

DAVID Y. IGE
GOVERNOR



RODERICK K. BECKER
DIRECTOR

ROBERT YU
DEPUTY DIRECTOR

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

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

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

TESTIMONY BY RODERICK K. BECKER
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON FINANCE
ON
HOUSE BILL NO. 402, H.D. 1

February 28, 2019
2:00 p.m.
Room 308

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

House Bill (H.B.) No. 402, H.D. 1, proposes to:

- Increase the pro rata share of the annual receipts from the use of the lands of the public land trust transferred to the Office of Hawaiian Affairs (OHA) from \$15,100,000 to an unspecified amount;
- Transfer an unspecified amount, for supposed underpayment of the public land trust funds, for the period from July 1, 2012 to June 30, 2019 to OHA; and
- Require an annual detailed audit of all funds derived from receipts from lands described in Section 5(f) of 10 of the Admission Act.

The Department of Budget and Finance (B&F) recognizes that the Legislature should periodically review and, if appropriate, adjust what OHA receives as its share of the receipts from the use of public land trust lands to better the conditions of native Hawaiians under Article XII, Section 6 of the State Constitution. B&F offers the following data for your consideration.

Attachment 1 is a summary of the Section 5(f) lands receipt reports compiled by the Department of Land and Natural Resources for the period FY 2007 to FY 2018. Total gross receipts increased from \$128.48 million in FY 2007 to \$225.08 million in FY 2018. This increase is due primarily to an increase in revenues from Department of Transportation's Airports and Harbors Divisions, which increased fees and charges to support airport and harbor's modernization programs. Increases from these two special funds account for 77 percent of the total gross receipts for FY 2018.

Attachment 2 is the Conference Committee Report to Act 178, SLH 2006, which states that only "certain ancillary receipts" from the Airports Division's HIA Terminal Rental Revenue, HIA Terminal Concession Revenue, Non-HIA Aeronautical Revenue, and Non-HIA Concession/Other Terminal Revenue were considered in establishing OHA's \$15.1 million share in 2006. If an adjustment is made, consideration should be given to conforming the new gross receipts base amount to these specific airport revenue sources. Further, we note that federal law prohibits the State from transferring airport revenues to OHA, therefore, other funds must bear a larger assessment to make up for this loss.

Attachment 3 illustrates the impact on each revenue source of OHA's proposed increased assessment from \$15.1 to \$35 million per year (as was proposed in the original draft of H.B. No. 402). As can be seen, ceded land assessments would increase from 20 percent to over 30 percent for most programs. B&F strongly urges the Legislature to consult with the affected departments to determine what the impact to their operations is likely to be, and what increases in rent and/or user fees that the departments will need to impose to comply with any proposed increase in revenues to OHA beyond the current level.

With regards to the change from quarterly payments to OHA to an annual payment, B&F believes that it would be more practical operationally to continue quarterly payments. Should there be a shortfall in pro rata payments, it would be less burdensome on the affected departments to absorb smaller quarterly additional assessments than a large assessment at the end of the fiscal year. B&F again recommends that the Legislature consult with the affected departments on this issue.

Additionally, B&F has serious concerns with the reporting requirements of this bill and offers the following comments. First, the reporting requirements in the bill specifies that all ceded land receipts, regardless of whether the receipts are subject to the pro rata share, are to be reported. Reporting in this fashion gives the appearance that a pro rata should be applied to total receipts rather than only receipts that are, in actuality, subject to a pro rata share. For example, under the bill, the University of Hawaii would report student tuition and fee revenues for some of its campuses, including Manoa. However, education is a sovereign governmental function and, as such, student tuition and fee revenues are not subject to a pro rata share. Consequently, it would be confusing and subject to misinterpretation to include these receipts as if it should be subject to a pro rata calculation.

B&F highly recommends that if total receipts are to be reported, then receipts that may be subject to a pro rata share should also be reported separately. There would be total receipts, receipts not subject to a pro rata share, receipts that may be subject to a pro rata share, and amounts transferred to OHA. This type of reporting would provide a clearer representation of the status of ceded land receipts and payments to OHA.

Second, the reporting required under this bill presumes that the Executive and OHA agree on what receipts should be subject to a pro rata calculation and how the calculation is to be made. Determination of whether a particular receipt should be subject to the pro rata share and how to make the calculation is not clear cut. There are many policy and technical issues imbedded in making a determination as evidenced by the long and complicated history of trying to implement Article XII, Section 4 of the State Constitution. It is our understanding that the Waihee Administration, OHA, and the State Auditor spent considerable resources and effort during the late 1980s and early 1990s trying to develop a workable demarcation of what receipts should be subject to the pro rata calculation and how to make the calculation. In the end, after several lawsuits, the Legislature decided on the approach of providing a fixed amount as OHA's pro rata share in Act 178.

B&F notes that, in general, the amounts being reported currently reflect the Executive's understanding of the sovereign versus proprietary distinction and the apportionment calculation methodology to allocate receipts between activities on ceded and non-ceded lands.

In conclusion, B&F strongly believes that clear and definitive criteria on what would be subject to a pro rata calculation is needed in order to make the reporting envisioned in H.B. No. 402, H.D.1, useful and meaningful. Without such criteria, the reporting will be subject to constant disputes.

Thank you for your consideration of our information and comments.

Attachments

Gross Receipts from Public Land Trust Lands

<u>Department</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>% of FY 2018 Grand Total</u>
Accounting & Gen Svcs	117,374.00	119,345.00	116,212.00	115,706.00	108,929.00	104,231.00	123,928.00	126,253.00	124,293.00	124,484.00	124,536.00	118,252.00	0.05%
Agriculture	509,713.00	933,443.00	1,158,780.00	701,904.00		1,051,451.58	817,798.92	1,675,909.84	1,182,991.29	1,407,032.75	1,372,708.42	1,651,677.13	0.73%
Non-Ag Park Lands (S-305)	-	-	-	-	-	-	-	-	-	-	-	-	0.00%
Non-Ag Park Lands (S-305) (DLNR)	-	-	-	-	-	-	-	-	-	-	-	-	0.00%
Agr Dev Corp (S-307-A)	245,026.00	324,608.00	312,036.00	338,598.00	461,023.76	616,545.93	695,777.09	781,098.49	986,414.59	1,043,838.70	739,165.50	780,026.98	0.35%
Ag Park Lands (S-317-A)	-	-	-	-	-	-	-	-	-	-	-	-	0.00%
Bus, Econ. Dev. & Tourism													
FTZ (S-302-B)	74,745.00	96,231.00	101,304.00	-	86,730.56	86,668.56	91,467.25	73,612.44	44,037.60	27,648.80	36,515.63	29,946.74	0.01%
NELHA (S-345-B)	3,315,336.00	1,238,997.00	1,462,769.00	1,601,052.00		1,798,995.56	1,785,309.09	1,807,609.52	1,714,901.13	1,917,296.57	1,848,565.19	1,650,483.00	0.73%
HCDA (S-352-B)	886,032.00	288,755.00	322,746.00	467,903.00	401,362.86	1,356,962.95	87,555.00	39,720.90	947,146.24	300,000.00	639,848.23	387,735.61	0.17%
HHFDC (Honokowai Hale/Lailani) (T-906-B)	4,833,970.00	3,858,518.00	-	-	3,438,315.92	3,596,723.46	4,531,973.27	5,132,024.72	5,752,970.99	6,560,768.88	6,570,471.26	7,807,451.63	3.47%
Defense	-	1,168.00	300.00	600.00	550.00	1,975.00	5,575.00	10,180.00	6,097.00	60,611.00	162,347.50	14,483.50	0.01%
Education	1,009,742.00	1,011,116.00	386,995.00	1,559,715.00		2,182,578.99	2,499,211.83	2,241,831.00	2,302,228.00	2,346,148.00	2,604,412.00	2,464,451.21	1.09%
HHSC	1,226,308.00	-	-	-		1,271,732.00	1,154,687.00	1,414,529.00	1,639,157.00	1,683,181.00	1,046,732.02	1,225,765.43	0.54%
HMS - HPHA						2,801,183.32	2,711,636.28	2,857,487.08	3,066,987.37	3,390,077.52	3,580,108.81	3,727,687.26	1.66%
Land & Natural Resources													
DOFAW	175,435.00	236,632.00	181,869.00	682,381.00	297,883.62	941,896.52	882,929.46	236,277.54	240,304.83	247,632.90	457,456.19	405,920.89	0.18%
DLNR - Land	9,626,805.00	11,205,839.00	10,982,755.00	8,554,816.00	10,929,062.74	13,655,985.27	11,573,535.01	12,112,982.83	11,116,087.20	10,555,593.00	12,009,781.12	12,397,617.16	5.51%
DLNR -Parks	2,225,306.00	2,552,988.00	2,579,972.00	2,576,857.00	2,848,806.56	3,347,677.20	3,850,000.72	4,135,256.48	3,754,911.34	4,311,177.85	4,399,628.55	4,271,038.68	1.90%
Boating	7,678,922.00	6,880,957.00	5,836,347.00	6,176,821.00	5,193,655.60	2,480,018.31	6,909,481.12	7,252,863.72	7,217,347.55	7,199,231.61	11,273,355.27	10,113,563.85	4.49%
Transportation (Airports)	41,845,011.00	43,929,688.00	53,839,928.00	59,405,647.00	68,069,901.52	68,233,701.00	64,774,936.00	62,871,137.00	71,275,380.00	73,102,965.00	84,662,157.00	92,878,681.00	41.26%
Transportation (Harbors)	52,858,104.00	35,473,393.00	31,577,821.00	30,182,850.00	38,069,901.52	45,145,873.99	52,795,625.47	57,546,519.20	63,419,558.14	60,004,548.19	67,695,798.06	80,973,796.78	35.98%
Transportation (Highways)	3,852.00	-	3,852.00	4,716.00	14,400.00	4,250.00	15,600.00	43,000.00	36,000.00	83,252.50	203,466.00	202,116.00	0.09%
University of Hawaii	1,848,894.00	1,944,613.00	1,942,316.00	2,103,782.00	2,234,756.51	2,260,752.68	4,664,562.85	2,963,884.02	3,216,447.40	3,252,404.82	3,101,510.88	3,978,360.47	1.77%
Grand Total	128,480,575.00	110,096,291.00	110,806,002.00	114,473,348.00	64,085,378.65	150,939,203.32	159,971,589.36	163,322,176.78	178,043,260.67	177,617,893.09	202,528,563.63	225,079,055.32	100%
	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	
20% of the Gross Receipts	25,696,115.00	22,019,258.20	22,161,200.40	22,894,669.60	12,817,075.73	30,187,840.66	31,994,317.87	32,664,435.36	35,608,652.13	35,523,578.62	40,505,712.73	45,015,811.06	
General Fund Portion of DLNR Receipts *		498,775.40	3,685,171.67	1,950,812.35	5,455,846.63	4,114,610.15	2,288,243.56	2,744,204.02	2,872,442.75	2,921,848.19	335,710.68	3,409,381.49	

Note: Gross receipts include some receipts that are not subject to the 20% Public Land Trust assessment.

Amounts per department report to DLNR per Act 178, SLH 2006.

* Does not include any amount used to cover shortfalls in meeting the \$15,100,000 payment to OHA.

CONFERENCE COMMITTEE REP. NO. 101 -06

Honolulu, Hawaii
APRIL 27, 2006

RE: S.B. No. 2948
S.D. 1
H.D. 2
C.D.. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2948, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to establish the amount of interim revenue to be transferred to the Office of Hawaiian Affairs from the public land trust, each fiscal year beginning with fiscal year 2005-2006, at \$15,100,000.

In addition, this measure also appropriates \$17,500,000 as the amount of revenues owed to the Office of Hawaiian Affairs for the underpayment of the Office of Hawaiian Affairs' pro rata share of the public land trust revenues between July 1, 2001 and June 30, 2005.



Section 2 of this measure specifies that beginning in fiscal year 2005-2006, and until further legislative action is taken, the income and proceeds from the pro rata portion of the public land trust for expenditure by OHA pursuant to Article XII, Section 6 of the Hawaii Constitution shall be \$15,100,000 per fiscal year. This amount shall be transferred from various state departments and agencies to OHA in four equal quarterly installments via voucher payments. According to the Attorney General,

The annual \$15.1 million share . . . for annual transfer to OHA is based on the sums actually transferred during these four fiscal years, the sums of analogous receipts that could have been transferred from the health and housing corporations and the University, the upward trend of these receipts over the last four years, and negotiation and fairness considerations.

The \$15,100,000 also includes certain ancillary receipts from the state airports.

Also, according to the Attorney General, the approximate amount of funding actually transferred to OHA pursuant to Executive Order No. 03-03 and Act 34, Session Laws of Hawaii 2003, was as follows:

FYs	<u>2002-2003</u>	<u>2004</u>	<u>2005</u>
DAGS State Parking Revolving Fund	\$ 43,676	\$22,896	\$ 23,730
DOA Agricultural Park Special Fund General Fund	\$110,038	\$66,659	\$106,558
DBED&T Foreign Trade Zone Special Fund			
HCDA Revolving Fund			
NELHA Special Fund	\$474,684	\$291,906	\$352,531
DOE Use of School Facilities Special Fund	\$ 81,493	\$ 48,400	\$ 45,098
DLNR Boating Special Fund			
Special Land & Development Fund			
State Parks Special Fund			
Beach Restoration Special Fund			
General Fund	\$3,054,738	\$2,827,717	\$3,404,405



DOT Harbors Special Fund	\$11,737,324	\$6,480,000	\$6,866,384
Act 34, SLH 2002	<u>\$ 2,041,852</u>	_____	_____
General Fund			
Annual Totals	\$17,543,805	\$9,737,578	\$10,789,706

The approximate amounts of "analogous" ceded land receipts were as follows:

FYs	<u>2002-2003</u>	<u>2004</u>	<u>2005</u>
Hawaii Health Systems Corporation Hilo Medical, Kula Hospital, Samuel Mahelona Non-Patient Food Sales Catering Revenue Parking Revenue Data processing Services Revenue Medical Records Abstract Sales Non-Patient Room Rentals Telephone & Telegraph Revenue Restricted and Non-Restricted Contributions Employee Housing Rent Revenue Clinical Rent Revenue Other Space Rental	\$ 665,687	\$471,650	Unverified
University of Hawaii Manoa and Hilo Campuses Parking Faculty Housing Non-Student Housing Rentals, including food and vending machine, telephone commissions/collections Hilo Bookstore - logo products, sundries but not books or school supplies Other Revenue	\$1,293,852	\$1,182,121	Unverified
HCDCH Housing Public School Faculty Housing Rentals Public Rental Housing Laundromat/Vending Machine Receipts Public Rental Housing Antennae Rental Receipts	\$80,626	\$40,091	\$32,625
Annual Totals	<u>\$2,040,165</u>	<u>\$1,693,862</u>	<u>Unverified</u>



According to the Attorney General, the approximate amounts of ancillary receipts from the state airports were as follows:

FYs	<u>2002-2003</u>	<u>2004</u>	<u>2005</u>
HIA Terminal Rental Revenue	\$2,598,460	\$1,290,018	\$1,068,268
HIA Terminal Concession Revenue	\$ 857,152	\$ 503,754	\$ 525,671
Non-HIA Aeronautical Revenue	\$1,158,094	\$ 671,564	\$ 712,015
Non-HIA Concession/Other Terminal Revenue	<u>\$18,241,417</u>	<u>\$9,655,042</u>	<u>\$10,159,033</u>
Annual Total Receipts	\$22,855,123	\$12,120,378	\$12,464,987
20% Share	\$4,571,025	\$2,424,076	\$2,492,997

Section 4 of this measure appropriates the sum of \$17,500,000 to OHA in fiscal year 2005-2006. According to the Attorney General, this one-time appropriation raises the amount of ceded land receipts actually transferred to OHA during the fiscal years 2002 through 2005. The one-time appropriation of general funds is roughly equivalent to analogous rent-type receipts for the use of ceded lands collected by the Hawaii Health Systems Corporation, the Housing and Community Development Corporation of Hawaii, and the University of Hawaii, etc. during the relevant period which were not paid for legal reasons, interest, and negotiation and fairness considerations. In other words, this appropriation represents a "catch-up" of amounts that were underpaid during the specified time period.

