native Hawaiians, without any need for race-specific earmarking. Remove racial entitlements, which are both unconstitutional and immoral.

A valuable webpage providing information about 856 government funded racial entitlement programs for the exclusive benefit of "Native Hawaiians" was disrupted but has now been partially restored. Several other webpages on the same topic are also available. All these programs, valued into the Billions of dollars, are paid for by tax dollars from the governments of the United States and the State of Hawaii. It is likely that these programs are unconstitutional. Some have been challenged in state and federal courts. Thus far the lawsuits to dismantle them have been dismissed on technical procedural issues including "standing" and the "political question" doctrine. However, those dismissals never reached the merits of these cases. Thus all

these programs remain available as targets for future civil rights lawsuits based on the 14th Amendment equal protection clause and other arguments. Keep in mind that this compilation pertains only to government programs funded by taxpayers, and does not include enormous privately funded programs such as Kamehameha Schools (Bishop Estate) which alone is worth \$10-15 Billion, Lili'uokalani Childrens Trust, and many others. More recently, the U.S. Department of Interior, Office of Native Hawaiian Relations, has published a 217-page list of federal programs and grants for ethnic Hawaiians.

See details on the webpage "For Hawaiians Only" at <http://tinyurl.com/zrfuy8k>

7. As a condition for receiving budget appropriations or ceded land revenues, OHA should be required to fulfill whatever obligation the State may have to fund the operation of the Department of Hawaiian Homelands -- especially the huge amount of alleged arrears which a court decision ordered the legislature to pay. Let the Office of HAWAIIAN affairs support the Department of HAWAIIAN homelands -- that's the real reason why Section 5(f) of the 1959 Admissions Act specified that one purpose for which ceded land revenues can be spent is "for the betterment of the conditions of native Hawaiians AS DEFINED IN THE HAWAIIAN HOMES COMMISSION ACT, 1920."

OHA currently has over \$600 Million in assets. No other agency of the state government is allowed to squirrel away huge amounts of wealth as a permanent cash stash. At its current level of expenditures OHA has enough money in its slush fund to meet all its budget needs for more than a decade. Enough already! Stop feeding this beast. No wonder the State is having budget problems!

8. The dollar amount for future annual payments as specified in this bill is unsupportable by facts. The dollar amount for makeup of alleged arrears is both unsupportable by facts and would violate previous agreements negotiated in good faith.

This bill would establish \$35,000,000 as the Office of Hawaiian Affairs' annual share of the income and proceeds of the public land trust beginning in fiscal year 2018- 2019. Furthermore this bill would transfer to the office of Hawaiian affairs a sum of \$119,000,000 to pay the office of Hawaiian affairs amounts received from the use of the public land trust that were allegedly underpaid between July 1, 2012 and June 30, 2018.

But those dollar amounts are unsupported by facts. There is no inventory of the ceded lands, which is why the state Supreme Court several years ago dismissed OHA's lawsuit as non-justiciable -- there was no way for the court to calculate dollar amounts of ceded land revenues produced from lands for which there was no inventory list.

OHA previously reached a settlement with the State, enacted into law by the legislature, regarding annual payments in lieu of indeterminable ceded land revenues. State land in Kaka'ako valued by mutual agreement at \$200,000,000 was transferred to OHA. Comes now OHA crying that the agreed-upon dollar amount was too low. Boo-hoo! How much is enough? Political pressure to pass this bill, along with propaganda film broadcast repeatedly on TV, are evidence that no amount would ever be enough to satisfy the monster that is devouring Hawaii. Enough already! Stop feeding this beast.

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS**

**Tuesday, January 30, 2018
9:45 AM
State Capitol, Conference Room 312**

**In consideration of
HOUSE BILL 1747
RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA
SHARE OF PUBLIC LAND TRUST FUNDS**

House Bill 1747 proposes to: 1) establish \$35,000,000 as the Office of Hawaiian Affairs' (OHA) pro rata share of the public land trust, 2) transfer \$119,000,000 less certain funds to OHA for underpayment of the public land trust funds from July 1, 2012 to June 30, 2018, 3) requires the Department of Land and Natural Resources to provide an annual accounting of receipts from lands described in section 5(f) of the Admissions Act, and 4) establishes a committee to recommend the annual amount of the income and proceeds from the public land trust that OHA receives annually. **The Department of Land and Natural Resources (Department) opposes the bill because of the financial impact on the Department.**

As a result of the settlement with OHA, OHA no longer receives a percentage of actual ceded land revenues received by the State, but instead has received an annual amount fixed at \$15.1 million. In recent years, agency payments of 20 % ceded land revenues to OHA have exceeded the fixed amount of \$15.1 million. In these instances, OHA is required to return the excess funds which are then held in a trust holding account. Annual payments in fiscal year 2016 totaled \$18,147,269.55, and in fiscal year 2017 totaled \$20,226,502.90. Historically when there has been a revenue shortage in arriving at the \$15.1 million yearly amount, it has been made up solely by funds of the Department's Land Division.

If this measure were to become law, at current revenue levels the Department and other agencies working to generate revenues for the State (in lieu of tax revenues from the general fund) from ceded lands must come up with an additional \$15 to 20 million annually. For reference, in fiscal year 2017, the Land Division collected approximately \$12 million in total revenue. While the Department understands that it will not be solely responsible to cover the payment of the additional revenues, the bill does not specifically allocate payment obligations among the respective agencies. Therefore, such a severe increase in annual payments to OHA from \$15.1

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY. T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

million to \$35 million per year may impose a devastating financial burden upon the Department and its natural, recreational and historical resource protection programs.

The revenues collected by the Land Division cover the entire annual operating budget for the Land Division, the Office of Conservation and Coastal Lands, the Dam Safety program, and the Geothermal program. The revenues also fund other positions within the Department such as five (5) positions within the Commission on Water Resource Management, and provide funding support to the Division of State Parks and various resource protection programs administered by the Division of Forestry and Wildlife such as the protection of threatened and endangered species, removal of invasive species, wildland firefighting and lifeguard services.

In regards to SECTION 6 of the bill, each year the Department collects the ceded land revenue information from the executive agencies pursuant to Act 178 and submits a report to the Legislature. Act 178 provides that the executive agencies are to cooperate with the Department in this endeavor, but does not make the Department an auditor or “bill collector” of other agencies’ revenues. Rather, with respect to information reported by other agencies, the Department relies on the accounting such agencies provide and conducts no independent verification of their revenue figures. The Department opposes this provision to the extent that it imposes additional requirements upon the reporting process. The Department does not have the necessary staff resources and expertise to audit or otherwise confirm the accuracy of information provided by other agencies.

Finally, in regards to SECTION 7 of the bill, the Department opposes the public land trust revenues committee to the extent the Department is forced to bear the administrative costs of the committee without any supporting appropriation. The Department would be forced to either dedicate limited personnel resources to support the committee, or hire additional staff. Additionally, it is unknown as to any additional expenses that committee may incur that the Department would be responsible for. Furthermore, given that the Department has no representation on the committee, it would be more appropriate that the committee be placed administratively with the offices of one of its members.

Thank you for the opportunity to comment on this measure.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Ocean, Marine Resources & Hawaiian Affairs
January 30, 2018 at 9:45 a.m.

by
Kalbert K. Young
Vice President for Budget and Finance/Chief Financial Officer
University of Hawai'i System

HB 1747 – RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS'
PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS.

Chair Ing, Vice Chair DeCoite, and members of the committee:

Thank you for the opportunity to testify. The educational mission of the University of Hawai'i (UH), as set forth in Board of Regents Policy, includes embracing, as the only provider of public higher education in Hawai'i, its unique responsibilities to the indigenous people of Hawai'i and to Hawai'i's indigenous language and culture. To fulfill this responsibility, UH ensures active support for the participation of Native Hawaiians at the university and support vigorous programs of study and support for the Hawaiian language, history, and culture. That said, the UH has serious concerns with HB 1747 in its current form, on the basis that this measure promotes foreseeable increased fiscal impacts to the university and its students and programs in particular, as well as taxpayers more generally.

This bill replaces the annual fixed amount of \$15.1 million currently paid to the Office of Hawaiian Affairs on an interim basis as its pro rata share of income and proceeds from the public land trust, with a \$35,000,000 annual share beginning in fiscal year 2018-2019 on State agencies to pay OHA including all "receipts for the use, sale, lease, or other disposition of the public land trust" on a quarterly basis. UH is concerned that the term "receipts" is not clearly defined or appropriately limited by HB 1747 as currently drafted, and may be construed to include UH funds such as student tuition and fees that are currently, and properly, excluded from the computation of amounts due from UH toward OHA's pro rata share of the public land trust. The term "receipts" may also imply gross receipts as opposed to net receipts thereby jeopardizing the financial stability of campus bookstores.

