



HB402
RELATING TO INCREASING THE OFFICE OF HAWAIIAN
AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS
House Committee on Water, Land, & Hawaiian Affairs

January 30, 2019

10:30 a.m.

Room 325

The Administration of the Office of Hawaiian Affairs (OHA) will recommend that the OHA Board of Trustees **STRONGLY SUPPORT** HB402. This measure is consistent with years of state accounting information, generated pursuant to Act 178 (Reg. Sess. 2006), that clearly demonstrate the need to update the amount set aside annually for Native Hawaiians as their constitutional share of the income and proceeds from the Public Land Trust. HB402 would update Native Hawaiians' annual share of the Public Land Trust as \$35 million; transfer to OHA a lump sum of \$139 million, as an amount that should have been set aside for Native Hawaiians as their 20% share of Public Land Trust receipts over the past seven years; continue the state agency receipt reporting requirements established under Act 178 (2006); and convene a Public Land Trust Revenues Committee every six years to make recommendations for updating the amount of Native Hawaiians' fair share of the Public Land Trust.

As background, the Hawai'i Admission Act and the State Constitution established the Public Land Trust for the betterment of the conditions of native Hawaiians and for the general public. The Public Land Trust comprises over one million acres of former government and crown land of the Kingdom of Hawai'i, seized as part of the Kingdom's unlawful overthrow. The Hawai'i Constitution entrusts OHA with the responsibility to manage and administer 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.

With years of state data now available, OHA strongly agrees that it is time to revisit Native Hawaiians' fair share of the Public Land Trust. Despite the ostensibly temporary nature of the 2006 legislation, and despite years of state reporting showing that 20% of Public Land Trust receipts far exceeds the \$15.1 million set aside annually for

Native Hawaiians, Native Hawaiians' "interim" share has not been updated in over a decade. OHA's research shows that the \$35 million annual share now proposed in 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 appear to 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 appear to consider unknown receipts that were withheld by certain state agencies, namely the University of Hawai'i. Nonetheless, while 20% of Public Land Trust receipts likely exceeds the \$35 million provided for under this measure, OHA believes that updating the interim annual amount to \$35 million pending more complete information and further discussion¹ is a prudent, fair, and long-awaited step towards better fulfilling the state's constitutional and moral obligations to Native Hawaiians.

Notably, 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. OHA-funded programs, grants, and services have won national recognition for moving people off the streets and into housing; helped small businesses and entrepreneurs get started, stay afloat, and thrive;

¹ Most recently, a Public Land Trust negotiating committee was established by the Legislature in 2016 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. OHA has sought and will continue to seek to engage in good faith discussions regarding Native Hawaiians' fair share of the Public Land Trust, as envisioned by the 2006 agreement, and has introduced a bill in its legislative package (HB173/SB191) that would ensure more complete and accurate revenue reporting to inform such discussions. However, given the length of time that has passed since the interim agreement was reached, and the lack of meaningful progress towards updating the 2006 "interim" amount, OHA believes that increasing Native Hawaiians' interim Public Land Trust share to an amount minimally reflecting existing state records is a timely and prudent action.

sent students to college and beyond; and engaged grassroots communities with government agencies and landowners in the stewardship and sustainability of our natural resources and environment. 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.

OHA further understands that this measure's proposed lump sum back payment of \$139 million from state general funds 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 is also a fair and commendable acknowledgement of the state's constitutional and moral obligations to Native Hawaiians under the Public Land Trust.

Finally, this bill sets up a periodic, collaborative review process between the Legislature, Administration, and OHA to take place every six years, to better ensure that Native Hawaiians' share of Public Land Trust revenue remains up-to-date and consistent with the law. OHA notes that its legislative package companion measures, HB173 and SB191, would provide this review process with more consistent and complete information regarding Public Land Trust revenues.

Accordingly, we respectfully urge your Committee to pass this measure. Mahalo nui loa for the opportunity to testify.

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Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS
For hearing Wednesday, January 30, 2019

Re: HB 402

RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS. Establishes \$35,000,000 as the Office of Hawaiian Affairs' pro rata share of the public land trust. Transfers \$139,000,000 less certain funds to the Office of Hawaiian Affairs for underpayment of the public land trust funds for 7/1/2012 to 6/30/2019. Requires the Department of Land and Natural Resources to provide an annual accounting of receipts from lands described in section 5(f) of the Admissions Act. Establishes a committee to recommend the annual amount of the income and proceeds from the public land trust that the Office of Hawaiian Affairs shall receive annually. Appropriates funds.