Section 5 requires the DLNR to provide an annual accounting of revenues derived from the public land trust. At the present time, no single state department or agency is responsible for compiling such data. A single accounting will provide the Legislature, OHA, the general public, and even the state administration with a clearer financial picture of the public land trust.

Your Committee on Conferences notes that the agreement embodied in this measure does not extinguish past and future claims that the Office of Hawaiian Affairs may have regarding revenue payments from ceded lands. The agreed \$17,500,000 should be considered a credit for payment owed the Office of Hawaiian Affairs for the period of July 1, 2001 through June 30, 2005. The payment of \$17,500,000 should be construed as coming from ceded land revenues.

Your Committee on Conference has amended this measure to insert H.B. 2204, S.D. 1, which requires that the Department of Land and Natural Resources provide an accounting of revenues from the public land trust and appropriates funds to the Department to conduct the accounting. The Senate draft of H.B. 2204 also provides that the



Office of Hawaiian Affairs is to provide additional funds for the accounting. Your Committee on Conference has amended this measure to:

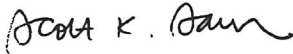
- (1) Change the date of the appropriation to the Department from fiscal year 2005-2006 to fiscal year 2006-2007;
- (2) Include language to further clarify that the Office of Hawaiian Affairs' funds are to be expended only after those general revenue funds appropriated to the Department are expended;
- (3) Change the effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2948, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2948, S.D. 1, H.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

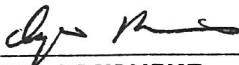
ON THE PART OF THE SENATE



SCOTT K. SAIKI, Co-Chair



COLLEEN HANABUSA, Chair





DWIGHT TAKAMINE, Co-Chair



Hawaii State Legislature

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 2948, SD 1, HD 2					Date/Time: 4/27/06 11:00 a.m.				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HANABUSA, Colleen, Chr.	/				SAIKI, Scott K., Co-Chr.	/			
TANIGUCHI, Brian				/	TAKAMINE, Dwight Y., Co-Chr.	/			
WHALEN, Paul	/				CARROLL, Mele				/
					CHONG, Pono	/			
					FINNEGAN, Lynn	/			
TOTAL	2			1	TOTAL	4			1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
Distribution: ~		Original	Yellow	Pink			Goldenrod		
		<i>File with Conference Committee Report</i>	<i>House Clerk's Office</i>	<i>Senate Clerk's Office</i>			<i>Drafting Agency</i>		

Attachment 3

\$35,000,000

As proposed in HB 402
and SB 1363

FY 2018 OHA Payments

<u>Department</u>					<u>Amt trsf'd to OHA</u>	<u>Proportion of total trfs to OHA</u>	<u>Gross receipts</u>	<u>Proportionate share of \$35M</u>	<u>\$35M share as % of gross receipts</u>
JV Transfers									
Accounting & Gen Svcs	5,030.00	5,052.00	5,019.00	4,608.00	19,709.00	0.11%	124,536.00	39,662.87	31.85%
Agriculture									
Non-Ag Park Lands (S-305)	57,038.04	88,805.60	54,750.37	34,886.28	235,480.29	1.35%	860,677.27	473,886.26	55.06%
Non-Ag Park Lands (S-305) (DLNR)					-	0.00%	52,703.56	-	0.00%
Agr Dev Corp (S-307-A)					-	0.00%	739,165.50	-	0.00%
Ag Park Lands (S-317-A)	26,682.44	11,173.63	31,338.30	26,684.96	95,879.33	0.55%	459,327.59	192,949.90	42.01%
Bus, Econ. Dev. & Tourism									
FTZ (S-302-B)	1,279.05	1,771.32	1,831.10	1,107.91	5,989.38	0.03%	36,515.63	12,053.17	33.01%
NELHA (S-345-B)	75,310.39	80,409.56	79,507.88	94,868.80	330,096.63	1.90%	1,848,565.19	664,294.49	35.94%
HCDA (S-352-B)	-	77,547.12	-	-	77,547.12	0.45%	639,848.23	156,057.71	24.39%
HHFDC (Honokowai Hale/Lailani) (T-906-B)	15,596.60	15,760.08	14,028.69	14,103.81	59,489.18	0.34%	6,570,471.26	119,717.47	1.82%
Defense	681.00	921.90	575.00	718.80	2,896.70	0.02%	162,347.50	5,829.39	3.59%
Education	24,010.00	28,513.00	28,891.00	32,056.00	113,470.00	0.65%	2,604,412.00	228,349.79	8.77%
HHSC					-	0.00%	1,046,732.02	-	0.00%
Land & Natural Resources									
DLNR (Other than Boating)	749,478.76	649,124.29	1,065,339.42	950,506.32	3,414,448.79	19.63%	16,866,865.86	6,871,319.78	40.74%
Boating	305,590.93	495,935.55	529,964.24	869,095.94	2,200,586.66	12.65%	11,273,355.27	4,428,514.11	39.28%
Transportation (Harbors)	2,516,137.89	2,500,483.50	2,503,394.87	2,479,983.74	10,000,000.00	57.50%	67,695,798.06	20,124,243.19	29.73%
Transportation (Highways)		40,693.20			40,693.20	0.23%	203,466.00	81,891.99	40.25%
JV Total	3,776,835.10	3,996,190.75	4,314,639.87	4,508,620.56	16,596,286.28				
No Transfers									
Human Services (HPHA)							3,580,108.81	-	
Transportation (Airports)							84,662,157.00	-	
Check Transfers									
University of Hawaii	200,891.19	206,722.84	197,164.45	190,893.62	795,672.10	4.57%	3,101,510.88	1,601,229.88	51.63%
Total Transfers	3,977,726.29	4,202,913.59	4,511,804.32	4,699,514.18	17,391,958.38	100.00%	202,528,563.63	35,000,000.00	
Act 178, SLH 2006, requirement	3,775,000.00	3,775,000.00	3,775,000.00	3,775,000.00	15,100,000.00				
Balance (Shortfall)	202,726.29	427,913.59	736,804.32	924,514.18	2,291,958.38				

Note: Gross receipts include some revenues that are not subject to the 20% OHA ceded land assessment.

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
FINANCE**

**Thursday, February 28, 2019
2:00 PM
State Capitol, Conference Room 308**

**In consideration of
HOUSE BILL 402, HOUSE DRAFT 1
RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA
SHARE OF PUBLIC LAND TRUST FUNDS**

House Bill 402, House Draft 1 proposes to: 1) establish the Office of Hawaiian Affairs' (OHA) pro rata share of the public land trust, 2) transfer funds to OHA for underpayment of the public land trust funds from July 1, 2012 to June 30, 2019, and 3) require the Department of Land and Natural Resources to provide an annual accounting of receipts from public land trust lands. **The Department of Land and Natural Resources (Department) offers the following comments and expresses significant concerns with the bill because of the potential severe 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 2018 totaled \$17,391,958.38. 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, the Department and other agencies working to generate revenues for the State (in lieu of tax revenues from the general fund) from ceded lands would be obligated to transfer an unidentified but potentially significant amount of additional revenues to OHA annually. For reference, in fiscal year 2018, the Land Division collected approximately \$12.4 million in ceded land 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, a severe increase in annual payments to OHA could impose a devastating financial burden upon the Department and its natural, recreational and historical resource protection programs.

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

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 six (6) 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. Revenues collected by other divisions have supported watershed protection, preservation of cultural and historical sites and public recreational resources. In addition, the Department has provided lands to other agencies in support of a variety of agricultural, educational, transportation and affordable housing projects, often at the expense of generating revenue to support its own programs. These collective efforts have contributed significantly to the betterment of native Hawaiians as well as the general public, in excess of the revenues paid to OHA.

In addition, the Department believes paragraphs (2) and (3) under the purpose section of the bill on pages 11-12, and SECTION 5 of the bill on page 15, should be deleted in their entirety, as the amount due to OHA is set by law at \$15.1 million per year, which has been paid annually, so there is no amount that has been underpaid, nor is there any necessity for an audit as the amount due is a flat amount paid annually.

Thank you for the opportunity to comment on this measure.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Acting Chairperson
Board of Agriculture

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF THE DEPARTMENT OF AGRICULTURE
BEFORE THE HOUSE COMMITTEE ON FINANCE

FEBRUARY 28, 2019
2:00 P.M.
CONFERENCE ROOM 308

HOUSE BILL NO. 402 HD1
RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS PRO RATA
SHARE OF PUBLIC LAND TRUST

Chairperson Luke and Members of the Committee:

Thank you for the opportunity to testify on HB 402 HD1. This bill establishes an unspecified amount as the Office of Hawaiian Affairs' (OHA) pro rata share of the public land trust and transfers and appropriates funds to OHA for underpayment of the public land trust funds for 7/1/12 to 6/30/19. The bill requires the Department of Land and Natural Resources (DLNR) 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 Agriculture offers comments with concerns on portions of this bill.

HB 402 HD1 seeks to increase OHA's statutory amount representing its 20% pro rata share of all ceded lands revenues generated by State departments to an unspecified amount annually commencing fiscal year 2019. OHA's entitlement to its share of the ceded lands revenue is derived from the fact that the mandated benefits to native Hawaiians and Hawaiians is one of five public trust purposes protected by the Hawai'i State Constitution and Hawai'i Revised Statutes. As such, a 20% share of the ceded lands revenues is appropriate and in accord with the mandate.



Pursuant to the 2001 and 2006 Hawai'i Supreme Court decisions regarding OHA's pro rata share, revenues generated from other protected public trust purposes such as affordable housing and health services were excluded from the calculation of the ceded lands revenue for purposes of determining OHA's pro rata share.

As one of the five protected public trust purposes, agriculture and revenues derived from agriculture should also benefit from current application of the Hawai'i Supreme Court decisions. Continuing the burden on the Department for compensating OHA without considering the ongoing and historical fact that the Department is performing a public trust purpose while operating with one of the smallest operational budgets at barely breakeven levels, undermines its constitutional mandate to support and promote agriculture in Hawai'i. The Department's agricultural park and non-agricultural park programs operate by special funds that are primarily derived from low agricultural lease rents and fees. Unlike other uses of public lands, those under the Department's jurisdiction are limited to agricultural use and the corresponding lower rental values are reflected in that distinction. The perennial lack of resources and revenues while operating expenses continue to increase with rising costs and frequency of emergency response to unpredictable calamities resulting from climate change will inevitably result in growing operational deficits on an annual basis that cannot be sustained by the Department.

If this Committee intends to move this measure forward, the Department recommends that in determining the total annual income and proceeds of the public land trust as specified in lines 9 through 17 on page 11 of the measure, lease rental payments, water service fees, and other fees generated from agricultural use of public lands be added to the list of exclusions.

Thank you for the opportunity to testify on this measure.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Finance
February 28, 2019 at 2:00 p.m.

by

Kalbert K. Young

Vice President for Budget and Finance/Chief Financial Officer
University of Hawai'i System

HB 402 HD1 – RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS

Chair Luke, Vice Chair Cullen and members of the committee:

The University of Hawai'i (University) stands firmly committed to the betterment of Native Hawaiians and has deep respect for the constitutional role of the Office of Hawaiian Affairs (OHA). However, this bill, along with previous legislative approaches to the funding of OHA, errs in pitting one important purpose of the public land trust against others. Both the Admissions Act and the Constitution of the State of Hawai'i make it perfectly clear that the University also has its own direct relationship to the public land trust. The University therefore strongly opposes HB 402 HD1. We strongly urge that the University be explicitly and fully excluded from the reporting and payment provisions of this bill and any similar measures based on Act 178, SLH 2006, and its predecessors. Given the University's own clear and formal role and responsibilities under the public land trust, there should be no required ceded land payments from the University to OHA or any of the other sister agencies that also have responsibilities associated with the public land trust.

The Admissions Act § 5(f), which created the State of Hawai'i public trust lands commonly referred to as ceded lands, identifies multiple purposes for these lands. The first of these purposes enumerated in the Act is the "support of the public schools and other public educational institutions" and the second of these purposes is the "betterment of the conditions of Native Hawaiians." As the University of Hawai'i is the sole provider of public higher education in the State, it is clearly identified as a primary intended beneficiary of the public land trust and should not be required to reduce the benefits it provides to the people of Hawai'i in order to transfer funds to OHA, another beneficiary of the public land trust.

The University and OHA were both established by the Hawai'i State Constitution, the University in 1959 and OHA in 1978. The Hawai'i State Constitution further and expressly directs that University lands be used solely for its purposes. Article X, Section 5, states that the University "shall have title to all the real and personal property now or hereafter set aside or conveyed to it, which shall be held in public trust for its purposes[.]" See Hawai'i State Constitution, Art. X, Section 5.

Moreover, independent from Act 178, SLH 2006, the University is committed to the betterment of Native Hawaiians. As of 2009, the University's Regent Policy 4.201.III.C.3 states in part: "As the only provider of public higher education in Hawai'i, the university embraces its unique responsibilities to the indigenous people of Hawai'i and to Hawai'i's indigenous language and culture. To fulfill this responsibility, the university 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."

As of Fall 2018, the University enrolled 12,061 Native Hawaiian students, 23.6% of total enrollment, all of whom benefit from the public investment and resources of the University of Hawai'i including its use of the public land trust. The University's direct financial investment in the betterment of Native Hawaiians is also substantial. The University provides over \$7,000,000 per year in direct tuition benefits from current resources to advance Native Hawaiian students through public higher education. The University created and funds the Hawai'inuiākea School of Hawaiian Knowledge at the University of Hawai'i at Mānoa and the Ka Haka 'Ula O Ke'elikōlani College of Hawaiian Language at the University of Hawai'i at Hilo, which are each completely distinctive in higher education in the United States and both of which sit on ceded lands. These units advance Native Hawaiian culture and language through offering relevant and dynamic courses and programs, while also providing academic assistance and support to Native Hawaiian students. Other University campuses also operate support centers for Native Hawaiian students and offer academic programs that advance Hawaiian language and culture and inspire Native Hawaiian students.

The University also directs internal resources to better the broader Native Hawaiian community. As one example, The Department of Native Hawaiian Health in the John A. Burns School of Medicine helps to develop a comprehensive program that addresses the healthcare status of Native Hawaiians and studies health disparities that disproportionately affect Native Hawaiians and other ethnicities. Numerous other colleges and schools have specific programs to benefit Native Hawaiians.

The University fully supports the intent of the Admissions Act, the Hawai'i State Constitution and previous legislation to advance the betterment of Native Hawaiians. It has embraced its mission, as formalized in 2009 to become a model indigenous-serving university and greatly appreciates its many partnerships with OHA (along with the Ali'i Trusts and other organizations) to advance Native Hawaiian people, language, and culture. The University believes this can best be done by directing its own available resources for the betterment of Native Hawaiians through its programs and without transferring funds from public higher education to OHA or any other agency responsible for another purpose of the public land trust.