UH, as a public institution of higher education and also a beneficiary of the Public Land Trust, serves one of the express purposes, and in fact the first-mentioned purpose of the Public Land Trust established by the Admission Act. Under current law, as interpreted and applied by the Office of the Attorney General, receipts from the University's educational programs and ancillary services are not subject to apportionment to OHA. Such receipts include student tuition and fees, services of

educational departments, and student housing. The University also receives federal and other research grants and contracts, federal reimbursements of UH research overhead expenses, philanthropic gifts, and other funding streams, in addition to the support provided by the Legislature.

Currently, in accordance with past discussions with the Office of the Attorney General, OHA has been determined to be entitled to a pro rata share of specific types of University revenues as described in Conference Committee Report No. 101 to S.B. No. 2948, which became Act 178, SLH 2006. Those revenue sources are: UH Mānoa and UH Hilo parking, faculty housing, non-student housing rentals, including food and vending machines, telephone commissions/collections, and UH Hilo Bookstore logo products, sundries but not books or school supply items. UH acknowledges and accepts its obligation to pay over OHA's allocated share of those items. However, given recent positions taken by OHA, the University is deeply concerned that the use of the undefined term "receipts" in HB 1747 could lead to claims that other types of University funds are also subject to OHA's pro rata share, leading to potentially complex and costly disputes and unforeseeable and unmanageable financial impacts to the university, students, and taxpayers relating to all State services.

Thank you for your time and consideration.

Support HB1747 - Fulfilling the State's Public Land Trust Revenue
Obligations to Native Hawaiians
HB1747 to be heard on Tuesday, January 30 at 9:45am, Conf. Room 312

Submit testimony via capitol website
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Note: Testimony should be submitted 24 hours prior to hearing to be considered on-time.

SAMPLE TESTIMONY

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

HB-1747

Submitted on: 1/27/2018 12:09:40 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Millie Ho		Support	No

Comments:

I **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues [between July 1, 2012 and June 30, 2018](#); (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

HB-1747

Submitted on: 1/29/2018 10:57:41 AM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
zhantell lindo	Molokai Habitat for Humanity	Support	No

Comments:

I **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA’s constitutional and statutory right to a pro rata share is more adequately reflected and that the state’s Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA’s portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

Sincerely, Zhantell K.M. Lindo (Molokai Habiata for Humantiy Inc. - Executive Director)

HB-1747

Submitted on: 1/27/2018 12:13:54 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Makaala Kaaumoana	Hanalei Watershed Hui	Support	No

Comments:

Hui Ho'omali i ka 'Aina strongly supports this measure to increase the public trust revenues owed Hawaiians. We are looking for justice and equity.

HB-1747

Submitted on: 1/29/2018 2:20:50 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	DPH Hawaiian Affairs Caucus	Support	Yes

Comments:

This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, we respectfully urge the Committee to **PASS HB1747. /s/ Leimomi Khan, Chair, DPH Hawaiian Affairs Caucus**

HB-1747

Submitted on: 1/27/2018 1:15:37 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nako?olani Warrington		Support	No

Comments:

I STRONGLY SUPPORT HB1747. AFTER YEARS OF INJUSTICE, IT IS TIME TO REVISIT NATIVE HAWAIIANS' FAIR SHAR OF THE PUBLIC LANDS TRUST REVENUE!

This revenue is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Please support and **PASS HB1747.**



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HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, AND HAWAIIAN AFFAIRS

Tuesday, January 30, 2018, 9:45 AM, Conference Room 312

HB 1747, Relating to Increasing the Office of Hawaiian Affairs' Pro Rata Share of Public Land Trust Funds

TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Ing and Committee Members:

The League of Women Voters requests amendment of HB 1747. HB 1747 temporarily sets the Office of Hawaiian Affairs' (OHA) share of revenues from the public land trust; compensates OHA for prior underpayment; requires an annual accounting of revenues from the public land trust; creates a public lands trust revenue committee to recommend future OHA compensation from the public land trust; and appropriates funds.

The League has no expertise or position concerning OHA's fair share of revenues. However, we request amendment of HB 1747 so that the proposed public lands trust revenue committee is subject to Chapter 92, Hawaii Revised Statutes. There is no compelling justification to exempt the proposed committee from the Sunshine Law.

Thank you for the opportunity to submit testimony.



Senate Committee on Ocean, Marine Resources, & Hawaiian Affairs
Chair Kaniela Ing, Vice Chair Lynn DeCoite

01/30/2018 9:45 AM Room 312

HB1747 – Relating to Increasing the Office Of Hawaiian Affairs’ Pro Rata Share of Public Land Trust Funds

TESTIMONY / OPPOSE

Corie Tanida, Executive Director, Common Cause Hawaii

Dear Chair Ing, Vice Chair DeCoite, and members of the committee:

Common Cause Hawaii opposes HB1747 which would establish \$35 million as the Office of Hawaiian Affairs’ (OHA) pro rata share of the public land trust, and among other things establish a committee to recommend the annual amount of income and proceeds from the public land trust that OHA shall receive annually.

We have no position on revenues that OHA receives from the public land trust. However, we are concerned that the public land trust committee, created by this bill, will not be subject to our Sunshine Laws. As OIP states on its website, the law is “intended to open up governmental processes to public scrutiny and participation by requiring government business to be conducted as transparently as possible.”¹ We do not understand the reasoning for this exemption as it would curtail public participation, and urge you to subject this committee to the Sunshine Law (HRS Ch 92).

Thank you for the opportunity to offer testimony **opposing HB1747**.

¹ <http://oip.hawaii.gov/>

HB-1747

Submitted on: 1/27/2018 1:16:02 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sophia De soto		Support	Yes

Comments:

I **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues [between July 1, 2012 and June 30, 2018](#); (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

HB-1747

Submitted on: 1/27/2018 2:27:27 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patti Moana Huff		Support	No

Comments:

Why is it that we Hawaiians have to beg for what is our due dilligence? Seriously, If nobody watches you law makers, we Hawaiians " again" wouldn't get back what is rightfully ours. Hawaiians are being priced out of our own Lands. That's not right. I certainly don't want a hand out, but these are monies owed? Pay up. Then you OHA should help out us Hawaiians. You guys are getting so overly compensated for running that office that we have elected you to uphold. Give back to Hawaiians Please!!! I have a son in college and getting help from any Hawaiian agency is not easy. Thus far No help given. All Hawaiians regardless of quantum should be able to have free schooling especially when the state pays us back the monies they owe. This is the time to make everything Pono for all Hawaiians.

HB-1747

Submitted on: 1/29/2018 2:44:52 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shane Akoni Nelsen	Kuakini Hawaiian Civic Club	Support	No

Comments:

Aloha Chair and members of the Committee,

The Native Hawaiian communities on neighboring islands, have struggled for many generations. The option for all individuals to live through a Native Hawaiian worldview, whether lineal or culturally driven has been less and less achievable. Please support HB1747. Mahalo, Shane Nelsen

HB-1747

Submitted on: 1/27/2018 2:35:58 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teja Vickrey		Support	No

Comments:

I stand by and support Office of Hawaiian Affairs share of Public Land and trust funds for the NAtive HAwaiians.

decoite2 - Amanda

From: Paul Bucher <rockmanpaul@gmail.com>
Sent: Monday, January 29, 2018 10:14 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

HB-1747

Submitted on: 1/27/2018 2:42:43 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Janlyn Ryusaki-Phillips		Support	No

Comments:

I **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues [between July 1, 2012 and June 30, 2018](#); (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

Thank you, Janlyn

decoite2 - Amanda

From: kahili@hawaiiantel.net
Sent: Monday, January 29, 2018 10:08 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

decoite2 - Amanda

From: Marjorie Mau <kaukamau@yahoo.com>
Sent: Monday, January 29, 2018 9:46 AM
To: omhtestimony
Cc: Dr. Marjorie L.M. Mau
Subject: Please PASS HB1747

Social justice for all Native Hawaiians - will not only be the first step to restore the wrongful acts imposed upon generations of Native Hawaiians - but it will allow for a permanent presence of our living culture in this beautiful place we call Hawai'i. This will enhance the quality of the lived experience for ALL who call Hawai'i home. As our representatives - I hope that you will find the courage and moral character to make this come true!! Dr. Marjorie Leimomi Mau

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

HB-1747

Submitted on: 1/27/2018 3:04:23 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

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

Comments:

I **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i.

I respectfully urge the Committee to **PASS HB1747**.

Mahalo, Dr. Leanne Kealoha Fox

HB-1747

Submitted on: 1/27/2018 4:25:58 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaulana Dameg		Support	No

Comments:

I **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues [between July 1, 2012 and June 30, 2018](#); (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

decoite2 - Amanda

From: Keoahunui Warrington <cualesmile@aol.com>
Sent: Monday, January 29, 2018 11:40 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

Constance Keoahunui Uale Warrington

Sent from my iPhone

decoite2 - Amanda

From: Kay Watanabe <kayw@oha.org>
Sent: Monday, January 29, 2018 12:19 PM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

HB-1747

Submitted on: 1/27/2018 4:46:10 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl		Support	No

Comments:

I support the Office of Hawaiian Affairs receiving the monies as you have designated. I would also ask you to check to make sure that they and the State in general are getting the proper amounts from leases etc. I would also ask that if OHA receives these funds that they are reminded to use the funds for the peoples and not for the Trustees personal agendas and lawsuits.

HB-1747

Submitted on: 1/27/2018 5:45:26 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Yoshiko Jade Mokihana Carrel		Support	No

Comments:

I **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues [between July 1, 2012 and June 30, 2018](#); (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

HB-1747

Submitted on: 1/29/2018 12:18:08 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kay Watanabe		Support	No

Comments:

I **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA’s constitutional and statutory right to a pro rata share is more adequately reflected and that the state’s Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA’s portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

HB-1747

Submitted on: 1/29/2018 1:34:28 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Keani		Support	No

Comments:

HB-1747

Submitted on: 1/27/2018 7:27:28 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rhonda Roldan		Support	No

Comments:

I **STRONGLY SUPPORT HB1747**, which would seek to ensure that **OHA's constitutional and statutory right to a pro rata share** is more adequately reflected and that the state's Public Land Trust (PLT) **obligations to Native Hawaiians are fulfilled**, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

Mahalo,

Rhonda Roldan

HB-1747

Submitted on: 1/27/2018 11:35:10 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kapena Landgraf		Support	No

Comments:

Aloha nā ,

I **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After nearly 40 years, it is not only time to correctly and justly fulfill obligations made to the Native Hawaiian people by the State of Hawaii, it is time to also recognize that doing so is but a SMALL gesture of restitution for the unlawful and violent 1893 overthrow of the Hawaiian Monarchy for which there is unprecedented historical evidence. What the State of Hawaii must also realize is that to fulfill this obligation is to better not only the Hawaiian people, but the larger community of Hawaii as a whole; without the Hawaiian people, there can be no Hawaii, no 'ĀĀlelo Hawai'i, no culture. This is an opportunity for the State of Hawaii to display integrity during a time where such a value in American society and politics seems woefully absent. Raising the annual payment from PLT revenues to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians AND Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

Mālama,

Kapena Landgraf

Lecturer, University of Hawaii at Mānoa

HB-1747

Submitted on: 1/29/2018 3:15:15 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Zaneta Shintani		Support	No

Comments:

HB-1747

Submitted on: 1/29/2018 3:15:52 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Earl S. Tenn		Support	No

Comments:



200 North Vineyard Boulevard, A300
Honolulu, HI 96817
Ph: 808-587-7886
Toll Free: 1-866-400-1116
www.hawaiiancommunity.net

January 28, 2018

House Committee on Ocean, Marine Resources, and Hawaiian Affairs
Tuesday, January 30, 2018, 9:45am
Conference Room 312

HB1747 – Relating to Increasing the Office of Hawaiian Affairs’ Pro Rata Share of Public Land Trust Funds

Aloha Chair Ing, Vice-Chair DeCoite, and Committee Members:

I am submitting testimony on behalf of Hawaiian Community Assets (HCA), a Native Hawaiian controlled nonprofit HUD-approved housing counseling agency to **STRONGLY SUPPORT HB1747**.

HB174 would seek to ensure that Office of Hawaiian Affairs’ (OHA) constitutional and statutory right to a pro rata share is more adequately reflected and that the state’s Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA’s portion of PLT revenues.

As a housing counseling agency that serves thousands of Native Hawaiian families annually to assist them in obtaining rentals, purchasing homes, and preventing homelessness, **we urge the Committee to pass HB1747**. We also encourage OHA to consider investing a significant portion of their annual pro rata share toward affordable housing services and projects to help address the fact that Native Hawaiians are disproportionately represented in our statewide homeless counts.

Mahalo for your time, leadership and consideration. Please contact me directly at 808.587.7653 or jeff@hawaiiancommunity.net should you have any questions or need additional information.

Sincerely,

Jeff Gilbreath
Executive Director

HB-1747

Submitted on: 1/28/2018 9:14:15 AM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kauahi Perez	University of Hawaii at Manoa	Support	No

Comments:

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

Sincerely,

Kauahi Perez

HB-1747

Submitted on: 1/29/2018 3:41:34 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joellen Salisbury		Support	No

Comments:

I **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and the entire state of Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

HB-1747

Submitted on: 1/29/2018 4:02:35 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kama Hopkins		Support	No

Comments:

HB-1747

Submitted on: 1/28/2018 10:15:20 AM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Moana Ching		Support	No

Comments:

Aloha mai,

Please accept this testimony as evidence of my **STRONG** support for HB1747.

The Office of Hawaiian Affairs provides critical support services that positively impact everyone across the islands, not only Native Hawaiians. For too long the state has not adequately supported OHA with the funds it is legally mandated to do.

HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

Me ka ha'aha'a,

Ulu Ching

Hilo, Hawaii

HB-1747

Submitted on: 1/28/2018 11:36:05 AM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Hawaiian Civic Club of Honolulu	Support	No

Comments:

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA’s constitutional and statutory right to a pro rata share is more adequately reflected and that the state’s Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA’s portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

HB1747

Strong Support

This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, we respectfully urge the Committee to **PASS HB1747**.

Respectfully,

Ken Farm

Neighborhood Board

Member At-Large No.15

decoite2 - Amanda

From: Joy Mills-Ferren <keahipua@gmail.com>
Sent: Monday, January 29, 2018 2:10 PM
To: omhtestimony
Subject: Please PASS HB1747

He Hawaii Au ! I Am Kanaka Maoli - Hawaiian by Bloos and I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA, beginning in fiscal year 2018-2019, with certain limited exceptions; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**

Joy Keahipuakauikawekiu Mills-Ferren

Kailua Kona , Hawaii 96740

Sent from my iPhone

HB-1747

Submitted on: 1/28/2018 1:03:36 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne		Support	No

Comments:

Aloha mai Chair Ing, Vice Chair DeCoite, and members of the House Ocean, Marine Resources, and Hawaiian Affairs Committee,

Please **SUPPORT** this measure, and ensure that the state upholds its constitutional and statutory obligation and commitment to Native Hawaiians.

A decades-old law has long reflected the understanding that Native Hawaiians' constitutional share of the Public Land Trust should be 20% of revenues from the Trust. However an abundance of data from the State itself clearly shows that Trust revenues have far exceeded the annual, flat-rate set-aside for Native Hawaiians, which has not changed for over a decade. This measure is therefore a long-awaited and well-supported step towards ensuring the better fulfillment of the State's promise and legal commitment to Native Hawaiians.

Mahalo nui loa for your favorable consideration of this measure!

Wayne Tanaka

HB-1747

Submitted on: 1/28/2018 2:28:25 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Noelani Puniwai		Support	No

Comments:

I support the re-allocation of State funding to be in-line as written in the law.



HB1747

RELATING TO INCREASING THE PAYMENT AMOUNT FOR THE OFFICE OF HAWAIIAN AFFAIRS' SHARE OF THE PUBLIC LAND TRUST

Committee on Ocean, Marine Resources, and Hawaiian Affairs

January 30, 2018

9:45 a.m.

Room 312

The Office of Hawaiian Affairs (OHA) **STRONGLY SUPPORTS** HB1747, which is a bill in OHA's 2018 Legislative Package. This measure uses years of state accounting information, generated pursuant to Act 178 (Reg. Sess. 2006), to update the amount set aside annually for Native Hawaiians as their constitutional share of the income and proceeds from the Public Land Trust. Based on best available data from historically undisputed Public Land Trust revenue streams, HB1747 would update Native Hawaiians' annual share of the Public Land Trust as \$35 million; transfer to OHA a lump sum of \$119 million, as an amount that should have been set aside for Native Hawaiians as their 20% share of Public Land Trust receipts over the past six years; continue the state agency receipt reporting requirements established under Act 178 (2006); and convene a Public Land Trust Revenues Committee every six years to make recommendations on the amount of Native Hawaiians fair share of the Public Land Trust.

The Hawai'i Admission Act and the State Constitution established the Public Land Trust for the betterment of the conditions of native Hawaiians and for the general public. The Public Land Trust comprises over one million acres of former government and crown land of the Kingdom of Hawai'i, seized as part of the Kingdom's unlawful overthrow. The Hawai'i Constitution entrusts OHA with the responsibility to manage and administer these funds. State law sets specifies that 20% of all funds from the Trust should be set aside for expenditure by OHA.