Should the legislature believe it appropriate to continue the approach of ceded land payments between parts of government, an approach that has proven problematic and contentious since first introduced, the University respectfully and strongly urges that it be expressly excluded from any reporting requirements or financial obligations to OHA associated with the University's use of public land trust. The University strives to maximize the impact of all its resources as it works to provide public higher education across the islands to ensure that all of Hawai'i's students, including Native Hawaiians, have the knowledge, skills, capacity and tenacity to meet the challenges and opportunities facing Hawai'i's families and communities in today's dynamic environment.

Thank you for your time and consideration.



KAMEHAMEHA SCHOOLS®

House Committee on Finance

Time: 2:00 p.m.

Date: Peleluali 28, 2019

Where: Capitol Room 308

TESTIMONY

By: Kau‘i Burgess

Director of Community and Government Relations

RE: HB402 HD1, Relating to Increasing the Office of Hawaiian Affairs’ pro rata share of the Public Land Trust Funds

E ka Luna Ho‘omaluku, ka Hope Luna Ho‘omaluku Cullen, a me nā Lunamaka‘āinana o kēia Kōmike, aloha!

Kamehameha Schools **SUPPORTS** HB402 HD1. We believe that this measure is an important step in the right direction in increasing the ability of the Office of Hawaiian Affairs to serve the intergenerational needs of the Native Hawaiian population.

We believe that the Office of Hawaiian Affairs should receive full and fair funding from the public land trust, as required under the State Constitution.

Consistent with our strategic plan for 2015-2020 and vision for a thriving Lāhui by the year 2040, we view the Office of Hawaiian Affairs as a valuable partner in serving Native Hawaiians and all of our community.

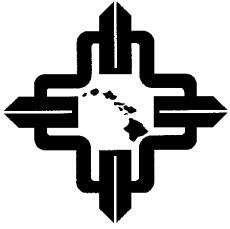
In the last six fiscal years (2011-2018), OHA awarded over \$110 million in programmatic funding, grants, and sponsorships, that address our state’s most critical issues, including environmental stewardship, food security, housing and homelessness, education, and health care. Of this amount, OHA awarded over \$30 million for educational purposes, including over \$2.5 million in FY17-18 alone.

As a result of this funding, OHA’s strategic and innovative programs and services have the capacity to help people secure housing, develop local small businesses, send students to college, engage communities in sustainable resource management in partnership with government agencies and landowners, and much more. PLT revenue is the primary source of funding for such programs, grants, and services that benefit both the Hawaiian and larger community.

Founded in 1887, Kamehameha Schools is an educational organization striving to restore our people through education and advance a thriving Lāhui where all Native Hawaiians are successful, grounded in traditional values, and leading in the local and global communities. We believe that community success is individual success, Hawaiian culture-based education leads to academic success and local leadership drives global leadership.

With this testimony, Kamehameha Schools request this committee to **PASS** HB402 HD1.

‘A‘ohe hana nui ke alu ‘ia. No task is too large when we all work together! Mahalo nui.



HAWAII HEALTH SYSTEMS

C O R P O R A T I O N

Quality Healthcare For All

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

February 28, 2019
Conference Room 308
2:00 p.m.
Hawaii State Capitol

**Testimony Providing Comments House Bill 402, H.D.1
Relating to Increasing the Office of Hawaiian Affairs' Pro Rata Share of Public
Land Trust Funds.**

**Establishes the OHA's pro rata share of the public land trust. Transfers funds to
OHA for underpayment of the public land trust funds for 7/1/2012 to 6/30/2019.
Requires the DLNR to provide an annual accounting of receipts from public land
trust lands. Appropriates funds.**

Linda Rosen, M.D., M.P.H.
Chief Executive Officer
Hawaii Health Systems Corporation

On behalf of the Hawaii Health Systems Corporation (HHSC) Corporate Board of Directors, thank you for the opportunity to present testimony **providing comments on H.B. 402, H.D.1** that establishes the OHA's pro rata share of the public land trust, transfers funds to OHA for underpayment of the public land trust funds for 7/1/2012 to 6/30/2019 and requires the DLNR to provide an annual accounting of receipts from public land trust lands.

HHSC supports the exclusion of patient service revenues from the ceded lands rental computation. The services provided by HHSC's facilities are of benefit to all of the communities we serve, which includes the Native Hawaiian population in those areas. As a result, it makes sense that those patient service revenues be excluded from the rental computation as OHA's constituents are already receiving a huge community benefit from having healthcare services provided by HHSC.

Further, the practice of continuing to have HHSC continue to pay rental income on its non-patient service revenues has a significant operating impact on a health care system that is already cash-strapped. HHSC's non-patient service revenues consist of items such as cafeteria income, medical record abstract fees, and rental income. In reality, HHSC cannot separate its non-patient service revenues from its patient service

3675 KILAUEA AVENUE • HONOLULU, HAWAII 96816 • PHONE: (808) 733-4020 • FAX: (808) 733-4028

revenues and justify paying rent on those non-patient service revenues, as they are all related to the provision of healthcare services to the community. Therefore, HHSC believes that none of its revenues should be subject to the OHA rental computation, as OHA's constituents benefit equally from the non-patient service revenues that HHSC earns as well as the patient service revenues derived from direct patient care.

Thank you for the opportunity to testify before this committee **providing comments** on this measure.



Ko`olau Foundation

P. O. Box 4749

XXXXXXXXXX

February 28, 2019

To: Rep. Sylvia Luke, Chair
Rep. Ty Cullen, Vice Chair
And Members, House Finance Committee

From: Aaron Mahi, President
Ko`olau Foundation

Re: Support for H.B. 402, H.D. 1 – Relating to Increasing the Office of Hawaiian Affairs' Pro Rata Share of Public Land Trust Funds

Aloha, Chair Luke, Vice Chair Cullen, and Committee Members:

The Ko`olau Foundation respectfully asks your support for House Bill 402, H.D. 1.

While we appreciate that the State of Hawai`i has many demands upon its resources and many pressing public concerns, this bill is about addressing a matter of debt owed by the State of Hawai`i – a debt assumed at the time when Hawai`i was accepted into the union.

It is a matter of justice for the Hawaiian people; something out of kilter, off-balance, a failure to do what is right. Consider what would happen if you bought a home, promising to pay your bank loan until the mortgage was completely paid off. If you don't make your mortgage payments, the bank would foreclose on your home.

One might use the same analogy with the Hawaiian ceded lands revenues which were promised to the Hawaiian people so many years ago.

It's time to begin the process of healing, of making things right, pono once again. Please support this bill and include at least partial payments to begin this process.

Mahalo for this opportunity to share our mana`o.



KO`OLAUPOKO HAWAIIAN CIVIC CLUB

February 27, 2019

TO: Rep. Sylvia Luke, Chair
& Members, Committee on Finance

FROM: Alice Hewett, President
Ko`olaupoko Hawaiian Civic Club

SUBJECT: H.B. 402,H.D.1- Support – OHA Funding/Public Land Trust

Aloha Chair Luke and Members of the Finance Committee:

The Ko`olaupoko Hawaiian Civic Club strongly supports passage of H.B. 402, H.D. 1, which would increase the pro rata share of public land trusts funds for the Office of Hawaiian Affairs.

As the largest Hawaiian organization in Windward O`ahu, we are deeply concerned that this delay in reconciliation between the State of Hawai`i and the Hawaiian people has continued for so long. It is clear that what was agreed to between the U.S. government and the state of Hawai`i when statehood was established was that regular payments of the Hawaiians' share of income from the use of ceded lands would be regularly paid into an account that benefits the Hawaiian people.

We urge that your committee approve this measure and allow the reconciliation process to begin anew.

Mahalo nui for your consideration of our request for support.

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



Native Hawaiian Chamber of Commerce

P.O. Box 597, Honolulu, Hawai'i 96809
nativehawaiianchamberofcommerce.com • nhccoahu@gmail.com

2018-2019 Directors
Joseph Lapilio, President
Shannon Edie, 1st Vice President
Sydney Keli'ipuleole, 2nd Vice President
Richard Fernandez, Past President
Kanoë Tjorvatjoglou-Cup Choy, Secretary
David Soong, Treasurer
Napua Harbottle
Claire K. Hughes
Denise Iseri-Matsubara
Ron Jarrett
Deborah Ho'okano Nishijo
Robby Ostrem
Robert Piper
Andrew Rosen
Sean Spencer
Timmy Wailehua
Leilani Williams-Solomon

House Committee on Finance
Rep. Sylvia Luke, Chair
Rep. Ty J. K. Cullen, Vice-Chair

February 26, 2019
2:00pm, Conference Room 308, State Capitol

HB402 HD1 Relating to Increasing the Office of Hawaiian Affairs' Pro Rata Share of Public Land Trust Funds

Aloha Chair Luke, Vice Chair Cullen and members of the House committee on Finance:

The Native Hawaiian Chamber of Commerce SUPPORTS HB402 HD1. This bill will help the State better fulfill its trust responsibilities to the Native Hawaiian community, especially through providing OHA with a higher percentage of its constitutional and statutory pro rata share of the Public Land Trust (PLT) revenue.

This bill transfers \$139 million to OHA to make up for some of the underpayment of PLT revenues from July 1, 2012 to June 30, 2019, and establishes \$35 million as the new interim pro rata share allocation to OHA. It also requires the continued annual accounting of all receipts from lands described in section 5(f) of the Admission Act and establishes a committee to recommend the annual amount of the income and proceeds from the public land trust that OHA will receive annually.

Native Hawaiians have been denied access to their fair share of trust resources for decades. The OHA pro rata share of PLT revenue is the primary source of funding for programs, grants, and services that benefit the Native Hawaiian community, and has a positive impact on all of Hawai'i. Raising the annual appropriation to \$35 million will support a wider range of strategic and innovative programs in the areas of housing, health care, education, jobs and economic development that will improve the well-being of Native Hawaiians and all of Hawai'i.

NHCC respectfully urges the committee to PASS HB402 HD1 and we mahalo you for the opportunity to submit this testimony.

NHCC is a business chamber representing the Hawaiian business voice of 300 members. Our mission is to connect and strengthen Native Hawaiian businesses and professions by building on a foundation of relationships, resources and Hawaiian values.



**HAWAIIAN AFFAIRS CAUCUS
February 27, 2019**

**TESTIMONY IN SUPPORT OF
HB402 HD1, Relating to Increasing the Office of Hawaiian Affairs (OHA) Pro Rata Share
of Public Land Trust Funds (PLT)**

Aloha mai kakou,

The Hawaiian Affairs Caucus supports HB402 HD1 that establishes the OHA's pro rata share of the Public Land Trust and transfers funds to OHA for underpayment of the PLT funds for July 2, 2012 to June 30, 2019; and requires the DLNR to provide an annual accounting of receipts from public land trust lands.

In 2006, the Office of Hawaiian Affairs and the State agreed to an interim annual amount of \$15,100,000 pending further action by the legislature to meet its constitutional obligation. In 2012, the state again acknowledged the obligation and conveyed certain lands in Kaka'ako Makai, valued at approximately \$200,000,000, to OHA for the period between Nov 7, 1978 up to and including June 30, 2012. However, since 2012, no further payments have been made to satisfy the pro rata share of the public land trust. We believe that everyone agrees that the interim annual amount of \$15,100,000 needs to be updated, especially in view of studies done on this issue that reflect that the 20% of Public Land Trust receipts far exceeds the \$15.1 million set aside annually.

We have been at this issue for several years now and we believe OHA has shown good faith in trying to work with the State on this issue. In 2016, the legislature established a Public Land Trust negotiating committee to discuss updating Native Hawaiians' interim Public Land Trust share; however, the committee was only convened once by the Governor and failed to make any meaningful progress in its work.

The Public Land Trust revenue is the primary source of funding for programs, grants and services that benefit both the Native Hawaiian and larger communities. Statistical data on the status of Native Hawaiians in health, in education, in housing, etc, reflect significant needs that could be addressed with updated PLT funds. Delaying such increases delays progress in addressing these needs.

In this testimony, we should also like to extend our appreciation to Chair Luke for hearing this bill and to the House Committee on Water, Land, and Hawaiian Affairs for passing out of their committee HB402 HD1 and to the 26 House members who introduced this bill. It is very clear that these legislators understand the State's constitutional obligation to provide an adequate amount of income and proceeds as the pro rata portion of the public land trust for the betterment of the conditions of Native Hawaiians. They, like us, wish to get this issue resolved.

Please pass HB402 HD1.

Mahalo

LEIMOMI KHAN

Chair

Distribution List

Representative Luke
Members, House Committee on Finance

Introducers:

Representative Holt
Representative Aquino
Representative Brower
Representative Creagan
Representative DeCoite
Representative Eli
Representative Gates
Representative Har
Representative Hashimoto
Representative McKelvey
Representative Mizuno
Representative Nakamura
Representative Ching
Representative Okimoto
Representative Perruso
Representative Quinlan
Representative Say
Representative Thielen
Representative Todd
Representative Tokioka
Representative Ward
Representative Wilderger
Representative Yamane
Representative Yamashita
Representative Cachola
Representative San Buenaventura



THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS

House Committee on Finance

Pō‘ahā, Pepeluali 28, 2019
Lumi ‘Aha Kūkā 308
Ke Kapikala Moku ‘āina
415 South Beretānia Street

Re: HB420 HD1 - RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS

Aloha Luna Ho‘omalua Sylvia Luke, *Hope Luna Ho‘omalua* Ty Cullen and members of the House Committee on Finance:

The Association of Hawaiian Civic Clubs **SUPPORTS** HB402 HD1. This bill will help the State better fulfill its trust responsibilities to the Native Hawaiian community, especially through providing OHA with a higher percentage of its constitutional and statutory pro rata share of the Public Land Trust revenue. At the 57th annual convention of the Association, resolution 2016-1 was passed where it called for a more equitable annual allocation of Public Land Trust revenue to OHA for its pro rata share and for the State to provide funds to address the years of underpayment.

The original bill transfers \$139 million to OHA to make up for some of the underpayment of public land trust revenues from July 1, 2012 to June 30, 2019; establishes \$35 million as the new interim pro rata share allocation to OHA; requires the continued annual accounting of all receipts from lands described in section 5(f) of the Admission 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 Native Hawaiian community has been denied access to their trust resources for decades. The OHA pro rata share of PLT revenue is the primary source of funding for programs, grants and services that benefit the Native Hawaiian community, and has positive effect on all of Hawai‘i. Raising the annual appropriation to \$35 million will support a wider range of strategic and innovative programs—including housing, health care, education, business opportunities, and job opportunities—that will improve the well-being and conditions of Native Hawaiians and all of Hawai‘i.

Thus, the Association respectfully urges the Committee to **PASS** HB402 HD1.

The civic club movement was founded in 1918 by Congressional Delegate Prince Jonah Kūhiō Kalanianaʻole with the creation of the Hawaiian Civic Club in Honolulu, Oʻahu; the Association was formally organized in 1959 and has grown to a confederation of over sixty (60) Hawaiian Civic Clubs located throughout the State of Hawaiʻi and the United States. The Association is the oldest Hawaiian community-based grassroots organization. The Association is governed by a 16-member Board of Directors; advocates for improved welfare of Native Hawaiians in culture, health, economic development, education, social welfare, and nationhood; and perpetuates and preserves language, history, music, dance and other Native Hawaiian cultural traditions.

Mahalo for allowing us to share our *mana ʻo*.