After decades of disagreement, in 2006, OHA and the state set an interim annual amount of \$15.1 million, to be transferred to OHA as a reflection of Native Hawaiians' share, "until further action is taken by the legislature." Furthermore, the state was to compile annual reports on all receipts generated from the Public Land Trust, for the purpose of revisiting the interim annual amount, informed by better data.

With state data now available, it is time to revisit Native Hawaiians' fair share from the State. Despite the temporary nature of the 2006 legislation, and despite years of state reporting showing that 20% of Public Land Trust receipts far exceeds the \$15.1 million set aside annually for Native Hawaiians, the "interim" \$15.1 million has not been updated in over a decade. A negotiating committee established by the Legislature in 2016 was only convened once by the Governor and failed to make any meaningful progress in its work. OHA's obligations to its beneficiaries compel us to act now to address our beneficiaries' needs through proper funding.

OHA has a proven track record of investing in strategic, innovative, and award-winning programs and services, that seek and explore solutions to systemic issues and challenges faced by Native Hawaiians and other Hawai'i residents. OHA-funded programs, grants, and services have won national recognition for moving people off the streets and into housing; helped small businesses and entrepreneurs get started, stay afloat, and thrive; sent students to college and beyond; and engaged grassroots communities with government agencies and landowners in the stewardship and sustainability of our natural resources and environment.

Public Land Trust revenue is the primary source of funding for such programs, grants, and services that benefit both the Native Hawaiian and larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative OHA-run and OHA-funded programs and activities specifically designed to improve the conditions of Native Hawaiians and Hawai'i in such vital areas as education, health, economic self-sufficiency, culture, land, governance, and access to justice.

The state's data and OHA's own research and analysis show that the temporary \$15.1 million annual amount set in Act 178 falls nowhere near 20% of the present-day receipts generated from the Public Land Trust. **Fairness and justice demands that the \$15.1 million annual amount be updated to better reflect what 20% of Public Land Trust receipts actually amounts to.**

The \$35 million amount represents 20% of receipts generated in state fiscal year 2015-2016 from the following undisputed revenue streams:

- Revenue sources that state agencies currently transfer to OHA,
- Revenue sources not currently transferred by state agencies to OHA due to accounting errors,
- Revenue sources inconsistently transferred by agencies (for example, an agency transfers receipts from one of its parking lots on Public Land Trust land but not from another lot on Public Land Trust land),
- Revenue sources not currently transferred to OHA even though the same agency has transferred receipts from the same source in the past, and
- Revenue sources not currently transferred to OHA, but which fall within historically agreed upon categories of revenues that have been transferred to OHA.

Although they fall within the categories listed above, at this time OHA has chosen to not include revenue streams from hospital patient fees generated from state hospitals on Public Land Trust land or from residential unit rents and charges from state public housing on Public Land Trust land in the revised annual amount. Additionally, the amount in HB1747 is only based on receipts that were identified during OHA's financial review, it does not include unknown receipts that were withheld by certain state agencies, namely the University of Hawai'i.

The lump sum back payment of \$119 million from state general funds was calculated by taking the difference between the \$35 million and the \$15.1 million OHA has been and currently receives, then multiplying the difference by six to represent the last six fiscal years that OHA has been underpaid.

Finally, this bill sets up a periodic, collaborative review process between the Legislature, Administration, and OHA to take place every six years, to better ensure that Native Hawaiians' share of Public Land Trust revenue remains up-to-date and consistent with the law.

Respectfully, we request that this committee correct a typographical error located on page 17, line 14 of HB1747, as follows:

(4) The ~~amount of funds~~ "account or fund . . ."

Also, to more adequately characterize the nature of the funds involved, OHA also respectfully requests the Committee to add a new section to this measure as follows:

SECTION ____.

"Any funds transferred pursuant to this Act shall be deemed income and proceeds from the public land trust, just as if the funds had been paid out of the income and proceeds from the public land trust pursuant to article XII, section 6 of the State Constitution."

We respectfully urge your committee to pass this measure, with the minor amendment and additional section as noted above. Mahalo nui loa for the opportunity to testify.

House Committee on Ocean, Marine Resources, & Hawaiian Affairs
January 30, 2018 at 9:45AM
State Capitol Room 312
HB1747

RE: Testimony in **SUPPORT** of HB1747

Aloha nui e Chair Ing, Vice Chair DeCoite, and Honorable Members of the Committee on Ocean, Marine Resources, & Hawaiian Affairs:

I am happy to submit my testimony to you today in strong support of HB1747 to establish \$35,000,000 as the Office of Hawaiian Affairs' pro rata share of the Public Land Trust (PLT). This important measure would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's PLT obligations to Native Hawaiians are fulfilled.

I urge you to vote in favor of HB1747 and provide Native Hawaiians access to the resources needed to support our communities.

Mahalo for the opportunity to share mana'ō on this important issue,



Rebecca Justine 'Iolani Soon

HB-1747

Submitted on: 1/28/2018 6:35:54 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments:

HO`OMANAPONO POLITICAL ACTION COMMITTEE

De MONT R. D. Conner, Chairperson

89-354 Palikea St.

Waianae, HI 96792

(808)450-6055

blawaiianlvr@icloud.com



To: Rep. Kaniela Ing, Chair, OMH
Rep. Lynn DeCoite, Vice Chair, OMH
Rep. Richard P. Creagan, Member, OMH
Rep. Cedric Asuega Gates, Member, OMH
Rep. Calvin K. Y. Say, Member, OMH
Rep. Gregg Takayama, Member, OMH
Rep. Cynthia Thielen, Member, OMH

January 28, 2018

Re: STRONG SUPPORT FOR HB1747

Dear Rep. Ing, Chair, Rep. DeCoite, Vice Chair, & Members og OMH;

Aloha Ke Kaua! WE are in STRONG SUPPORT of HB1747, and seek this committee to unanimously support and pass this bill.

Section 5(f) of the Admissions Act for the State of Hawai`i, clearly states:

1. "For the support of the public schools and other public educational institutions.";
2. "For the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended.";
3. "For the development of farm and home ownership on a widespread a basis as possible.";
4. "For the making of public improvements,; and;
5. "For the provision of land for public use."

From the inception of the State of Hawai`i in 1959, this State has never fulfilled its fiduciary duties to native Hawaiians as it has agreed to do so. Instead, this government has utilized every method of obfuscation, deception and slight of hand to avoid its fiduciary duty to native Hawaiians.

In fact, the hypocrisy of this State Government is that it has no qualms about labeling those who miss child support payments as "Deadbeats", or those who don't pay their fair share of taxes as "Tax Cheats". This State Government goes so far as to use its full range of authority to insure that it collects what it deems is owed to it. While on

the other hand, this State Government refuses to abide by its binding contractual agreement with the United States Government, via the Statehood COMPACT, to fulfill its fiduciary duties to native Hawaiians.

The time has come for this AUGUST BODY to stand with native Hawaiians and ensure that this State Government live up to its fiduciary duties.

FIRST PURPOSE OF 5(f): “*For the support of...other public educational institutions*”

Our Keiki in our Immersion Schools are left to doing fund raisers just to help it exist. If this State had been fulfilling its fiduciary duties, our immersion schools would be in sound condition.

SECOND PURPOSE OF 5(f): “*For the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended*”

It is clear that OHA would be in a far better position to either directly provide native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, and/or to the Department of Hawaiian Home Lands (“DHHL”), with sufficient funding by which the “betterment of native Hawaiians” would be achievable, if this State Government abided by its COMPACT AGREEMENT with the United States Government,

We humbly request that you stand and support this bill, which will lead to the State fulfilling its fiduciary obligations to native Hawaiians, ***as defined in the Hawaiian Homes Commission Act, 1920, as amended.***

Mahalo Nunui,

De Mont R. D. Conner

De MONT R. D. CONNER, Chairperson
Ho’omanapono, Political Action Committee (HPAC)

cc: File

Melody Kapilialoha MacKenzie, Esq.
579 Kāneʻapu Place ♦ Kailua, Hawaiʻi 96734
(808) 780-8236 ♦ melodykmackenzie@gmail.com

H.B. 1747
Relating to Increasing the Office of Hawaiian Affairs’
Pro Rata Share of Public Land Trust Funds

House Committee on Ocean, Marine Resources, and Hawaiian Affairs
Rep. Kaniela Ing, Chair
Rep. Lynn DeCoite, Vice Chair

Hearing on Tuesday, January 30, at 9:45 a.m.

Mahalo for this opportunity to submit testimony in **strong support** of H.B. 1747, Relating to Increasing the Office of Hawaiian Affairs’ Pro Rata Share of Public Land Trust Funds. I am a professor at the William S. Richardson School of Law and the founding 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 extensively on Native Hawaiian legal controversies, and particularly on the Public Land Trust. Indeed, I was a member of the legal team that represented the Office of Hawaiian Affairs (OHA) in a major dispute with the State over the sale and alienation of trust lands.

In my classes, I teach, review, and analyze all of the constitutional provisions, statutes, and cases affecting the Public Land Trust and I believe the findings in this bill succinctly and accurately lay out this long and complicated history, as well as good faith efforts to give full effect to the constitutional and statutory requirements that a “pro rata” portion of the income and proceeds from the Public Land Trust go to OHA to benefit the Native Hawaiian community. As you know, in 1980, the Legislature set that pro rata share at twenty per cent (codified at Haw. Rev. Stat. § 10-13.5). Numerous questions immediately arose: What constituted income and proceeds? Should the calculation be based on gross or net income? Which lands should be included in the calculation – just those under the jurisdiction of the Dept. of Land and Natural Resources, or those held by other departments? Indeed, a major issue was determining exactly which state-held lands were part of the Public Land Trust!

After years of effort, including litigation and legislative initiatives, I am encouraged to see the progress that has been made in reaching a true and accurate determination of the pro rata share that should go to OHA. Since 2006, when the Legislature set OHA’s annual share at \$15.1 million as an interim measure, the relevant State departments have been required to and, for the most part, have complied in reporting their revenue from the Public Land Trust. As the bill notes, there are still unresolved and disputed issues, but the progress has been significant.

Based on the information compiled over these years as well as independent studies undertaken by OHA, the true pro rata share due to OHA can be calculated more accurately and with

greater certainty. Thus, this bill requests that the annual amount of trust land income and proceeds allocated to OHA be increased to \$35 million, a figure that more correctly reflects the twenty per cent pro rata share set in 1980. In addition, this bill seeks a back payment from July 1, 2012, to June 30, 2018, in the amount of \$119 million based on the actual income and proceeds from the Public Land Trust that the State has received during that time period. The bill also continues the current annual accounting of receipts from the trust lands. Finally, the bill establishes a Public Land Trust Revenues Committee to study and make recommendations every six years on the amount that OHA should receive annually as its share from the Public Land Trust.

Overall, this is a reasonable bill that seeks to provide fairness and justice to the Native Hawaiian community and allows the State to honor its commitments – commitments made in both the State Constitution and in the 1980 legislation setting OHA’s share at twenty per cent. Resolving this issue is one of the most impactful and important actions this Legislature could take. It will result in increased opportunities for the Native Hawaiian community – funding for Hawaiian culture-focused and immersion schools, scholarships for Hawaiian students, greater emphasis on Hawaiian health and ola, support for many non-profits working to revitalize our ‘āina and restore wahi pana (storied places), help for Native Hawaiian businesses and start-ups, and funding for much needed housing opportunities.

Our Supreme Court, in reviewing the revenue issue, has acknowledged that the State’s obligation to Native Hawaiians is firmly established in the State Constitution, and concluded, “it is incumbent upon the legislature to enact legislation that gives effect to the rights of native Hawaiians to benefit from the ceded lands trust.”¹ I call upon this Committee and the Legislature as a whole to seek a resolution and keep the promise made forty years ago that a pro rata share of the income and proceeds from the Public Land Trust – lands that were originally the Crown and Government lands of the Hawaiian Kingdom – go to OHA to benefit the Native Hawaiian community. Your action now would truly set us on the path to justice.

Mahalo for the opportunity to present this testimony in **strong support** of H.B. 1747.

¹ Office of Hawaiian Affairs v. State, 96 Hawai’i 388, 41, 31 P.3d 901, 914 (2001).

HB-1747

Submitted on: 1/29/2018 8:30:22 AM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Hoʻouluhū Erika Perry		Support	No

Comments:

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA’s constitutional and statutory right to a pro rata share is more adequately reflected and that the state’s Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA’s portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

Mahalo nui loa,

Hoʻouluhū Erika Perry

(808) 990-7510

Council Chair
Mike White

Vice-Chair
Robert Carroll

Presiding Officer Pro Tempore
Stacy Crivello


Councilmembers
Alika Atay
Elle Cochran
Don S. Guzman
Riki Hokama
Kelly T. King
Yuki Lei K. Sugimura



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

January 28, 2018

TO: Honorable Kaniela Ing, Chair
House Committee on Ocean, Marine Resources, & Hawaiian Affairs

FROM: Stacy Helm Crivello
Councilmember 

DATE: Tuesday, January 30, 2018

SUBJECT: **SUPPORT OF HB 1747, RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this measure is to establish \$35,000,000 as the Office of Hawaiian Affairs' pro rata share of the public land trust. Transfers \$119,000,000 less certain funds to the Office of Hawaiian Affairs for underpayment of the public land trust funds for 7/1/12 to 6/30/18. Requires the Department of Land and Natural Resources to provide an annual accounting of receipts from lands described in section 5(f) of the Admissions Act. Establishes a committee to recommend the annual amount of the income and proceeds from the public land trust that the Office of Hawaiian shall receive annually. Appropriates funds.

I **support** this measure for the following reasons:

1. Act 178 Sessions Law of Hawaii 2006 requires the identification of revenue-generating public trust lands and the amounts derived from these lands. Annual accounting of the amounts derived from the public trust and research commissioned by OHA determines the gross public land trust receipts at \$174,816,220 in fiscal year 2015-2016 and 20% of that amount is \$34,963,244.
2. The legislature determines that \$119,000,000 has been underpaid to the Office of Hawaiian Affairs from July 1, 2012 to June 30, 2018 for amounts received from the use of the public land trust
3. In *Trustees of the Office of Hawaiian Affairs v. Yamasaki*, the Hawaii Supreme Court concluded that it was unable to determine the parameters of section 10-13.5 HRS because the issue of how the 20% apportionment is formulated was a political question for the legislature to determine. This measure addresses that responsibility and rights an injustice

For the foregoing reasons, I **support** this measure.

2018HB1747Support

HB-1747

Submitted on: 1/29/2018 9:31:24 AM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Noalani Nakasone	Individual	Support	No

Comments:

I am from Kauai and I urge you to support this bill. Mahalo

HB-1747

Submitted on: 1/29/2018 9:37:12 AM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Letani Peltier		Support	No

Comments:

I **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues [between July 1, 2012 and June 30, 2018](#); (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

HB-1747

Submitted on: 1/29/2018 9:40:55 AM

Testimony for OMH on 1/30/2018 9:45:00 AM

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

Comments:

I am a Native Hawaiian from Kauai and I urge your support of this very important bill.

decoite2 - Amanda

From: Kanoa Transportation <kanoatransportation@gmail.com>
Sent: Saturday, January 27, 2018 11:43 AM
To: omhtestimony
Subject: Please PASS HB1747

Aloha,

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

--

Mahalo,
Brenten K. Yamane
Kanoa Transportation
(866) 245-2662
www.kanoatransportation.com



decoite2 - Amanda

From: chadwick brown <chadwickb96793@gmail.com>
Sent: Saturday, January 27, 2018 7:56 PM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

decoite2 - Amanda

From: lisa canale <ibcanale@gmail.com>
Sent: Sunday, January 28, 2018 9:10 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

Thank you for noting my wishes.