Me ka ʻoia ʻi ʻo,

Hailama Farden
Pelekikena

***ASSOCIATION OF HAWAIIAN
CIVIC CLUBS***

A RESOLUTION

16 - 1

**URGING THE GOVERNOR OF THE STATE OF HAWAI'I TO CONVENE THE
PUBLIC LAND TRUST REVENUES NEGOTIATING COMMITTEE**

WHEREAS, the House of Representatives of the Twenty-eighth Legislature of the State of Hawai'i, Regular Session of 2016, the Senate concurring, adopted a concurrent H.C.R. No. 188 H.D. 1 S.D. 1, requesting the Governor convene a Public Land Trust Revenues Negotiating Committee (Committee); and

WHEREAS, the Committee is to discuss the income and proceeds from the public land trust that the Office of Hawaiian Affairs (OHA) should receive annually pursuant to the State Constitution and other State laws; and

WHEREAS, the Committee is to be comprised of the Governor or designee, the President of the Senate or designee, the Speaker of the House of Representatives or designee, the Chairperson of the OHA or designee; and

WHEREAS, the State of Hawai'i has fiduciary responsibilities as the trustee of the public land trust established by section 5(f) of the Admission Act of 1959; and

WHEREAS, in 1978 the people of Hawai'i overwhelmingly ratified amendments to the constitution, including Article XII, section 6, which established OHA; and

WHEREAS, OHA has a right to receive a pro rata portion of the public land trust for one of the five express purposes of the public land trust – the betterment of the conditions of Native Hawaiians; and

WHEREAS, pursuant to its fiduciary obligations, the state of Hawai'i enacted Act 273, S.L.H. 1980, codified as Hawaii Revised Statute (HRS) section 10-13.5, which defined OHA's pro rata share as "twenty percent of all funds derived from the public land trust"; and

WHEREAS, OHA and the State litigated over the scope of revenue subject to OHA's pro rata share starting in the 1980s, which ultimately led to a dismissal by the court because HRS section 10-13.5 did not provide the court sufficient "judicially discoverable and manageable standards" and therefore could not be decided without initial policy determinations by the legislature; and

WHEREAS, for decades OHA and the State have disagreed on how to calculate OHA's pro rata share of the public land trust as well as whether certain revenue streams should be subject to OHA's minimum twenty percent share; and

WHEREAS, Act 178, SLH 2006, temporarily established OHA's pro rata share of the income and proceeds of the public land trust for the betterment of the conditions of Native Hawaiians at \$15,100,000 annually and required State agencies to report public land trust revenues to the legislature each year; and

WHEREAS, the State's annual payments to OHA for its portion of the public land trust, which are calculated using historically-undisputed revenue streams, have resulted in overages over the temporary \$15,100,000 allotment requiring OHA to return millions of dollars to the State starting in fiscal year 2013; and

WHEREAS, a decade has passed since the enactment of Act 178, SLH 2006, it is now appropriate for the State and the OHA to re-examine the annual figure of \$15,100,000 in light of information, data, and facts provided to the Legislature by State agencies over the last three fiscal years concerning revenues of the public land trust; and

WHEREAS, the Hawai'i Supreme Court has repeatedly held that the Legislature has a constitutional obligation to clarify the pro rata portion of revenues derived from the public land trust to which OHA is entitled for the benefit of Native Hawaiians under Article XII, sections 4 and 6 of the Hawai'i State Constitution; and

WHEREAS, OHA relies substantially on revenues derived from the public land trust to manage over 27,000 acres of conservation and agricultural lands, advocate for policies that better the conditions of Native Hawaiians, monitor government actions to ensure their compliance with environmental laws and the public trust, and provide community grants and scholarships; and

WHEREAS, the convening of the Committee would be a positive step towards improving the civic, economic, social welfare, and health of Native Hawaiians and the larger State community.

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs at its 57th annual convention at Las Vegas, Nevada this 19th day of November 2016, that it urges the Governor of the State of Hawai'i to convene the Public Land Trust Revenues Negotiating Committee; and

BE IT FURTHER RESOLVED, that as part of the negotiated settlement the State shall provide at least twenty percent of all public land trust revenue to OHA moving forward; and

BE IT FURTHER RESOLVED, that the State shall provide all back funds based on the minimum twenty-percent pro rata share that has not been transferred to OHA since its Constitutional creation; and

BE IT FURTHER RESOLVED, that OHA and the State introduce legislation to formalize such agreement by the 2018 legislative session; and

BE IT FURTHER RESOLVED, that the Legislature determine the policy for judicially discoverable and manageable standards; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Governor of the State of Hawai'i, President of the State Senate, Speaker of the State House of Representatives, Chair of the State Senate Committee on Hawaiian Affairs, Chair of the State House Committee on Ocean, Marine Resources, & Hawaiian Affairs, Chair of the Board of Trustees of the Office of Hawaiian Affairs, and all County Mayors.



The undersigned hereby certifies that the foregoing Resolution was duly adopted on the 19th day of November 2016, at the 57th Annual Convention of the Association of Hawaiian Civic Clubs in Las Vegas, Nevada.

Annelle C. Amaral

Annelle C. Amaral, President



Luna O Na Papa Alakai

House Finance Committee

Pelekikena
A. Makana Paris

Thursday, February 28, 2019
2:00 pm House Conference Room 308
State Capitol
415 South Beretania Street

Hope Pekekikena
Ekahi
Randi Fernandez

Hope Pelekikena
Elua
Matthew Gumapac

RE: HB402 HD1 - RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS

Puuku
Denise Kekuna

Aloha Sylvia Chair Luke, Vice-Chair Ty Cullen and honorable members:

Kakauolelo Hoopaa
Sai Furukawa

The Prince Kūhiō Hawaiian Civic Club **SUPPORTS** HB402 HD1. The bill will allow the State to more fully act upon its trust *kuleana* (responsibility) to Native Hawaiians by allocating to the Office of Hawaiian Affairs (OHA) a more just pro rata share of the Public Land Trust revenue.

Kakauolelo Hooholo
Palapala
Kamuela Werner

The bill in its original form transfers \$139 million to OHA for back funds owed from July 1, 2012 to June 30, 2019; establishes \$35 million as the new interim pro rata share allocation to OHA; requires the better accounting of revenue generation on 5(f) lands; and creates a public land trust revenue committee to make recommendations on the appropriate pro rata share that OHA shall receive annually every six years.

Pelekikena Hala
Koke
Yvonne 'PeeWee'
Ryan

Native Hawaiians enjoy a trust relationship with the State. OHA is the entity in which Native Hawaiians as trust beneficiaries are able to access their trust resources in the form of grants, services, programs, scholarships, and loans. By raising the annual appropriation to \$35 million, and by granting the back underpayments of approximately \$139 million, the Native Hawaiians community will be able to access more of their trust resources and will be able improve their well-being and better the conditions for all of Hawai'i.

Luna Alakai
Kuni Agard
Puamana Crabbe
Kanani Pali
Marlene Sai
Jennifer Smythe
Bruce Wong

Thus, the Prince Kūhiō Hawaiian Civic Club respectfully urges the Committee to **PASS** HB402 HD1.

Mailing Address:
P.O. Box 4728
Honolulu ~ Hawaii
96812

Mahalo nui loa.

www.pkhcc.org

Me ke aloha,

A. Makana Paris
Pelekikena
president@pkhcc.org

Founded in 1964
by Liliuokalani
Kawananakoa Morris



O`ahu County Committee on Legislative Priorities

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

DATE: Thursday, February 28, 2019
TIME: 2:00 p.m.
PLACE: Conference Room 308
State Capitol

RE: HB 402, HD 1, Relating to Increasing the Office of Hawaiian Affairs' Pro Rata Share of the Public Land Trust Funds

To the Honorable Sylvia Luke, Chair; the Honorable Ty J.K. Cullen, Vice Chair; and Members of the Committee on Finance:

My name is Melodie Aduja and I serve as Chair of the O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i ("DPH"). Mahalo for this opportunity to submit testimony on HB 402, HD 1. The O`ahu County Committee on Legislative Priorities ("OCCLP") hereby submits its testimony in **SUPPORT of HD 402, HD 1, Relating to Increasing the Office of Hawaiian Affairs' Pro Rata Share of the Public Land Trust Funds.**

HB 402, HD 1, establishes the OHA's pro rata share of the public land trust; transfers funds to OHA for underpayment of the public land trust funds for 7/1/2012 to 6/30/2019; requires the DLNR to provide an annual accounting of receipts from public land trust lands; and appropriates funds. (HB402 HD1).

In 1978, the state constitution was amended to establish the office of Hawaiian affairs and its board of trustees. Article XII, section 6 of the state constitution provides as follows: The board of trustees of the Office of Hawaiian Affairs shall exercise power as provided by law to manage and administer the proceeds from the sale or other disposition of the lands, natural resources, minerals and income derived from whatever sources for native Hawaiians and Hawaiians, including all income and proceeds from that pro rata portion of the trust referred to in section 4 of this article for native Hawaiians; to formulate policy relating to affairs of native Hawaiians and Hawaiians; and to exercise control over real and personal property set aside by state, federal or private sources and transferred to the board for native Hawaiians and Hawaiians.

The board shall have the power to exercise control over the Office of Hawaiian Affairs through its executive officer, the administrator of the Office of Hawaiian Affairs, who shall be appointed by the board.

Act 273, Session Laws of Hawaii 1980, enacted section 10-13.5, Hawaii Revised Statutes, to implement the office of Hawaiian affairs' pro rata share and provide that "[t]wenty 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."

Native Hawaiians are the indigenous people of Hawai'i and deserve a just relationship with the State and Federal Governments. We support the growth of Native Hawaiian farming, agricultural and healing practices. We value and wish to foster the preservation of our host culture. We support the efforts of Native Hawaiians to pursue self-determination. We also support their right to pursue the international rights of Native Hawaiian people.

We acknowledge the past injustices and the misguided, harmful Federal and State policies and actions based on outdated and discredited values and beliefs that resulted in the destruction of the Hawaiian Nation's economies, social, and religious systems, the taking of their lands, and the creation of intergenerational trauma that exists to this day. We believe that we have a moral and profound duty to honor, respect, and uphold our sacred obligation to the Hawaiian Nation State and the Hawaiian people.

DPH also supports efforts for self-governance and self-determination of Native Hawaiians whose values are the foundation of the Hawaiian Islands. We support proactive actions by the Federal and State governments to enhance Native Hawaiian culture, health, language, and education. We recognize and honor the contributions and sacrifices made in service to our county by Native Hawaiians.

We support the continued engagement and empowerment of the Native Hawaiian community in decisions related to county and state affairs. *Democratic Party of Hawai'i Platform (2018), p. 15, ln. 32-50.*

The Democratic Party of Hawaii's 2018 Platform makes is clear that OHA is to be reinstated of its "full percentage of Public Land Trust Revenues set aside for the betterment of Native Hawaiians (20% of public land trust revenues)." *Democratic Party of Hawai'i Platform (2018), p. 2, ln. 17-19.*

For the foregoing reasons, to wit, Act 273, Session Laws of Hawaii 1980, enacted section 10-13.5, Hawaii Revised Statutes, to implement the office of Hawaiian affairs' pro rata share by providing twenty per cent of all funds derived from the public land trust to be expended by the Office of Hawaiian Affairs, OCCLP supports HB 402, HD 1, and urges its passage out of the Committee on Finance.

Mahalo nui loa
Me ka `oia`i`o

/s/ *Melodie Aduja*

Melodie Aduja

Chair, O`ahu County Committee on Legislative Priorities of the Democratic Party of
Hawai`i

Ph. (808) 258-8889

Email: legislativepriorities@gmail.com

HB-402-HD-1

Submitted on: 2/27/2019 12:03:00 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Kanealii	Kailapa Community Association	Support	No

Comments:

I **STRONGLY SUPPORT HB402**, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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.

We believe that it is time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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. At that point OHA could fund more of the Native Hawaiian beneficiaries projects on Hawaiian Homelands vs us forced to go to the Legislature to get funds for our projects that impact not only our people but of the broader community at large.

Therefore, I respectfully urge the Committee to **PASS HB 402**.

Mahalo Nui,

Diane Kanealii, Executive director

Kailapa community Association

February 27, 2019

COMMITTEE ON FINANCE, STATE HOUSE OF REPRESENTATIVES

Rep. Sylvia Luke, Chair

Rep. Ty J.K. Cullen, Vice Chair

Hearing Date: February 28, 2019

Time: 2:00 p.m.

Location: Conference Room 308, Hawaii State Capitol

Re: HB 402, HD1, Relating to Increasing the Office of Hawaiian Affairs Pro Rata Share of Public Land Trust Funds.

Dear Representative Luke, Representative Cullen, Chair and Vice Chair of the House Committee on Finance, and Members of the House Finance Committee:

The Council for Native Hawaiian Advancement (CNHA) testifies in Strong Support of Passage of HB 402, HD 1, with the following comments and suggested amendments.

The Public Land Trust is comprised of over one million acres of former government and crown lands of the Kingdom of Hawaii unlawfully seized as part of the Kingdom of Hawaii's overthrow. By State constitutional provisions, by enacted State statutes, and by Hawaii State Supreme Court opinions , OHA is entitled to 20% of the value generated from the lands in the Public Lands Trust to accomplish its mission of "bettering the conditions of Native Hawaiians."

HB 402, as introduced, was intended to update the interim Public Land Trust payment amounts that the state and OHA agreed to in 2006 as \$15.1 million annually to an audit-supported amount going forward of \$35 million (termed "front payments" hereinafter), was intended to transfer to OHA the difference between the interim amount of \$15.1 million and the actual audit-supported amount of Public Land Trust funds that should have been tendered to OHA but-for the pre-set interim amount which has been audited and calculated to be \$139 million (called "back payments" hereinafter), was intended to resolve longstanding issues as to the process by which the state would report, account for, segregate and set aside the amounts due and owing to OHA from the revenues generated from Public Trust Lands by requiring continued reporting under the former Public Land Trust interim agreement established under Act 178 in 2006, and was intended to convene a Public Land Trust Revenue Committee every six years to make recommendations on the actual amounts of Public Land Trust revenue due and owing OHA by the state to fulfill its trust obligations to Native Hawaiians.

By way of background, the crux of the problem and the need for this legislation is that the State appears to be having great difficulty in determining the value of 100% of the earnings and revenue generated from the Public Land Trust. Given that fact, it stands to reason that reporting, accounting for, segregating, setting aside the revenues and earnings derived from the Public Land Trust, and thereby fulfilling its constitutional and statutory obligation to Hawaiians with respect to the 20%

portion of those revenues and earnings owed to OHA on behalf of Native Hawaiians, has been equally difficult and challenging for the State.

In 2006 through Act 178, the Hawaii State Legislature and the Administration enacted legislation to establish an interim payment schedule based upon its then best-estimate as to how much earnings would be generated by the Public Land Trust in toto, of which OHA would be entitled to 20%. An accounting and reporting system was established within DLNR designed to eliminate the lack of certainty as to value of the Public Land Trust with the full expectation that the corpus of the Public Land Trust and the revenues and earnings derived from it would be readily definable to a high degree of certainty. It was further expected that with these reporting and accounting systems in place that an accurate understanding of how much revenue was actually being generated by the Public Land Trust could be revisited in the future so that any shortages in the funds OHA received in comparison to the interim payments being made to OHA could be adjusted as this presumed-accurate Public Land Trust data would warrant.

Unfortunately, the DLNR's reporting, accounting for, segregating, and characterization of revenues and earnings which are part of the Public Land Trust- - and to which OHA's 20 % share is owed- - has remained vague, ambiguous, and lacking in certainty, a situation which caused OHA to commission audits by a reputable national accounting firm (KLH) of these amounts being reported and accounted for by each State agency of the Public Land Trust activities within its control and discretion.