Cordially,

Lisa Canale
Volcano, Hawaii 96785

decoite2 - Amanda

From: Katie Collins <katiejeancollins@yahoo.com>
Sent: Saturday, January 27, 2018 6:18 PM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

Katie Fredrickson
Sent from my iPhone

decoite2 - Amanda

From: Lloydette Helenihi <lloydettewa@yahoo.com>
Sent: Saturday, January 27, 2018 11:30 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

decoite2 - Amanda

From: Lehua Lee Sanoria <flylehua@yahoo.com>
Sent: Monday, January 29, 2018 8:15 AM
To: omhtestimony
Subject: Please PASS HB1747

Aloha Kākou,

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

Mahalo nui,

Lehua Itokazu
Makiki Resident

decoite2 - Amanda

From: ljab3@aol.com
Sent: Sunday, January 28, 2018 8:05 AM
To: omhtestimony
Subject: Support of HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

Aloha,

Lisa Jaber

decoite2 - Amanda

From: Analu Josephides <analumlis@gmail.com>
Sent: Saturday, January 27, 2018 11:38 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

Mahalo,

Analu Kameeiamoku Josephides

decoite2 - Amanda

From: Tabatha Kandiah <tabbykandiah@gmail.com>
Sent: Sunday, January 28, 2018 8:01 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

Mahalo nui loa,
Tabatha Lei Simon Kandiah

decoite2 - Amanda

From: Sharon Kim <waiokanaloa@yahoo.com>
Sent: Sunday, January 28, 2018 8:18 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

Sent from my iPhone

decoite2 - Amanda

From: Vanessa Lee <piihonua@yahoo.com>
Sent: Saturday, January 27, 2018 1:49 PM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

decoite2 - Amanda

From: Bs Mcewen <bsmcewen9@aol.com>
Sent: Sunday, January 28, 2018 3:39 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawaii. Therefore, I BS McEwen respectfully urge the Committee to PASS HB1747.

decoite2 - Amanda

From: Moki Me <mokime7@gmail.com>
Sent: Saturday, January 27, 2018 11:27 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

decoite2 - Amanda

From: Tiffany Nerveza-Clark <leilani2777@gmail.com>
Sent: Sunday, January 28, 2018 5:04 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

Sincerely,
Tiffany Leilani Nerveza-Clark

decoite2 - Amanda

From: Pua'ala Pascua <puaalaikahoni@gmail.com>
Sent: Sunday, January 28, 2018 9:38 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

Pua'ala Pascua

decoite2 - Amanda

From: Lorna Cummings Poe <1bagpoe@gmail.com>
Sent: Monday, January 29, 2018 4:45 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

Mahalo

Lorna L Poe

decoite2 - Amanda

From: Tadia Rice <tadiarice@gmail.com>
Sent: Sunday, January 28, 2018 1:07 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

decoite2 - Amanda

From: walter ritte <rittew@hotmail.com>
Sent: Sunday, January 28, 2018 9:12 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i.

THE ADMISSIONS ACT, THE HAWAII STATE CONSTITUTION AND HRS ALL ARE CLEAR: 20%. THE HAWAIIANS ARE AWAKE, WE ARE HERE TO DEMAND JUSTICE, TO DEMAND YOU FOLLOW THE 20% LAW.

Therefore, I respectfully urge the Committee to PASS HB1747.

decoite2 - Amanda

From: Deborah Warren <zpualani808@gmail.com>
Sent: Monday, January 29, 2018 9:40 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

Mahalo,
Deborah Pualani Warren

decoite2 - Amanda

From: Serenity Williams <ms_uilani@yahoo.com>
Sent: Sunday, January 28, 2018 9:06 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

Serenity U'ilani Williams

decoite2 - Amanda

From: Volker Hildebrandt & Charlotte Yamane <hildebrav001@hawaii.rr.com>
Sent: Monday, January 29, 2018 8:18 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawaii. Therefore, I respectfully urge the Committee to PASS HB1747.

Aloha
Charlotte Y. Yamane

decoite2 - Amanda

From: anubabe12 <anubabe12@yahoo.com>
Sent: Sunday, January 28, 2018 12:47 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

Mahalo,
Rhiana Anuhea Kealoha Kawahinehelelaokaiona Young

Sent from my iPhone

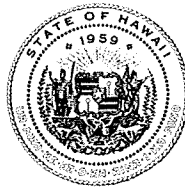
HB-1747

Submitted on: 1/29/2018 4:31:51 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bob Lindsey		Support	No

Comments:



Testimony by:
JADE T. BUTAY
INTERIM DIRECTOR

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

January 30, 2018
9:45 a.m.
State Capitol, Room 312

H.B. 1747
RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA
SHARE OF PUBLIC LAND TRUST FUNDS

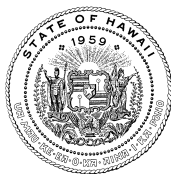
House Committee on Ocean, Marine Resources & Hawaiian Affairs

The Department of Transportation **opposes** this measure that establishes an interim measure to address the pro rata share of public land trust revenues to be paid to the Office of Hawaiian Affairs (OHA).

The Department of Transportation, through its Harbor Division, contributed \$13.5 million of the \$15.1 million transferred from the State to OHA in Fiscal Year 2017. The Harbors Division is a completely self-funded enterprise and contributes the largest portion, about 90%, to the public land trust revenues OHA receives and annually honors its obligation to transfer the appropriate sums owed. However, the Department of Transportation opposes this legislation because it is yet another temporary measure that defers permanent resolution; it does not clarify the language in the Constitution of the State of Hawaii and the Hawaii Revised Statutes to address the long-standing political question of how to appropriately calculate the pro rata share.

Thank you for the opportunity to provide testimony.

DAVID Y. IGE
GOVERNOR



LAUREL A. JOHNSTON
ACTING 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)

WRITTEN ONLY
TESTIMONY BY LAUREL A. JOHNSTON
ACTING DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES,
AND HAWAIIAN AFFAIRS
ON
HOUSE BILL NO. 1747

January 30, 2018
9:45 a.m.
Room 312

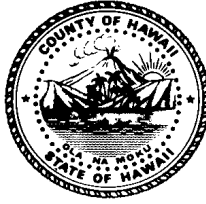
RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA
SHARE OF PUBLIC LAND TRUST FUNDS

This measure establishes \$35,000,000 as the Office of Hawaiian Affairs' (OHA) pro rata share of the public land trust; makes a \$119,000,000 general fund appropriation, less certain amounts to OHA for underpayment of the public land trust funds for July 1, 2012 to June 30, 2018; requires the Department of Land and Natural Resources to provide an annual accounting of receipts from lands described in Section 5(f) of the Admissions Act; and establishes a committee to recommend the annual amount of the income and proceeds from the public land trust that OHA shall receive annually.

The Department of Budget and Finance recognizes that it is appropriate to periodically review the amounts provided to OHA for the use of public land trust lands. However, we do not have sufficient information to comment on the appropriateness and reasonableness of amounts proposed in this measure at this time.

Thank you for your consideration of our comments.

From the office of -
Council Member
District 3



Office: (808) 961-8396
Fax: (808) 961-8912
Email: sue.leeloy@hawaiicounty.gov

SUSAN L.K. LEE LOY

25 Aupuni Street, Hilo, Hawai'i 96720

The Honorable Kaniela Ing, Chair
And members of the Committee on
Ocean, Marine Resources, and Hawaiian Affairs

January 29, 2018

Dear Chair Ing and Committee Members,

I strongly support HB 1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by:

- (1) Establishing \$35 million as an interim reflection of the 20 percent of PLT revenues that should be transferred annually to OHA;
- (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018;
- (3) Requiring continued annual accounting of revenues from PLT lands; and
- (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to pass HB 1747.

Aloha Piha,

A handwritten signature in black ink, appearing to read "Susan L.K. Lee Loy".

Susan L.K. Lee Loy
Hawai'i County Council Member, District 3

HB-1747

Submitted on: 1/29/2018 5:29:53 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Debra Koonohiokala Norenberg		Support	No

Comments:

Aloha.

HB-1747

Submitted on: 1/29/2018 5:46:57 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mahina Tuteur		Support	No

Comments:

I **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

Support HB1747 - Fulfilling the State's Public Land Trust Revenue Obligations to Native Hawaiians

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

Support HB 1745 - Expanding the Native Hawaiian Law Training Course

I STRONGLY SUPPORT HB1745, which expands the application of Act 169 (Session Laws 2015) to provide certain additional state and county officials with training on Native Hawaiian and public trust law, through the OHA-sponsored Native Hawaiian Law Training Course. Since 2015, this course has aided in educating certain key policymakers about the State's legal responsibilities towards Native Hawaiians and the public trust. This highly-successful training course continues to provide attendees with a deeper understanding of the State's legal obligations and leaves them better equipped to develop and implement policies involving our natural and cultural resources. The expansion of this course would allow more fully-informed decision-making and enable our state and county officials to better uphold our constitutional mandates. Furthermore, this measure would help to prevent and reduce conflicts and legal challenges when implementing and enforcing policy. Therefore, I respectfully urge the Committee to PASS HB1745.

Support HB1746 - Housing Security and Asset Building for Low-Income Beneficiaries

I STRONGLY SUPPORT HB1746, which promotes the economic self-sufficiency and housing security of low-income residents and families, by providing tax incentives for those participating in financial literacy and housing savings account programs. Individual Housing Accounts (IHAs) administered by banks,

community development financial institutions (CDFIs), and other institutions have proven to help participants achieve their goals of purchasing their first home or securing rental housing.

This measure would encourage more Hawai'i families to participate in IHA programs by expanding the adjusted gross income (AGI) deduction categories to include CDFI-administered IHAs and Rental IHAs. Additionally, this bill would update the original AGI deduction limits to better reflect and accommodate the current costs of making a down payment or obtaining rental housing in Hawai'i. This bill would also remove current provisions that deter participation in IHAs by taxing savings when they are disbursed from the account.

Through increased incentives and supported asset-building, this measure helps to stabilize Hawai'i's middle-class and assists families in securing better financial futures. Therefore, I respectfully urge the Committee to PASS HB1746.

HB-1747

Submitted on: 1/29/2018 6:23:35 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jilleina Winchester		Support	No

Comments:

I, Jilleina Winchester, **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

H.B. NO. 1747, RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS.

BEFORE THE:

HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, AND HAWAIIAN AFFAIRS

DATE: Tuesday, January 30, 2018 **TIME:** 9:45 a.m.

LOCATION: State Capitol, Room 312

TESTIFIER(S): Russell A. Suzuki, First Deputy Attorney General,
Charleen M. Aina or Donna H. Kalama, Deputy Attorneys General

Chair Ing and Members of the Committee:

The Department of the Attorney General opposes this bill at this time. The Governor and the state agencies likely to be affected by the measure lack sufficient information to evaluate the reasonableness of the Office of Hawaiian Affairs' ("OHA") request and the impact it will have on the State and the agencies' operations.

The purpose of this bill is to increase OHA's share of the income and proceeds from the use of land subject to the public trust under section 5(f) of the Admission Act, and article XII, sections 4 and 6, of the State Constitution, from \$15.1 million to \$35 million per year, effective as of July 1, 2012. The bill incorporates provisions of Act 178, Session Laws of Hawaii 2006, and Executive Order No. 06-06 to prescribe how state agencies are to transfer OHA's share of the income and proceeds to OHA going forward. It also appropriates \$119 million of general funds for OHA, and transfers the balance of funds in a holding account established by Executive Order No. 06-06 to OHA, to make up the difference between amounts transferred from July 1, 2012, through the current fiscal year.

This bill is a prerequisite for increasing OHA's share of the income and proceeds from the use of ceded lands. Relying on its earlier decision in Trustees of OHA v. Yamasaki, 69 Haw. 154, 737 P.2d 446 (1987), and the provisions of article XII, sections 4 and 6, and article XVI, section 7, of the State Constitution, the Supreme Court in OHA

v. State, 96 Hawai'i 388, 401, 31 P.3d 901, 914 (2001), said, only the Legislature can establish what OHA's share of those income and proceeds is:

. . . the State's obligation to native Hawaiians is firmly established in our constitution. *How* the State satisfies that constitutional obligation requires policy decisions that are primarily within the authority and expertise of the legislative branch. As such, it is incumbent upon the legislature to enact legislation that gives effect to the right of native Hawaiians to benefit from the ceded lands trust. See Haw. Const. art. XVI, § 7.

We recognize that OHA's share of ceded lands receipts can only be increased by means of a bill.

However, because OHA has yet to detail how it established the 100+% increase it seeks, and longstanding questions, including whether OHA's share must include a portion of every receipt collected for the use of every parcel of ceded land, still need to be addressed by the Legislature, we suggest that the Committee continue its hearing on this bill after OHA presents its testimony, to permit the departments and agencies impacted by the bill to provide testimony about the extent of that impact, including what they will need to do to collect and transfer the increased income and proceeds to OHA.

Thank you for the opportunity to provide these comments.

HB-1747

Submitted on: 1/29/2018 6:42:44 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea K. Malohi		Support	No

Comments:

I **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

HB-1747

Submitted on: 1/29/2018 7:12:05 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Landen Paikai		Support	No

Comments:

I **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

HB-1747

Submitted on: 1/29/2018 8:36:31 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Lauifi		Support	No

Comments:



Association of Hawaiian Civic Clubs

P. O. Box 1135

Honolulu, Hawai`i 96807

e-mail: president@aohcc.org phone (808) 753-1895, www.aohcc.org

January 30, 2018

To: Members of the House Committee on Ocean, Marine Resources and Hawaiian Affairs

From: Association of Hawaiian Civic Clubs, President Annelle Amaral

Re: Testimony in Support of HB 1747 Relating to Increasing the Office of Hawaiian Affairs Pro Rata Share of Public Land Trust Funds

Aloha, the Association of Hawaiian Civic Clubs wishes to testify in support of HB 1747 Relating to Increasing the OHA Pro Rata Share of Public Land Trust Funds. This bill intends to establish \$35 million as the OHA pro rata share of the public land trust. Further it transfers \$119 million for the underpayment of the public land trust funds for the period of July 2012 to June, 2018. The bill intends to require the DLNR to provide an annual accounting of receipts from lands described in section 5 (f) of the Admissions Act .

The bill further establishes a committee to recommend the annual amount of income and proceeds from the public land trust that OHA shall receive annually and appropriates funds.

We are loathe to reiterate the years of injustice and deprivation to the Native Hawaiian community....these testimonies have been provided to you on numerous occasions in the past. We also will not chronicle the negative impact of occupation on the Native peoples and the statistics of negative impact.....suffice it to say that a pact was made to establish the Office of Hawaiian Affairs to correct these injustices and a pro rata share of the ceded lands trust has already been established.....we ask, no we demand the fair share and funding of the public land trust revenues as promised to support the strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiiansthis can occur with the passage of HB 1747, which we support. Mahalo. Annelle Amaral, President, Association of Hawaiian Civic Clubs.

HB-1747

Submitted on: 1/29/2018 10:13:38 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kilia Purdy-Avelino		Support	No

Comments:

I **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

HB-1747

Submitted on: 1/29/2018 10:23:10 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamakana Aquino		Support	No

Comments:

I **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

Mahalo for the opportunity

Kamakanaoikealoha

HB-1747

Submitted on: 1/29/2018 10:25:20 PM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Angus Raff-Tierney		Support	No

Comments:

I am Angus Raff-Tierney, Legislative Committee Chair of the Society for Hawaiian Archaeology (SHA). We have over 150 members that include professional archaeologists and advocates of historic preservation in general. I am writing this testimony in **SUPPORT of HB1747**, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

As archaeologists, we are mandated by law to consult with OHA whenever we encounter native Hawaiian burials. Without the funding that OHA is due they cannot be expected to fulfill their consultation and other duties properly and timely. When working on issues involving ancestral remains it is imperative that absolute care is taken and that all parties can properly come to the table to affect the proper treatment. Otherwise, as has happened many times in the past, mistakes are made impacting native Hawaiians, other archaeologists, and the development communities. Raising the annual payment to \$35 million will support their consultation efforts along with a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1747**.

Testimony

Committee on Ocean, Marine Resources, & Hawaiian Affairs

TESTOMONY RELATING TO *INCREASING* THE OFFICE OF HAWAIIAN AFFAIRS' *PRO RATA SHARE* OF PUBLIC LAND TRUST FUNDS.

Date Tuesday January 30, 2018
Time 9:45am
Place: Conference Rm 312, State Capitol

To: Representative Kaniale Ing, Chair
Representative Lynn Decoit, Vice Chair
Committee Members

We Villages of Laiopua Homesteaders Association **STRONGLY SUPPORT HB1747**, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee *every four years*, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiian's' fair share of the PLT revenue. This revenue is *the primary source of funding for programs, grants and services* that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i.

Most important, native Hawaiian Homestead Beneficiary Community Leaders employ the Office of Hawaiian Affairs to improve its mission across the State serving our Homestead Communities under which OHA was established in 1978 under section 5f of the State Constitution. Native Hawaiians were identified and recognized as those who were beneficiaries who were not less than 50% blood quantum as defined in the Hawaiian Homes Commission Act of 1920. Thus, Ceded lands (lands once owned by the Hawaiian kingdom monarchy) were transferred from the federal government to the State of Hawaii for the "*betterment of the conditions of the native Hawaiians*" as defined in the *Hawaiian Homes Commission Act 1920*. In 1978 the Office of Hawaiian Affairs (OHA) was created in response to the growing Hawaiian sovereignty movement of the 1970s to manage that portion of the ceded lands "to advance the lifestyle of native Hawaiians, preserve Hawaiian culture and protect Native Hawaiian rights. OHA was established during the 1978 state constitutional convention and Government funding has created programs, schools, scholarships and teaching curriculums through OHA."