The picture that has emerged of the state of the State's Public Land Trust accounting and reporting system is one that is lacking in certainty and rigor, making a mockery of the State's solemn obligation to "better the conditions of Native Hawaiians" by tendering 20 % of these State Public Land Trust revenues and earnings in trust to OHA for the betterment of its beneficiaries. Rather than certainty and rigor, the State appears by default to have adopted an honor system of Public Land Trust reporting and accounting, one where each State agency appears to have wide discretion to characterize lands and activities as within or without the Public Land Trust, making it difficult for the State to be able to accurately account to its Native Hawaiian beneficiaries as to whether it has tendered to OHA and its beneficiaries what OHA and its Native Hawaiian beneficiaries are actually owed.

HB 402 was intended to address these issues by establishing a back-payment amount of Public Land Trust revenues that are due and owing OHA on behalf of its Native Hawaiian beneficiaries(\$139 million), by establishing a front-payment interim amount (\$ 35 million), by setting up a process to assure better and more accurate Public Land Trust revenue and earnings data, and by establishing a Public Land Trust Revenues Committee to revisit the accuracy of the front-payment interim amount in the future.

Your Water, Land, and Hawaiian Affairs committee has made a number of amendments to HB 402 which it has proffered and reported out as HB 402 HD 1, which CNHA would respectfully ask the Finance committee to strike and instead to return to SB 402 as originally introduced.

This Public Land Trust issue has languished long enough. It is time for our elected officials to address it in a fair and equitable manner for once and for all.

We respectfully ask that HB 402 be passed out of your Finance Committee as originally introduced.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Kunio Lewis', with a stylized flourish at the end.

J. Kunio Lewis
Chief Executive Officer



KE ONE O KĀKŪHIHEWA

O'ahu Council of the
Association of Hawaiian Civic Clubs

BENTON KEALII PANG, PH.D.,-HAWAIIAN CIVIC CLUB OF
HONOLULU
PELEKIKENA

JACOB KA'ŌMAKAOKALĀ AKI-KING KAMEHAMEHA HCC
HOPE PELEKIKENA

KALANI L. KA'ANĀ'ANĀ-KAILUA HCC
HOPE PELEKIKENA 'ELUA

ALBERTA LOW-PEARL HARBOR HCC
PU'UKŪ

ROTH PUAHALA -KING KAMEHAMEHA HCC
PELEKIKENA IHO NEI

TERI LOO-KO'OLAUPOKO HCC
KĀKAU 'ŌLELO

CHRISTINE "CHRISSY" ANJO-PEARL HARBOR HCC
HOLE KĀKAU 'ŌLELO

'AHAHUI SIWILA HAWAII O KAPOLEI
LANCE HOLDEN

ALI'I PAUHI HCC
KEHAULANI LUM

'EWA-PU'ULOA HCC
MARLEEN KAU'I SERRAO

HCC OF HONOLULU
MANU BOYD

KAILUA HCC
MAPUANA DE SILVA

KALIHĪ-PĀLAMA HCC
KAIMO MUHLESTEIN

KING KAMEHAMEHA HCC
LETANI PELTIER

KO'OLAULOA HCC
RANAE "TESSIE" FONOIOMOANA

KO'OLAUPOKO HCC
ALICE P. HEWETT

LUALUALEI HCC
SHIRLINE HO

MĀKAHA HCC
LUANN LANKFORD-FABORITO

MĀLAMA MELE O HAWAII
JANET ABRIGO

MAUNALUA HCC
ROSE KITTY SIMONDS

NA LANI 'EHA HCC
R. KELANI RAMOS

NĀNĀIKAPONO HCC
JAYCINE HICKS

PAPAKŌLE'A HCC
KEALI'I LUM

PEARL HARBOR HCC
KU'UMEALOHA GOMES

PRINCE KŪHIŌ HCC
A. MAKANA PARIS

PRINCESS KAI'ULANI HCC
LEIMANA DAMATE

QUEEN EMMA HCC
RAWLETTE P. KRAUT

HCC OF WĀHIWA
MARIE "MĀLIA" DOO

HCC OF WAIALUA
MAKALAPUA CASSON-FISHER

WAI'ANAE HCC
CYNTHIA ENRIQUEZ

WAIKĪŪ HCC
L. PI'KEA TOMCZYK

HCC OF WAIMĀNALO
FAITH KA'IAMA

REP. SYLVIA LUKE (CHAIR), REP. TY CULLEN (VICE-CHAIR), AND
THE HOUSE COMMITTEE ON FINANCE

SUPPORT FOR HB402 RELATING TO INCREASING THE OFFICE
OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND
TRUST FUNDS
FEBRUARY 26, 2019

Aloha Rep. Sylvia Luke (Chair), Rep. Ty Cullen (Vice-Chair), and the
House Committee on Finance,

As Pelekikena (President) of Ke One O Kākūhihewa (O'ahu Council-
Association of Hawaiian Civic Clubs) and its 25 Hawaiian Civic Clubs, we
support HB402 HDI RELATING TO INCREASING THE OFFICE OF
HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST
FUNDS. This bill establishes the OHA's pro rata share of the public land
trust, transfers funds to OHA for underpayment of the public land trust
funds for 7/1/2012 to 6/30/2019, and requires the DLNR to provide an
annual accounting of receipts from public land trust lands. At its 58th
annual convention, our Association of Hawaiian Civic Clubs
(Association), for which we are a member, adopted resolution 2017-35
that urged the Department of Land and Natural Resources to report on
the Public Land Trust Information System and to clarify the Public Land
Trust (PLT) revenue. At its 57th annual convention, the Association
adopted resolution 2016-1 that calls for a more equitable annual
allocation of PLT revenue to OHA for its pro rata share and for the
State to provide funds to address the years of underpayment. The
appropriate annual allocation of PLT revenue can be more fairly
determined through better accounting and reporting on PLT revenues
across the state. As such, we support that all PLT receipts must be
accounted for, including those receipts that a department or agency
believes may not be subject to the Office of Hawaiian Affairs' pro rata
share; and requiring all entities of the State that hold PLT lands, including
the Department of Land and Natural Resources, to consult with OHA to
ensure that the accounting is accurate and inclusive and requiring certain
explanations and determinations regarding the amount of receipts
transferred to OHA.

The Native Hawaiian community has been denied access to its fair share
of trust resources for decades. The OHA pro rata share of PLT revenue
is the primary source of funding for programs, grants and services that





benefit the Native Hawaiian community, and has a positive impact on all of Hawai'i. Having more accurate reporting on PLT revenues, will allow the legislature to adjust the annual OHA appropriation to a just and fair amount. These resources will support a wider range of strategic and innovative programs--including in the areas of housing, health care, education, business opportunities, and job opportunities--that will improve the well-being and conditions of Native Hawaiians and, indeed, all of Hawai'i.

Thus, our council urges this committee PASS HB402 HD1.

Ke One O Kakūhihewa is a native Hawaiian council made up of 25 civic clubs on the island of O'ahu. Our oldest member, Hawaiian Civic Club of Honolulu was established by Prince Jonah Kūhiō Kalaniana'ole on December 7, 1918.

Sincerely,

Benton Kealii Pang, Ph.D.



HB-402-HD-1

Submitted on: 2/27/2019 10:24:58 AM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Leatrice Maluhia Kauahi	Hawaiian Civic Club of Honolulu	Support	No

Comments:

Aloha Chair Luke, Vice-Chair Cullen and members of the House committee on Finance:

HCCH Scholarship Fund SUPPORTS HB-402 HD1. This bill will help the State better fulfill its trust responsibilities to the Native Hawaiian community through providing OHS with its constitutional and statutory right to a pro rata share of the Public Land Trust (PLT) revenue. The Native Hawaiian community has been denied access to their trust resources for far too long. The OHA prorata share of PLT revenue is the primary source of funding for programs, grants and services that benefit the Native Hawaiian Community, and has positive effect on all of Hawai'i. Raising the interim annual appropriation to \$35 m and providing the \$139 million in back payments will support programs that positively impact trust beneficiary housing, health care, education, business opportunities, and job opportunities. This will ultimately improve the well-being and conditions of Native Hawaiians and all of Hawai'i.

Please do the pono action. As a scholarship fund since 1931 we have issued more than \$1.1 million in scholarships to approximately more than 1,800 awardees. We have counted on OHA to assist on our annual Scholarship Fundraising efforts. We, as Hawaiians, need the partnership of OHA, and we are doing the pono actions as well in assisting to the betterment of OUR Hawaiian people and OUR HAWAI'I NEI. Mahalo piha.

Testimony of Denver Saxton Coon on behalf of Trilogy Corporation, in strong support of HB402, relating to increasing the Office of Hawaiian Affairs' pro rata share of Public Land Trust funds.

Aloha. My name is Denver Saxton Coon. I am general counsel for Trilogy Corporation dba Trilogy Excursions. Trilogy Excursions has been operating on the island of Maui and Lanai for over 45 years. Trilogy Excursions is dedicated to educating its guests about the Hawaiian culture and giving back to our island community.

HB402 will help the Native Hawaiian community by providing the Office of Hawaiian Affairs (OHA) with its constitutional and statutory right to a pro rata share of the Public Land Trust (PLT) revenue, a portion of which is derived from ocean tourism companies like Trilogy Excursions.

The OHA pro rata share of PLT revenue is the primary source of funding for programs, grants, and services that benefit the Native Hawaiian community, and has a positive effect on all of Hawai'i. Raising the interim annual appropriation to \$35 million and providing the \$139 million in back payments will support programs that positively impact trust beneficiary housing, health care, education, business opportunities, and job opportunities for Native Hawaiians. An increased share of the PLT revenue will help to ensure the protection and perpetuity of both the Native Hawaiian community and the Hawaiian culture.

Trilogy Excursions humbly requests that the committee pass HB402.

Mahalo,

Denver Saxton Coon
Trilogy Corporation
General Counsel

HB-402-HD-1

Submitted on: 2/26/2019 11:45:33 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kealii Reichel	Halau Ke'alaokamaile	Support	No

Comments:

Aloha Chair Luke, Vice-Chair Cullen and members of the House committee on Finance:

Hā• Iau Ke'alaokamaile SUPPORTS HB402 HD1. This bill will help the State better fulfill its trust responsibilities to the Native Hawaiian community through providing OHA with its constitutional and statutory right to a pro rata share of the Public Land Trust (PLT) revenue.

The Native Hawaiian community has been denied access to their trust resources for far too long. The OHA pro rata share of PLT revenue is the primary source of funding for programs, grants and services that benefit the Native Hawaiian community, and has positive effect on all of Hawai'i. Raising the interim annual appropriation to \$35 million and providing the \$139 million in back payments will support programs that positively impact trust beneficiary housing, health care, education, business opportunities, and job opportunities. This will ultimately improve the well-being and conditions of Native Hawaiians and all of Hawai'i.

Hā• Iau Ke'alaokamaile urges the committee to PASS HB402 HD1, and return to the Native Hawaiians what is theirs.

HB-402-HD-1

Submitted on: 2/27/2019 11:49:48 AM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Byron Ho	NHCC	Support	No

Comments:

House Committee on Finance

Rep. Sylvia Luke, Chair

Rep. Ty J.K. Cullen, Vice-Chair

February 26, 2019

2:00 pm Conference Room 308

State Capitol

415 South Beretania Street

HB402 HD1 - RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO

RATA SHARE OF PUBLIC LAND TRUST FUNDS

Aloha Chair Luke, Vice-Chair Cullen and members of the House committee on Finance: I, Byron Ho, SUPPORT HB402 HD1. This bill will help the State better fulfill its trust responsibilities to the Native Hawaiian community through providing OHA with its constitutional and statutory right to a pro rata share of the Public Land Trust (PLT) revenue.

The Native Hawaiian community has been denied access to their trust resources for far too long.

The OHA pro rata share of PLT revenue is the primary source of funding for programs, grants

and services that benefit the Native Hawaiian community, and has positive effect on all of

Hawai'i. Raising the interim annual appropriation to \$35 million and providing the \$139 million

in back payments will support programs that positively impact trust beneficiary housing, health

care, education, business opportunities, and job opportunities. This will ultimately improve the

well-being and conditions of Native Hawaiians and all of Hawai'i.

I urge the committee to PASS HB402 HD1, and return to the Native Hawaiians what is theirs.

Center for Hawaiian Sovereignty Studies
46-255 Kahuhipa St. Suite 1205
Kane'ohe, HI 96744
(808) 247-7942
Kenneth R. Conklin, Ph.D. Executive Director
e-mail Ken_Conklin@yahoo.com
Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON FINANCE
For hearing Thursday, February 28, 2019

Re: HB 402, HD1

RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS.
Establishes the OHA's pro rata share of the public land trust. Transfers funds to OHA for underpayment of the public land trust funds for 7/1/2012 to 6/30/2019. Requires the DLNR to provide an annual accounting of receipts from public land trust lands. 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 39 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. 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.

5. 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.

6. 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.

7. 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 \$662 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. 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?

5. 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>

6. 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 \$662 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!

7. The dollar amount for future annual payments to be 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.

The first draft of 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 the next fiscal year. Furthermore this bill would transfer to the office of Hawaiian affairs a sum of \$139,000,000 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, 2019.

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.

HB-402-HD-1

Submitted on: 2/26/2019 2:07:12 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth Ho, Jr.	Individual	Support	No

Comments:

I **STRONGLY SUPPORT HB402**, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402**.

HB-402-HD-1

Submitted on: 2/26/2019 2:08:04 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tadia Rice	Individual	Support	No

Comments:

HB-402-HD-1

Submitted on: 2/26/2019 2:22:00 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Puni Kekauoha	Individual	Support	No

Comments:

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402**.

HB-402-HD-1

Submitted on: 2/26/2019 2:50:36 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

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

Comments:

Mahalo for the opportunity to testify in **STRONG SUPPORT of HB402 HD1**, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay**, it is finally time to **revisit Native Hawaiians' fair share of PLT revenues**. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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.

Mahalo for the opportunity to testify!

Rhonda Roldan

From: Jade Perreira <jadeperr@hawaii.edu>
Sent: Tuesday, February 26, 2019 2:38 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: Nani Lovell <nlove08054@yahoo.com>
Sent: Tuesday, February 26, 2019 2:41 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Sent from my iPhone

From: Tilton Tavares <sailawaytava@gmail.com>
Sent: Tuesday, February 26, 2019 2:35 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: Leslie Goo <lono@makaihawaii.com>
Sent: Tuesday, February 26, 2019 2:35 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Aloha this email is sent from my iPhone! Please excuse any mistakes! Have a great day!

From: Elizabeth Kuluwaimaka <konawaileo@yahoo.com>
Sent: Tuesday, February 26, 2019 2:33 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 portion of PLT revenues. After years of unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians annual share 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 402.

Mahalo,

Elizabeth Kuluwaimaka

[Sent from Yahoo Mail on Android](#)

From: Moana Lee <ljmoana@msn.com>
Sent: Tuesday, February 26, 2019 2:28 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: John Kalahui Rosa <jhawaiian808@gmail.com>
Sent: Tuesday, February 26, 2019 2:21 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: Kai'ena Bishaw II <nknm.inc@gmail.com>
Sent: Tuesday, February 26, 2019 2:19 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: skbertram01@aol.com
Sent: Tuesday, February 26, 2019 2:19 PM
To: FINtestimony
Subject: Strongly Support HB402

To all concerned,

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Sheila Keikilani Bertram

From: Karissa Steele <ihilanisarah@yahoo.com>
Sent: Tuesday, February 26, 2019 2:12 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Sent from my iPhone

From: Rosemary Fujimoto <rosemaryfujimoto@gmail.com>
Sent: Tuesday, February 26, 2019 2:14 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: Lawrence Sanoria <lehuasol@gmail.com>
Sent: Tuesday, February 26, 2019 2:07 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: James mauhili <jmauhili@outlook.com>
Sent: Tuesday, February 26, 2019 2:05 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Sent from my Samsung Galaxy , an AT&T LTE smartphone

From: Kelley L. Uyeoka <kuyeoka@hawaii.edu>
Sent: Tuesday, February 26, 2019 2:05 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Mahalo,
Kelley L. Uyeoka

From: swopeboy50 <swopeboy50@gmail.com>
Sent: Tuesday, February 26, 2019 2:47 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Sent from my Verizon, Samsung Galaxy smartphone

From: Anela <puatuberose@gmail.com>
Sent: Tuesday, February 26, 2019 2:44 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: Davianna McGregor <davianna@hawaii.edu>
Sent: Tuesday, February 26, 2019 2:43 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

HB-402-HD-1

Submitted on: 2/26/2019 3:26:26 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lise Vaughan Sekona	Individual	Support	No

Comments:

I **STRONGLY SUPPORT HB402**, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402**.

HB-402-HD-1

Submitted on: 2/26/2019 3:33:02 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen T Hazam	Individual	Support	No

Comments:

I strongly support HB402

HB-402-HD-1

Submitted on: 2/26/2019 3:34:35 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamuela Werner	Individual	Support	No

Comments:

Aloha mai:

I strongly SUPPORT HB402 HD1.

Me ke aloha,

Kamuela Werner, MPH

Wai'anae Resident

HB-402-HD-1

Submitted on: 2/26/2019 3:44:29 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
William Haole	Individual	Support	No

Comments:

I **STRONGLY SUPPORT HB402**, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402**.

From: Kanani DeLary <kanani.delary@gmail.com>
Sent: Tuesday, February 26, 2019 3:28 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: ANITA NAONE <anitanaone@msn.com>
Sent: Tuesday, February 26, 2019 3:07 PM
To: FINtestimony
Subject: Testimony to Strongly Support HB402

Aloha House Committee

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues.

Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 as a Native Hawaiian urge the Committee to PASS HB 402.

Anita Mae K. Naone
605 Alihi Place
Kailua, Oahu 96734

From: Sharol Sisneros <desireurfuture@gmail.com>
Sent: Tuesday, February 26, 2019 3:41 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: Walter Pu <puhanawalter@aol.com>
Sent: Tuesday, February 26, 2019 3:58 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Sent from my iPhone

From: Lori Honl <honl007@gmail.com>
Sent: Tuesday, February 26, 2019 3:47 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Lori Honl
Holualoa, Hawai'i

From: Linn Merlitti <lmerlitti@aol.com>
Sent: Tuesday, February 26, 2019 3:51 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Sent from my iPhone

From: Andy Anderson <607andy@gmail.com>
Sent: Tuesday, February 26, 2019 3:53 PM
To: FINtestimony
Subject: Strongly Support HB402

I COMPLETELY SUPPORT HB402, seeking to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled properly, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is now time to revisit Native Hawaiians' fair share of PLT revenues. FINALLY. And, importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402. VR. Robert Anderson

Sent from my iPhone

From: . <pono1717@aol.com>
Sent: Tuesday, February 26, 2019 4:03 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.,

Cordially,

Earl S. Tenn

HB-402-HD-1

Submitted on: 2/26/2019 4:03:57 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bradford Baang	Individual	Support	No

Comments:

HB-402-HD-1

Submitted on: 2/26/2019 4:36:09 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Kapela Davis	Individual	Support	No

Comments:

Dear Committee Members:

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to the Office of Hawaiian Affairs (OHA) for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402**.

Thank you for allowing me this opportunity to submit my testimony,

-Kapela-

HB-402-HD-1

Submitted on: 2/26/2019 4:47:01 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

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

Comments:

I **STRONGLY SUPPORT HB402 HD1**, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 HB402 HD1**.

HB-402-HD-1

Submitted on: 2/26/2019 5:21:43 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	Individual	Support	Yes

Comments:

From: Phillip Goff <phillgoff8@gmail.com>
Sent: Tuesday, February 26, 2019 5:20 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: N Cockett <natiacockett@gmail.com>
Sent: Tuesday, February 26, 2019 5:13 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: Aurora <triprems@aurorahawaii.com>
Sent: Tuesday, February 26, 2019 4:58 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Sent from [BlueMail](#)

From: donnie sommer <desommer@yahoo.com>
Sent: Tuesday, February 26, 2019 4:55 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: Laurie Burdett <lkeola@hotmail.com>
Sent: Tuesday, February 26, 2019 4:23 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Laurencia Burdett
Aiea, Hawaii

From: Syd <sfolee8@aol.com>
Sent: Tuesday, February 26, 2019 4:57 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Sent from my iPhone

FIN-Jo

From: Carolynn Cardenas <carolynnc@csu.fullerton.edu>
Sent: Tuesday, February 26, 2019 5:52 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (3) Requiring continued an nual 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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Carolynn Cardenas
Speech and Language Pathologist-CCC
Sent from my iPhone

FIN-Jo

From: kaawamaile@yahoo.com
Sent: Tuesday, February 26, 2019 5:50 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Sent from my iPad

FIN-Jo

From: John Kealoha <johnkealoha@rocketmail.com>
Sent: Tuesday, February 26, 2019 5:50 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Sent from my iPhone

FIN-Jo

From: Richard Dominguez <richardmaui1964@yahoo.com>
Sent: Tuesday, February 26, 2019 5:50 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Sent from my iPhone

FIN-Jo

From: hawaiiहितiguy@gmail.com
Sent: Tuesday, February 26, 2019 5:50 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Sent from my iPhone

From: Charles Kawai Kealoha <charles@mahalotoursandtrans.com>
Sent: Tuesday, February 26, 2019 5:50 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: Momi Suzuki <momisuzuki@gmail.com>
Sent: Tuesday, February 26, 2019 5:43 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402. Thanks

From: S S <shsmith800@msn.com>
Sent: Tuesday, February 26, 2019 5:27 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

FIN-Jo

From: Jayna Weatherwax <jlweatherwax808@gmail.com>
Sent: Tuesday, February 26, 2019 7:14 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

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Sent from Gmail Mobile

From: arlenevida@aol.com
Sent: Tuesday, February 26, 2019 6:46 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

FIN-Jo

From: Toni Eaton <toni7041@yahoo.com>
Sent: Tuesday, February 26, 2019 7:21 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Mahalo
T. Eaton

Sent from my iPhone

FIN-Jo

From: Oscarbreeze <oscarbreeze@att.net>
Sent: Tuesday, February 26, 2019 6:44 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Sent from my iPad

From: Vanessa Lee <piihonua@yahoo.com>
Sent: Tuesday, February 26, 2019 6:12 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: John Kalahui Rosa <jhawaiian808@gmail.com>
Sent: Tuesday, February 26, 2019 5:27 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

HB-402-HD-1

Submitted on: 2/26/2019 7:44:59 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua Michaels	Individual	Support	No

Comments:

Aloha Chair Luke, Vice-Chair Cullen and members of the House committee on Finance:

We are writing to express our strong support for HB402. This bill will help the State better fulfill its trust responsibilities to the Native Hawaiian community by providing the Office of Hawaiian Affairs (OHA) with its constitutionally- and statutorily-promised share of the Public Land Trust (PLT) revenue.

The Hawai'i Admission Act and the Hawai'i 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 Hawaiian Kingdom government and crown lands taken during the Kingdom's unlawful overthrow, for which Native Hawaiians have never been fairly compensated and to which they maintain unresolved claims. The Constitution recognizes the native Hawaiian people's right to a fair, pro rata share of Public Land Trust revenue and HRS § 10-13.5 specifies this pro rata share as 20% of all funds derived from the trust, which are to be expended by OHA for the betterment of the conditions of Hawaiians.

The state has known for years that \$15.1 million is not 20% of Public Land Trust receipts. The state's data, annual transfers to OHA since FY 2012-2013 (which are calculated using historically undisputed revenue streams), and OHA research and analysis show that the temporary \$15.1 million annual amount set in Act 178 falls far short of 20%. After over a decade of state inaction, fairness and justice demands that this \$15.1 million be updated, to better reflect what 20% of Public Land Trust receipts actually amounts to. 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 Hawaiians and Hawai'i in such vital areas as education, health, economic self-sufficiency, culture, land, governance, and access to justice.

We are not Hawaiian and will not directly benefit from this measure. However, we know that Hawaii's future well-being is inextricably bound up with the well-being of the Native Hawaiian community. Increasing justice, fairness, and opportunity for Native Hawaiians will help heal past wounds and build a better society for all of us who call these islands home. We respectfully urge the committee to **PASS HB402**, and help return to the Native Hawaiians what is rightfully theirs.

Respectfully,

Joshua Michaels and Antoinette Lilley

From: Kalani Souza <bestofhawaiibykalani@live.com>
Sent: Tuesday, February 26, 2019 7:50 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Kalani Souza
Hawai'i Specialist

P.O.Box 75071
Honolulu, HI 96836
Phone: [808-321-8779](tel:808-321-8779)
Email: BestofHawaiibyKalani@live.com
Website: www.BestofHawaiibyKalani.com
Instagram: <https://www.instagram.com/bestofhawaiibykalani/>
Facebook: <https://www.facebook.com/BestofHawaiibyKalani>

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HB-402-HD-1

Submitted on: 2/26/2019 8:33:43 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Scott	Individual	Support	No

Comments:

From: Alexis Ching <urnlexyland@yahoo.com>
Sent: Tuesday, February 26, 2019 8:05 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: Tracelyn McGuire <tracelyn@hawaii.edu>
Sent: Tuesday, February 26, 2019 8:36 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

FIN-Jo

From: RYHC <ryhc888@yahoo.com>
Sent: Tuesday, February 26, 2019 8:13 PM
To: FINtestimony
Subject: Strongly Support HB402

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Sent from my iPhone

From: Wayne Tanaka <wctanaka@gmail.com>
Sent: Tuesday, February 26, 2019 7:58 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

FIN-Jo

From: April Kimura <kimuraa014@hawaii.rr.com>
Sent: Tuesday, February 26, 2019 8:41 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Sent from my iPhone

HB-402-HD-1

Submitted on: 2/26/2019 8:48:00 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Crabbe	Individual	Support	No

Comments:

I **STRONGLY SUPPORT HB402**, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402**.

HOUSE OF REPRESENTATIVES
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2019

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

NOTICE OF HEARING

DATE: Thursday, February 28, 2019
TIME: 2:00 P.M.
PLACE: Conference Room 308

State Capitol

415 South Beretania Street

HB402 HD1

POSITON: SUPPORT HB402 HD1

As a Native Hawaiian your introduction of this bill reflects your understanding of the State's constitutional obligation to provide an adequate amount of income and proceeds as the pro rata portion of the public land trust for the betterment of the conditions of Native Hawaiians. It also clearly shows your commitment to resolving this issue.

The Public Land Trust (PLT) revenue is the primary source of funding for programs, grants and services that benefit both the Native Hawaiian and larger communities. Statistical data on the status of Native Hawaiians in health, in education, in housing, etc, reflect significant needs that could be addressed with updated PLT funds. Delaying such increases delays progress in addressing these needs.

Not all Hawaiians are beneficiaries of the Department of Hawaiian Home Lands. There are many who do not qualify because of issues with having the proper documentation to show that they are at least 50% which is the standard in order to become a DHHL beneficiary. The prioritization of these funds as mentioned will impact the native Hawaiian community giving resources to expand horizons beyond just state funding; but also, where strides can be made to make Hawaiians more self-sufficient and, innovative. Furthermore, this bill has the potential also to aid Hawaiians who are economically disadvantaged and aid them to become enhance their contribution to society and unlock potential in youth whom had not had an opportunity for

growth otherwise. Thank you, giving me the opportunity to give my personal testimony on this bill.

Mahalo,

Ken Farm

Member Hawaiian Affairs Caucus

HB-402-HD-1

Submitted on: 2/26/2019 10:46:26 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Makana Paris	Individual	Support	No

Comments:

Aloha:

I support HB402 HD1, increasing the Office of Hawaiian Affairs' pro rata share of the Public Land Trust revenue to a fair amount and making appropriate back payment. *Mahalo* for your time and consideration of this matter.

Me ka 'oia'i'o,

Makana Paris

Papakā• lea, O'ahu

HB-402-HD-1

Submitted on: 2/26/2019 11:02:53 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alexander K.D. McNicoll	Individual	Support	No

Comments:

I am in strong SUPPORT of HB402.

House Committee on Finance
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice-Chair

February 26, 2019

2:00 pm Conference Room 308

State Capitol

415 South Beretania Street

HB402 HD1 - RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS'S PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS

Aloha Chair Luke, Vice-Chair Cullen and members of the House committee on Finance:
My name is Dr. Dana Tanigawa and I SUPPORT HB402 HD1. This bill will help the state better fulfill its trust responsibilities to the Native Hawaiian community through providing OHA with its constitutional and statutory right to a pro rata share of the Public Land Trust (PLT) revenue. The Native Hawaiian community has been denied access to their trust resources for far too long.

The OHA pro rata share of PLT revenue is the primary source of funding for programs, grants and services that benefit the Native Hawaiian community, and has positive effect on all of Hawai'i. Raising the interim annual appropriation to \$35 million and providing the \$139 million in back payments will support programs that positively impact trust beneficiary housing, health care, education, business opportunities, and job opportunities. This will ultimately improve the well-being and conditions of Native Hawaiians and all of Hawai'i.

According to Office of Hawaiian Affairs (2015), Native Hawaiian students make up 26% of the total Hawaii Department of Education population but account for 39% of students in special education. Native Hawaiians score at a 20% point gap between non-Native Hawaiians in math and reading assessments.

As of June 2015, there were 22,576 applicants on the waiting list for residential Hawaiian homestead.

As of 2014, Hawaiians have the lowest medium income of all major ethnic groups in Hawaii at \$72,762 and 10% of Native Hawaiian families live at or below the poverty rate.

We need to better support Native Hawaiians. We need to provide OHA with their share of the PLT revenue.

I urge the committee to PASS HB402 HD1, so Native Hawaiians can prosper in Hawai'i.

HB-402-HD-1

Submitted on: 2/27/2019 12:23:13 AM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Annie AuHoon	Individual	Support	No

Comments:

I **STRONGLY SUPPORT HB402**, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402**.

Sincerely, Annie Au Hoon

HB-402-HD-1

Submitted on: 2/27/2019 8:39:34 AM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeannine Johnson	Individual	Support	No

Comments:

HB-402-HD-1

Submitted on: 2/27/2019 9:06:45 AM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Natashja Tong	Individual	Support	No

Comments:

My name is Natashja Tong and I am a Wai'anae Resident (Senate District 21, House District 44) and I believe OHA should get its constitutionally mandated 20% share of the Public Trust revenue. When the members of the Hawaiian Affairs Committee in the 1978 Constitutional Convention fought for the creation of OHA it was so Native Hawaiians could have a say over their future and in fact they argued that 20% was too small an amount. However, the legislature decided on a 20% share. It is constitutionally mandated. I am asking that you simply follow the laws that the State of Hawai'i has created for itself for the betterment of Native Hawaiians.