Therefore, we respectfully urge the Committee to **PASS HB1747, but to include provisions in the legislation to respectfully set-aside a portion of the PLT OHA funds to Hawaiian Homestead Associations and "associated" non-profit organizations whose existence has direct nexus to a Hawaiian Homestead Community to serve native Hawaiian beneficiaries for economic development for self-sufficiency, self-determination, and for social, cultural, recreational, medical program and services.**

Imua,
Bo Kahui
Villages of La'i'Opua Homestead Association- Director
Beneficiary Owned Non Profit- La'i'Opua 2020- Executive Director

HB-1747

Submitted on: 1/30/2018 6:57:17 AM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:

**PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAII
TO THE COMMITTEE ON OCEAN, MARINE RESOURCES & HAWAIIAN
AFFAIRS HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018
Tuesday, January 30, 2018
9:45 a.m.
Hawaii State Capitol, Conference Room 312**

RE: Testimony in Support of HB 1747, RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS

To the Honorable Kaniela Ing, Chair; the Honorable Lynn DeCoite, Vice-Chair and Members of the Committee on Ocean, Marine Resources & Hawaiian Affairs:

Good morning, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on House Bill No.1747, relating to OHA's pro rata share of the Public Land Trust Funds. The OCC Legislative Priorities Committee is in favor of House Bill No. 1747 and support its passage.

House Bill No. 1747, is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it aims to protect and restore the civil and human rights of the Native Hawaiian people. Specifically, the DPH Platform states, "Native Hawaiian are the indigenous people of Hawai'i and deserve a just relationship with the state and federal governments. We support Native Hawaiian rights to self-determination in the formation of their chosen governmental entity. We support recognition of Native Hawaiians as indigenous people as provided by the U.S. Constitution; such recognition will add to the process of Native Hawaiian self-determination. We also support the international rights of the Native Hawaiian people.

We support the continued engagement and empowerment of the Native Hawaiian community in decisions related to county and state affairs." (Platform of the DPH, P. 4, Lines 204-211 (2016)),

Given that House Bill No. 1747 establishes \$35,000,000 as the Office of Hawaiian Affairs' pro rata share of the public land trust; transfers \$119,000,000 less certain funds to the Office of Hawaiian Affairs for underpayment of the public land trust funds for 7/1/12 to 6/30/18; requires the Department of Land and Natural Resources to provide an annual accounting of receipts from lands described in section 5(f) of the Admissions Act, and establishes a committee to recommend the annual amount of the income and proceeds from the public land trust that the Office of Hawaiian Affairs shall receive annually, it is the position of the OCC Legislative Priorities Committee to support this measure as it perpetuates a just relationship between the Native Hawaiians as the indigenous people of Hawai'i and the state government.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ **Melodie Aduja**

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889

HB-1747

Submitted on: 1/30/2018 7:04:42 AM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kapua Keliikoa-Kamai		Support	Yes

Comments:

Aloha kĀ• kou,

I FULLY SUPPORT HB1747 - RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS. Establishes \$35,000,000 as the Office of Hawaiian Affairs' pro rata share of the public land trust. Transfers \$119,000,000 less certain funds to the Office of Hawaiian Affairs for underpayment of the public land trust funds for 7/1/12 to 6/30/18. Requires the Department of Land and Natural Resources to provide an annual accounting of receipts from lands described in section 5(f) of the Admissions Act. Establishes a committee to recommend the annual amount of the income and proceeds from the public land trust that the Office of Hawaiian Affairs shall receive annually. Appropriates funds.

Rather than repeating OHA's testimony (which I SUPPORT) I'd just like to say that our Hawaiian community has been short-changed for too long by the \$15.1M cap imposed over 10 years ago. The fake-state has been negligent in whole-heartedly identifying ALL the Public Lands Trust (PLT), having each state Department properly identify & submit the revenues/proceeds from the PLT and renegotiating the proper amount really due to the Hawaiian community via OHA.

Succinctly put, justice delayed is justice denied, and we should not tolerate such negligence anymore. Mahalo for this opportunity to testify and share my FULL SUPPORT OF HB1747 - RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS and thanking you in advance of your anticipated support too.

Me ka ha'aha'a,

Kapua Keliikoa-Kamai

BEFORE THE COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

Hawaii State Legislature
January 30, 2018

House Bill 1747
Relating to Increasing the Office of Hawaiian Affairs’ Pro Rata Share of Public Land Trust Funds

Aloha Chair Ing, Vice Chair DeCoite and Members of the Committee,

Ka Lāhui Hawaii Political Action Committee (KPAC) supports HB1747, which would seek to ensure that OHA’s constitutional and statutory right to a pro rata share is more adequately reflected and that the state’s Public Land Trust (PLT) obligations to Kanaka Maoli are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA’s portion of PLT revenues.

The revenue generated from Hawaiian Kingdom crown and governments national lands aka “ceded lands” is the primary source of funding for programs, grants and services that benefit Kanaka Maoli. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Kanaka Maoli and Hawai‘i.

Respectfully submitted,

M. Healani Sonoda-Pale
Chair, KPAC

HB-1747

Submitted on: 1/30/2018 8:49:33 AM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Chang		Support	No

Comments:

HB-1747

Submitted on: 1/30/2018 9:19:51 AM

Testimony for OMH on 1/30/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicholle S L Konanui		Support	No

Comments:

decoite2 - Amanda

From: David Laeha <davidl@oha.org>
Sent: Tuesday, January 30, 2018 9:11 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

I further request that the (approximately \$19M) funds which have calculated and awarded to OHA since 2006 but exceeded the \$15.1M be paid to OHA and at a minimum, this full annual payment (approximately \$19M) be made each year going forward.

The State has benefited on the millions of acres stolen through the illegal usurpation of the Queen, the illegal annexation and Statehood. Former Presidents have apologized for their wrong doings in supporting the illegal overthrow of the Hawaiian Kingdom. Hawaii was recognized by over 140 countries as its own independent nation with embassies in over 100 countries. We had a constitutional Monarchy modeled after the United Kingdom before the illegal overthrow.

Approval of this legislation will bring more funding for Hawaiians to help other Hawaiians who have been displaced and in need of critical services. Hawaiians have been the best stewards of the aina, Hawaiian culture and caring for Kupuna. The additional funding would allow us to focus on these areas and preserve the special qualities which make Hawaii unique in this shrinking global marketplace.

decoite2 - Amanda

From: Kamuela Werner <kamuelaw@hawaii.edu>
Sent: Tuesday, January 30, 2018 8:59 AM
To: omhtestimony
Subject: Please PASS HB1747

Aloha mai,

I **STRONGLY SUPPORT HB1746** which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA, beginning in fiscal year 2018-2019, with certain limited exceptions; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1746**.

Me ke aloha,

--

Kamuela Werner

decoite2 - Amanda

From: Danielle Chavez <Danielle.Chavez@th-inc.net>
Sent: Tuesday, January 30, 2018 10:01 AM
To: omhtestimony
Subject: Please PASS HB1747

Importance: High

Although it saddens me and many of the our Hawaiian people to have be in a position to support such a bill that should already be the obligation of the state per the Land Trust Act, here we are, asking the State to do what they are required to do. Our people need it the most, yet get the least amount of help and support. Please do the right thing and adequately fulfill the obligation to the indigenous people of this Aina (land). Mahalo!

I **STRONGLY SUPPORT HB1746**, I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA, beginning in fiscal year 2018-2019, with certain limited exceptions; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues.

After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to **PASS HB1746**.

Mahalo,

Danielle Chavez

decoite2 - Amanda

From: Pake Salmon <pakesalmon@yahoo.com>
Sent: Tuesday, January 30, 2018 9:40 AM
To: omhtestimony
Subject: Please PASS HB1747

I STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

decoite2 - Amanda

From: Lianne Paikai <kaonacreation@gmail.com>
Sent: Monday, January 29, 2018 10:19 PM
To: omhtestimony
Subject: Please PASS HB1747

I, Lianne Paikai, STRONGLY SUPPORT HB1747, which would seek to ensure that OHA's constitutional and statutory right to a pro rata share is more adequately reflected and that the state's Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA's portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS HB1747.

Sent from my iPhone



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

January 30, 2018
9:45 a.m.
State Capitol, Room 312

H.B. 1747
RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA
SHARE OF PUBLIC LAND TRUST FUNDS

House Committee on Ocean, Marine Resources & Hawaiian Affairs

The Department of Transportation **opposes** this measure that establishes an interim measure to address the pro rata share of public land trust revenues to be paid to the Office of Hawaiian Affairs (OHA).

The Department of Transportation, through its Harbor Division, contributed \$13.5 million of the \$15.1 million transferred from the State to OHA in Fiscal Year 2017. The Harbors Division is a completely self-funded enterprise and contributes the largest portion, about 90%, to the public land trust revenues OHA receives and annually honors its obligation to transfer the appropriate sums owed. However, the Department of Transportation opposes this legislation because it is yet another temporary measure that defers permanent resolution; it does not clarify the language in the Constitution of the State of Hawaii and the Hawaii Revised Statutes to address the long-standing political question of how to appropriately calculate the pro rata share.

Further, the impact of the interim measure on the financial projections of the self-funded Harbors Division is unknown and has not been calculated. This bill will not only jeopardize the Harbors division and the ongoing Harbors Modernization Plan but will impact the State as a whole.