HB-402-HD-1

Submitted on: 2/27/2019 9:29:11 AM

Testimony for FIN on 2/28/2019 2:00:00 PM

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

Comments:

Aloha,

I am a Native Hawaiian from the island of Kaua`i who SUPPORTS HB402.

It is time to revisit Native Hawaiians' fair share of Public Land Trust revenues, as it is a primary funding source for programs, grants and services in our island communities.

I humbly ask this Committee to support and PASS HB 402.

Mahalo,

D. Kaliko Santos

HB-402-HD-1

Submitted on: 2/27/2019 9:42:24 AM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jaydi Oyamot	Individual	Support	No

Comments:

Melody Kapilialoha MacKenzie, Esq.
579 Kāneʻapu Place ♦ Kailua, Hawaiʻi 96734
melodykmackenzie@gmail.com

**Testimony in Support of H.B. 402, H.D. 1
Relating to Increasing the Office of Hawaiian Affairs’
Pro Rata Share of Public Land Trust Funds**

House Committee on Finance

Hearing on Thursday, February 28, 2019, at 2:00 p.m.

Mahalo for this opportunity to submit testimony in **strong support** of H.B. 402, H.D. 1, 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 initially requested 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, the bill sought a back payment from July 1, 2012, to June 30, 2019, in the amount of \$139 million based on the actual income and proceeds from the Public Land Trust that the State has received during that time period. The bill would have continued the current annual accounting of receipts from the trust lands. Finally, the bill would have established 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.

Although the bill has been amended to leave open the actual amounts to be transferred to OHA and other details, I still believe that the approach in this bill is reasonable and 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 pro rata share at twenty per cent. Resolving this issue is one of the most impactful and important actions this Legislature could take. I am hopeful that if this Committee passes H.B. 402, H.D. 1, there will be further fruitful discussion that will result in a fair and just resolution.

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 has 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

Your action now would help set us on the path to justice. Mahalo for the opportunity to present this testimony in **strong support** of H.B. 402, H.D. 1.

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

From: Theodora Furtado <TeeFurtado@msn.com>
Sent: Wednesday, February 27, 2019 8:34 AM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Mahalo
Theodora Furtado

From: Theodora Furtado <TeeFurtado@msn.com>
Sent: Wednesday, February 27, 2019 8:14 AM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: Joseph Keawe'aimoku Kaholokula <keawe9@hotmail.com>
Sent: Wednesday, February 27, 2019 8:11 AM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Keawe Kaholokula, PhD

Sent from my iPhone

From: Amelia Borofsky <aborofsky@gmail.com>
Sent: Wednesday, February 27, 2019 8:07 AM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: Pulama Lima <calima@hawaii.edu>
Sent: Wednesday, February 27, 2019 7:36 AM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Mahalo,
Cheney-Ann Lima

From: Kaleo Manuwa <punakalo@gmail.com>
Sent: Wednesday, February 27, 2019 6:18 AM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Mahalo, Kaleo

From: Lawrence <lawrence.chang03@gmail.com>
Sent: Wednesday, February 27, 2019 6:56 AM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: J.P. <kaimana429@hotmail.com>
Sent: Wednesday, February 27, 2019 5:54 AM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Sent from my iPhone

From: Lianne Uchima <puananili2@me.com>
Sent: Wednesday, February 27, 2019 2:54 AM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Sent from my iPhone
Lianne Uchima

From: Carly Byrd <carlykb@gmail.com>
Sent: Wednesday, February 27, 2019 2:49 AM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Regards,

Carly Byrd
M. 808-391-7146

From: Ian Maioho <imaioho@hawaii.edu>
Sent: Wednesday, February 27, 2019 9:44 AM
To: FINtestimony
Subject: Strongly Support HB402

Aloha mai,

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Me ke aloha,
-Ian Nahulu Maioho

--

E ola mau ka 'ōlelo Hawai'i iā kākou.

From: Elizabeth Kuluwaimaka <konawaileo@yahoo.com>
Sent: Tuesday, February 26, 2019 10:05 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians annual share 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 402.

Mahalo,

Elizabeth Kuluwaimaka

[Sent from Yahoo Mail on Android](#)

From: Brenten Yamane <brentenyamane@gmail.com>
Sent: Tuesday, February 26, 2019 11:19 PM
To: FINtestimony
Subject: Strongly Support HB402

Aloha,

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Mahalo,
Brenten Yamane
(808) 375-2436

Testimony in support of HB 402 HD 1 relating to OHA

Aloha House Finance Chair Representative Luke and members of the House Finance Committee.

My name is Dr. William H. Wilson. I am a founding faculty member of the Hawaiian Studies Program at UH Hilo and its Hawaiian language college including its laboratory school program and service/research unit Hale Kuamo‘o. I am a non-Native Hawaiian. I strongly urge support of HB 402 HD1.

OHA has been a strong supporter, including a financial supporter, of the Hawaiian language revitalization and education initiatives that have been the focus of my career. Non-Hawaiians as well as Hawaiians of both 50% and lower blood quanta have benefited from that support.

However, the reason I am supporting HB 402 HD1 is not because of the support that OHA provides to initiatives benefiting my university students, the P-12 students taught through Hawaiian, or students in other initiatives throughout the state.

My support is based on our state constitutional mandate to provide funding to OHA from state lands. HB 402 HD1 carries out that mandate.

Although I do not see it as my *kuleana* to comment on how OHA prioritizes the spending of its funds. I do want to comment that as important as I believe the work that I do in revitalizing and teaching Hawaiian language and culture is in the University of Hawai‘i and the many public and private schools our work here in the Hawaiian language college serves, there are beneficiaries of OHA who need the attention of OHA beyond the work that I am personally involved in.

OHA has a responsibility to all its beneficiaries and that responsibility includes deciding on priorities. Appropriately HB 402 HD 1 does not restrict how OHA is to determine how it will spend the funds received through the constitutional mandate.

Thank you for holding this hearing. I urge passage of HB 402 HD 1.
Dr. William H. Wilson

From: Andria Pakele <andriapakele@gmail.com>
Sent: Wednesday, February 27, 2019 12:02 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: Kanaka Bronson <bronsonkanaka.bb@gmail.com>
Sent: Wednesday, February 27, 2019 2:23 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

From: Kamana'o Manoi-Hyde <kmanoi-hyde@kawaihonapcs.org>
Sent: Wednesday, February 27, 2019 1:37 PM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.



LATE

HB402 HD1
RELATING TO INCREASING THE OFFICE OF HAWAIIAN
AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS
House Committee on Finance

February 28, 2019

2:00 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB402 HD1, but respectfully offers certain amendments, which would restore language found in the original version of this measure. OHA supports HB 402 HD1 as a means of updating the amount set aside annually for Native Hawaiians as their constitutional share of the income and proceeds from the Public Land Trust.

As background, the Hawai'i Admission Act and the Hawai'i State Constitution establish 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 State Constitution entrusts OHA with the responsibility to manage and administer Public Land Trust funds set aside for Native Hawaiians, which state law reaffirms as 20% of all funds from the Trust.

After decades of disagreement as to how to determine this 20%, in 2006, OHA and the state agreed to an interim annual amount of \$15.1 million, to be transferred to OHA as a reflection of Native Hawaiians' Public Land Trust share, "until further action is taken by the legislature." As part of this agreement, 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 with better data. This agreement was embodied in Act 178 of the 2006 Legislative Session.

With years of state data now available, OHA strongly agrees that it is time to revisit and update Native Hawaiians' fair share of the Public Land Trust. Despite the expressly temporary nature of the agreement in Act 178, 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, Native Hawaiians' "interim" share has not been updated in over a decade. OHA's research shows that a \$35 million annual share, as proposed in the original draft of this measure, is consistent with 20% of reported receipts from most, but not all, historically undisputed Public Land Trust revenue streams, including:

- 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.

This \$35 million amount would 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, nor does it consider unknown receipts that were withheld by certain state agencies, namely the University of Hawai'i. **Accordingly, OHA believes that an updated interim annual amount of \$35 million, as proposed in the original version of HB402, is a prudent, fair, and long-awaited step towards better fulfilling the state's constitutional and moral obligations to Native Hawaiians; therefore, OHA respectfully requests that Sections 1, 2, 3, and 4 of this measure be amended to reflect the \$35 million annual amount.**

Similarly, OHA further requests that the measure's proposed lump sum back payment of \$139 million from state general funds be re-inserted into Sections 1 and 5 of this measure. A \$139 million amount reflects the difference between the proposed \$35 million annual share and the \$15.1 million OHA currently receives, then multiplying the difference by seven, to represent the last seven fiscal years in which Native Hawaiians' Public Land Trust interim share has not been updated. OHA agrees that this would represent a fair and commendable acknowledgement of the state's constitutional and moral obligations to Native Hawaiians under the Public Land Trust.

Finally, OHA respectfully requests that HB402 HD1 be amended to provide for quarterly payments, as provided for under the original version of this measure, which would reflect the current timing by which Public Land Trust receipts are transferred to OHA. Such quarterly payments provide OHA with a more evenly distributed revenue stream that can be used for operational expenses throughout the year. Accordingly, in addition to the amendments provided above, OHA respectfully requests that the language on page 12 line 20, through page 15 line 11, be amended to read as follows (language in HB402 HD1 to be added is underlined; language to be deleted is bracketed and stricken):

SECTION 3. Notwithstanding the provisions of chapter 10, Hawaii Revised Statutes, including section 10-13.5, Hawaii Revised Statutes, beginning in fiscal

year 2019-2020, the departments of agriculture; accounting and general services; business, economic development, and tourism; defense; education; health; land and natural resources; and transportation (for its harbors and highways divisions), and any other department or agency that collects receipts from the lands within the public land trust, including but not limited to the University of Hawaii, 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 ~~[year,]~~ quarter, necessary to ensure that a total of \$8,750,000 of receipts generated by the public land trust is transferred to the office of Hawaiian affairs, within thirty days of the close of each fiscal ~~[year,]~~ quarter; provided that for fiscal year 2019-2020, the departments shall have until thirty days after the close of the fiscal year to transfer a total of \$35,000,000 from their receipts from the use, sale, lease, or other disposition of lands within the public land trust collected during fiscal year 2019-2020, to the office of Hawaiian affairs by the procedures set forth in this Act.

SECTION 4. ~~[Beginning on July 1, 2020,]~~ No later than twelve days after the close of each fiscal quarter, the director of finance or the director's designee shall determine the total amount of receipts transferred by any department or agency that collects receipts from the lands within the public land trust to the office of Hawaiian affairs during the immediately prior fiscal ~~[year,]~~ quarter.

If the total amount of receipts transferred to the office of Hawaiian affairs is less than \$8,750,000 in the immediately prior fiscal ~~[year,]~~ quarter, the director of finance or the director's designee shall:

- (1) Make up the difference between \$8,750,000 and the amount of receipts transferred in the immediately prior fiscal ~~[year,]~~ quarter by transferring up to the entire amount on deposit in the carry-forward trust holding account established by the director of finance pursuant to executive order 06-06; or
- (2) Make up the difference between \$8,750,000 and the amount of receipts transferred in the immediately prior fiscal ~~[year,]~~ quarter by establishing the additional amount of receipts that each agency must transfer to

the office of Hawaiian affairs pursuant to section 3 of this Act.

If the total amount of receipts transferred to the office of Hawaiian affairs is more than \$8,750,000 in the immediately prior fiscal [~~year~~] quarter, the director of finance shall notify the office of Hawaiian affairs and request that the office of Hawaiian affairs transfer the amount in excess of \$8,750,000 into the carry-forward trust holding account established by the director of finance pursuant to executive order 06-06. This subsection shall not apply to a transfer of receipts at the close of fiscal year 2019-2020.

Public Land Trust revenue is the primary source of funding for programs, grants, and services that benefit both the Native Hawaiian and larger communities. 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. Raising Native Hawaiians' annual Public Land Trust share 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.

Accordingly, OHA respectfully urges the Committee to **PASS** HB402 HD1, with the recommended amendments described above. Mahalo nui loa for the opportunity to testify on this measure.

LATE

HB-402-HD-1

Submitted on: 2/27/2019 4:45:39 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Hester	Individual	Support	No

Comments:

STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues [between July 1, 2012 and June 30, 2019](#); (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402**.

House Committee on Finance
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

LATE

February 26, 2019
2 pm Conference Room 308
State Capitol
415 South Beretania Street

HB402 HD1 – RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS PRO-RATA SHARE OF PUBLIC LAND TRUST FUNDS

Aloha e Chair Luke, Vice-Chair Cullen and members of the House Committee on Finance,

My name is Lilikalā Kame‘eleihiwa. I am a professor at the Kamakakūokalani Center for Hawaiian Studies in the Hawai‘iniūākea School of Hawaiian Knowledge at the University of Hawai‘i at Mānoa where I have taught for 32 years and served as director on 3 occasions for a total of 10 years. I submit my testimony as a private citizen and not as a representative of UH Mānoa.

However, I do write in STRONG SUPPORT of HB402 HD1 that proposes to increase the Office of Hawaiian Affairs [OHA] Pro-Rata share of Public Land Trust Funds, and hope that you will vote to support this bill.

In 1999 our Center was a recipient of a grant of \$1.5 million from OHA over a period of 5 years, that allowed us to develop a Master’s program so I can attest to the good work that OHA does. Moreover, OHA has done many great things for the Hawaiian people and could do much more in increasing funds in support of Native Hawaiian Education, Health, Housing, and Culture, if OHA was paid the 20% of Ceded Lands/Public Land Trust Funds that are administered by the State of Hawai‘i, and that were mandated in the 1978 Constitutional Convention.

In this year of the Hawaiian Language it seems unjust that 48% of Native Hawaiians have had to move outside of Hawai‘i in order to raise their families while the State of Hawai‘i and many non-Hawaiians benefit from the use of Native Hawaiian Trust Lands that were taken from by the illegal American military invasion of our country.

Therefore, I suggest that this wrong be righted by giving OHA its fair share of the PLT Funds that are currently being unfairly withheld, and I stand upon the testimony already offered by OHA.

I **STRONGLY SUPPORT HB402**, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by:

- (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians;
- (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019;
- (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402**.

Sincerely,



Liikalā Kame'eiehiwa, PhD
Kamakakūokalani Center for Hawaiian Studies
Hawai'inuiākea School of Hawaiian Knowledge
University of Hawai'i at Mānoa
2645 Dole Street, 103E
Honolulu, Hawai'i 96822

LATE



**ASSOCIATION OF HAWAIIAN CIVIC CLUBS
MOKU O KEAWE – HAWAI‘I COUNCIL**

P.O. Box 7164 • Hilo, Hawai‘i 96720

e pi‘i ma ke kuamo‘o i mana ka lāhui a ola ka ‘āina

*building on the innovations and foundation of the past
to ensure a healthy ‘āina and a thriving lāhui for the future*

**LEGISLATIVE TESTIMONY
SUPPORTING HB402 HD1
RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS’ PRO
RATA SHARE OF PUBLIC LAND TRUST FUNDS**

House Committee on Finance
Thursday, February 28, 2019, Rm. 308

Aloha Chair Luke and members of the House Committee on Finance,

Moku o Keawe – Hawai‘i Council of the Association of Hawaiian Civic Clubs **SUPPORTS HB402 HD1**. This bill seeks to ensure that the state’s constitutional and statutory Public Land Trust obligations to Native Hawaiians are better properly fulfilled. Raising Native Hawaiians’ annual share 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 Hawaiian and Hawai‘i.

The State of Hawai‘i’s constitution mandates the Office of Hawaiian Affairs (OHA) to better the conditions of Native Hawaiians, however the revenues due to the OHA has fallen short for many years. At its annual convention in 2016, the Association of Hawaiian Civic Clubs (AHCC) adopted a resolution that called for a more equitable annual allocation of Public Land Trust revenues to OHA for its pro rata share and for the State to provide funds to address the years of underpayment.

Moku o Keawe – Hawai‘i Council of the AHCC is one of five Councils active throughout the State of Hawai‘i and the U.S. Continent. Moku o Keawe is comprise of nine clubs on the island of Hawai‘i in areas of North and South Kona, North and South Kohala, Ka‘ū, Puna, Hilo, Laupahoehoe, and Waimea (Hāmākua District).

We urge this Committee to PASS HB402 HD1.

Mahalo nui,

Shane Akoni Palacat-Nelsen
Pelekikena

LATE

HB-402-HD-1

Submitted on: 2/27/2019 7:17:24 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kauionalani Pratt-Aquino	Individual	Support	No

Comments:

RE: Testimony in Support, HB402, RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS

Aloha e Chair Luke, Vice Chair Cullen and members of the State House Finance Committee,

I submit this testimony in *strong support* of HB 402, in my personal capacity as a beneficiary of the Hawaiian Homes Commission Act, the Public Lands Trust and the Office of Hawaiian Affairs. I have received several scholarships from OHA in the past to support my education. As a result of this, I became the first college graduate and lawyer in my family. I could not have done this without the support of foundations and agencies such as OHA. My hope is this type of support can be expanded to more Hawaiians in need.

The State Legislature currently appropriates \$15.1 million annually to OHA as the pro rata share due to Native Hawaiians, as established in the State Constitution, from the income and proceeds of the Public Lands Trust ("PLT"). I understand that this appropriation is wholly undervalued as it was set in 2006 as an interim measure.

According to available data on PLT revenues, I believe the amount due to Native Hawaiians is at *least \$35 million a year*. The increased share will allow the state to properly discharge its constitutional obligation to provide 20% of the revenues from the PLT to OHA. It will also allow OHA to expand its reach at a time when Native Hawaiians are disproportionately represented in almost every negative socio-economic statistic in our state.

I strongly support this bill and ask that you support this measure as well.

Mahalo,

Kau'ionā• Iani Pratt-Aquino, Esq.

LATE

HB-402-HD-1

Submitted on: 2/27/2019 11:30:27 PM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamuela Park	Individual	Support	No

Comments:

I **STRONGLY SUPPORT HB402**, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402**.



SIERRA CLUB OF HAWAI'I

MĀLAMA I KA HONUA. *Cherish the Earth.*

HOUSE COMMITTEE ON FINANCE

February 28, 2019 2:00 PM Room 308

LATE

In **SUPPORT** of **HB402** Relating to OHA pro rata share of public land trust funds

Aloha Chair Luke, Vice Chair Cullen, and members of the Finance Committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **strongly supports** increasing the Office of Hawaiian Affairs' pro rata share of public land trust funds. OHA provides considerable support for programs that enhance Hawai'i's natural resources and strengthen people's relationship to our unique environment. Increasing financial support for OHA's mission improves the quality of life for all of Hawai'i's residents and visitors.

Article XII, section five of the state constitution establishes that 20% of all revenues from the PLT be earmarked to OHA. In 2006, an arrangement between lawmakers, Governor Lingle, and OHA ensured \$15.1 million annually to OHA as the pro rata share due to Native Hawaiians from the income and proceeds of the Public Lands Trust ("PLT"). In the 13 years since the 2006 arrangement, PLT resources have significantly increased in value, such that \$15 million no longer represents 20% of all revenues from the PLT.

It is time to update the funding arrangement. According to available data on PLT revenues, we agree that the amount due to Native Hawaiians is at least \$35 million a year. Doubling the annual appropriation to OHA will improve programs and services to Native Hawaiians and expand environmental restoration efforts.

OHA provides critical public services to those most in need in our community. From managing 27,000 acres of land, to loaning \$34 million to start-up businesses, to gifting thousands of educational scholarships, and providing operations funding 131 organizations, OHA is serving the needs of its beneficiaries and improving our island home for everyone's benefit. Raising the PLT payment amount will drastically increase the amount of funding available for these critical, yet underserved, areas of need.

The increased share will allow OHA to expand its reach at a time when Native Hawaiians are disproportionately represented in almost every negative socio-economic statistic in our state.

Thank you very much for this opportunity to provide testimony in **support of HB402**.

LATE

From: Marsha Bolson <mhbolson@gmail.com>
Sent: Thursday, February 28, 2019 6:57 AM
To: FINtestimony
Subject: We Support HB402

We SUPPORT HB 402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by:

- (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians;
- (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019;
- (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 delay, it is time to act to provide Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 HB 402.

Robert and Marsha H. Bolson
46-051 Heeia St.
Kaneohe, HI 96744

LATE

From: Selina Unga <sunga3242@yahoo.com>
Sent: Thursday, February 28, 2019 6:47 AM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Selina's iPhone 6s Plus

LATE

From: napua <nfroman@hotmail.com>
Sent: Thursday, February 28, 2019 1:10 AM
To: FINtestimony
Subject: Strongly Support HB402

I STRONGLY SUPPORT HB402, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.



Hakipu`u Learning Center

A Public Charter School

LATE

Ma ka hana ka 'ike *Knowing is in the doing*

Submitted on: February 27, 2019

From: Kau'ionālani Pratt-Aquino, Esq., Chair of the Governing Board

Re: Testimony in SUPPORT of House Bill #402, RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS

Scheduled: before FINANCE on Thursday, 02-28-19 2:00PM in House conference room 308.

Aloha e Chair Luke, Vice Chair Cullen and members of the State House Finance Committee,

On behalf of Hakipu`u Learning Center (HLC), we are very pleased to offer our strong support for HB402.

HLC is a Hawaiian focused charter school and a beneficiary of the Office of Hawaiian Affairs (OHA). We appreciate all the support we have received from OHA to date to serve our precious keiki and their families.

Rooted in the traditional wisdom of Hawai'i, HLC utilizes the best educational tools and technologies to support a community of life-long learners in achieving success now and into the future.

Through the support of OHA, HLC has been able to positively impact the lives of many for years now. An increased pro rata share to OHA will, first, allow the state to better discharge its constitutional obligation to allocate twenty percent (20%) of the revenues from the Public Lands Trust to OHA and second, it will allow OHA the ability to expand opportunities to better serve all Hawaiians, including but not limited to, increased funding to Hawaiian focused charter schools.

We understand the State Legislature currently appropriates \$15.1 million annually to OHA as the pro rata share due to Native Hawaiians, as established in the State Constitution, from the income and proceeds of the Public Lands Trust ("PLT"). We also understand that this appropriation is wholly undervalued as it was set in 2006 as an interim measure.

According to available data on PLT revenues, we believe the amount due to Native Hawaiians is at least \$35 million a year. With increased funding, it will help OHA address the disparate conditions of Native Hawaiians who remain disproportionately represented in almost every negative socio-economic statistic in our state.

OHA is doing amazing job with the funding it receives now but more support is needed to effectuate positive change. In 2018 alone, OHA provided grants and funding to 131 organizations serving Native Hawaiian communities. Raising the payment amount will significantly increase the amount of funding available for these and other organizations that provide direct services to the Native Hawaiian community. With the increased pro rata share, we encourage OHA to also increase funding to Hawaiian focused charter schools.

For these reasons, we ask you to support HB402.

Mahalo,

Kau'ionālani Pratt-Aquino, Esq.

Chair of the Governing Board

P.O. Box 1159, Kaneohe, Hawai'i 96744 ~ Telephone (808) 235-9155 ~ Fax (808) 235-9160 hakipuu_hlc@yahoo.com



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

LATE

ON THE FOLLOWING MEASURE:

H.B. NO. 402, H.D. 1, RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Thursday, February 28, 2019 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): Clare E. Connors, Attorney General, or
Ryan K. P. Kanaka'ole, Deputy Attorney General

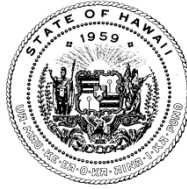
Chair Luke and Members of the Committee:

The Department of the Attorney General provides the following comments on this bill.

This bill increases the share of annual receipts from the use of lands of the public land trust transferred to the Office of Hawaiian Affairs (OHA) to an unspecified amount; transfers an unspecified amount to OHA for the purported underpayment of funds derived from the public land trust for the period of July 1, 2012, to June 30, 2019; and requires an annual audit of all funds derived from receipts from the use of lands of the public land trust.

It is unclear if the obligation to establish OHA's annual share of the income and proceeds of the public land trust created by this bill is in addition to, or supersedes, the obligation in Act 178, Session Laws of Hawaii 2006.

Thank you for the opportunity to provide these comments.



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

LATE

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

Thursday, February 28, 2019
2:00 P.M.
State Capitol, Room 308

H.B. 402, H.D. 1
RELATING TO RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS'
PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS.

House Committee on Finance

Similar to other departments, the State of Hawaii Department of Transportation (DOT) recognizes the importance of the betterment of the Native Hawaiian community and has a deep respect for the Office of Hawaiian Affairs (OHA) which supports efforts to improve the well-being of Native Hawaiians. Nevertheless, we have deep concerns with H.B. 402, H.D. 1, which proposes to: (1) establish the Office of Hawaiian Affairs' (OHA) pro rata share of the public land trust, (2) transfer funds to OHA for underpayment of the public land trust funds from July 1, 2012 to June 30, 2019, and (3) require DOT to provide an annual accounting of receipts from public land trust lands.

The DOT offers the following **comments** with the bill because of its potential severe financial impact to our department.

As a result of a settlement, OHA has received an annual amount fixed at \$15.1 million; however, in recent years, payments of 20% ceded land revenues to OHA have well exceeded the fixed amount of \$15.1 million. According to the Department of Budget & Finance, the annual payment in fiscal year 2018 totaled \$17,391,958.38, of which DOT contributed 57.5% of said amount solely by funds of the Department's Harbors Division. In years past, DOT's contributions were as high as 89.66% of the total funds to OHA.

While a clear and definitive criteria on what would be subject to a pro rata calculation is needed in order to make the reporting envisioned in H.B. No. 402, H.D.1, useful and meaningful, any increase beyond such amounts contributed by DOT in recent years will cause undo detriment and cause significant financial strain to the operations and self-sufficiency of the Harbors Division.

The DOT offers the following amendment to Section 8 because there is no legislative appropriation required to transfer the funds to the Office of Hawaiian Affairs - such

transfers should not be accepted as a rental expense/expenditure nor an outlay of agency's funds.

SECTION 8. Any funds transferred 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 and trust pursuant to article XII, section 6, of the state constitution and shall be audited annually. Any amounts derived from the public land trust pursuant to Section HRS 10-13.5, from the ceded land revenues/receipts collected by a transferring agency for revenues generated to fulfill its mission for the State, are not an agency's expenditure. The Comptroller of the Department of Accounting and General Services shall adopt as the State's Accounting Policy, that transfers to the Office of Hawaiian Affairs are a "pass-through transfer" of agency revenues and to be reported as reductions of agency revenues, and not as an agency's operating expense.

Thank you for the opportunity to provide testimony.

LATE

HB-402-HD-1

Submitted on: 2/28/2019 10:05:21 AM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shanyalyn Ke'alaula Lalawai	Individual	Support	No

Comments:

Aloha Committee Members,

‘O Shanyalyn Ke’alaula Lalawai ko’u inoa. No Wai’anae mai au. Hele au i ke kula ki’eki’e ‘o Wai’anae. Aia au ma ka papa umikumakahi. Umikumahiku o’u mau makahiki. Aloha everyone, my name is Shanyalyn Ke’alaula Lalawai and I am a 17 year old junior at Wai’anae High School. I am testifying in support of HB 402 related to the Public Land Trust and am a beneficiary of The Office of Hawaiian Affairs.

I STRONGLY SUPPORT HB402, which seeks to ensure that the state’s constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402.

Mahalo for your time,

Shanyalyn Ke’alaula Lalawai

LATE

HB-402-HD-1

Submitted on: 2/28/2019 10:23:07 AM

Testimony for FIN on 2/28/2019 2:00:00 PM

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

Comments:

Aloha,

Please find my testimony below:

I **STRONGLY SUPPORT HB402**, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2019; (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 40**.

Mahalo from Kauai!



House Committee on Finance
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice-Chair

February 26, 2019
2:00 pm Conference Room 308
State Capitol
415 South Beretania Street

HB402 HD1 - RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS

Aloha Chair Luke, Vice-Chair Cullen and members of the House committee on Finance:

I, Matthew Gumapac, **SUPPORTS** HB402 HD1. This bill will help the State better fulfill its trust responsibilities to the Native Hawaiian community through providing OHA with its constitutional and statutory right to a pro rata share of the Public Land Trust (PLT) revenue.

The Native Hawaiian community has been denied access to their trust resources for far too long. The OHA pro rata share of PLT revenue is the primary source of funding for programs, grants and services that benefit the Native Hawaiian community, and has positive effect on all of Hawai'i. Raising the interim annual appropriation to \$35 million and providing the \$139 million in back payments will support programs that positively impact trust beneficiary housing, health care, education, business opportunities, and job opportunities. This will ultimately improve the well-being and conditions of Native Hawaiians and all of Hawai'i.

I, Matthew Gumapac, urge the committee to **PASS** HB402 HD1, and return to the Native Hawaiians what is theirs.

Me ke Aloha,

Matthew Gumapac

LATE

HB-402-HD-1

Submitted on: 2/28/2019 11:10:51 AM

Testimony for FIN on 2/28/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Constance Keoahunui Uale Warrington	Individual	Support	No

Comments:

I **STRONGLY SUPPORT HB402**, which seeks to ensure that the state's constitutional and statutory Public Land Trust (PLT) obligations to Native Hawaiians are more properly fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA for the benefit of Native Hawaiians; (2) Transferring \$139 million to OHA for underpaid PLT revenues [between July 1, 2012 and June 30, 2019](#); (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 unjustified delay, it is finally time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share is the primary source of funding for programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share 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 402**.

Constance Keoahunui Uale Warrington

Testimony in Strong Support of HB 402, HD1

HOUSE OF REPRESENTATIVES

THE THIRTIETH LEGISLATURE

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Ty J.K. Cullen, Vice Chair

REGULAR SESSION OF 2019

February 28, 2019, Conf. Room 308

LATE

MEASURE: HOUSE BILL 402, HD1

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

TO HOUSE COMMITTEE MEMBERS ON FINANCE

Kalihi-Palama Hawaiian Civic Club speak in **STRONG SUPPORT** of House Bill 402 HD1 for the following reasons:

- 1) That in 1959 at the time the State of Hawaii became a State, the Admission Act, Section 5(f) stipulated that the proceeds of the use (sale or disposition) of ceded lands would be held in the State Public Land Trust for the betterment of the conditions of Native Hawaiians, public schools, agriculture, parks recreational areas and other lands for public use, and capital improvement projects. As a result of this 5(f) provision, Native Hawaiians were mandated to receive 20% of all these revenues;
- 2) At recent times the State Public Land Trust Funds revenues and OHA current \$15.1 million are inconsistent per the Admissions Act, Section 5(f) provision to receive 20% of all these revenues of the State Public Land Trust Funds. The receipts received would calculate to an amount greater than the current \$15.1 million interim pro rata share to the Office of Hawaiian Affairs.
- 3) That based on the above, Kalihi-Palama **STRONGLY SUPPORTS** HB402 HD1.

Mahalo,



Kaimo Muhlestein
President

Kalihi-Palama Hawaiian Civic Club