TESTIMONY IN OPPOSITION

SUMMARY OF MAIN POINTS:

1. The legislature always has the power to amend or rescind any statute law. Act 273 (1980) requiring payment of 20% of ceded land revenue to OHA has created 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. This bill would require an absurd quarterly payout of OHA's share of ceded land gross revenues from each department of government without regard to ceded land deficits (capital investment or operating expenses) incurred by that department in other quarters or deficits incurred by other departments of the State government. Any corporation that irretrievably paid its taxes quarterly for profitable business lines and was never able to offset profits with losses would quickly go bankrupt.

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

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

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

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

SOME DETAILS ABOUT THOSE POINTS

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

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

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

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

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

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

5. Here is the relevant language from section 5(f) of the statehood Admissions Act identifying the 5 purposes for the use of ceded land revenues: "... for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use." So what about the remaining 4 purposes in addition to betterment of native Hawaiians? If OHA gets a dedicated 20% of ceded land revenue to fulfill one of the 5 purposes, then the public school system plus UH should also be getting its own dedicated 20% portion; the development of low-income housing should be getting its 20% portion; the Department of Land and Natural Resources (especially the Parks Department) and the Highway Department should be getting its 20% portion; etc. Furthermore, each of those departments should be getting its money quarterly as the bill requires for OHA, and in the same dollar amount. Really?

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

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

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

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

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

OHA currently has over \$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!

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

This bill would establish \$35,000,000 as the Office of Hawaiian Affairs' annual share of the income and proceeds of the public land trust beginning in 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.

BENTON KEALII PANG,
PH.D., PELEKIKENA

REP. RYAN YAMANE, REP. CHRIS TODD,
AND THE COMMITTEE ON LAND, WATER AND HAWAIIAN AFFAIRS



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Aloha e Rep. Ryan Yamane, Rep. Chris Todd,
and the Committee on Land, Water and Hawaiian Affairs,

Ke One O Kākuhihewa-O'ahu Council of the Association of Hawaiian Civic Clubs supports HB402.

- 1) The 28th Legislature in 2016 adopted concurrent HCR 188 HDI SDI requesting the Governor to convene a Public Land Trust Revenues Negotiating Committee
- 2) HB402 upholds the law. 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
- 3) The data is clear; Native Hawaiians Fixed "Temporary" Share is grossly unfair, unjust and inadequate.
- 4) We support the transfer of \$139M for underpayment of the public trust funds from 2012-2019. State Departments and agencies grossly under-report the amount of receipts generated from the public land trust.
- 5) HB402 will help Hawaiians and communities throughout Hawai'i
- 6) The current share of \$15.1 million is NOT 20% of Public Land Trust receipts. The State of Hawai'i enacted Act 273, S.L.H. 1980, codified as HRS section 10-13.5, which defined OHA's pro rata share as "twenty percent of all funds derived from the public land trust".
- 7) The Association of Hawaiian Civic Clubs passed a Resolution 2016-1 to convene and Public Lands Trust Revenues Committee. The resolution is attached to this testimony.

Ke One O Kākuhihewa-O'ahu Council is a member of the Association of Hawaiian Civic Clubs with 25 clubs on the island of O'ahu. Our organization was first established in 1918 by Prince Kūhiō Kalaniana'ole with the Hawaiian Civic Club of Honolulu. Our club members represent a diverse cross section of the Hawaiian and non-Hawaiian communities.

Sincerely,

Benton Kealii Pang, Ph.D., 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



THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS

Committee on Water, Land, & Hawaiian Affairs

Wednesday, January 30, 2019
10:30 am Conference Room 325
State Capitol
415 South Beretania Street

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

Aloha Chair Yamane, Vice-Chair Todd and members of the House Committee of Water, Land and Hawaiian Affairs:

The Association of Hawaiian Civic Clubs **SUPPORT** HB402. 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.

This 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.

The civic club movement was founded in 1918 by Congressional Delegate Prince Jonah Kūhiō Kalaniana‘ole with the creation of the Hawaiian Civic Club in Honolulu, O‘ahu; 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 Hawai‘i 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* ‘o.

Me ka ‘oia ‘i ‘o,

Hailama Farden
Pelekikena



O`ahu County Committee on Legislative Priorities (OCCLP)

COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS

Rep. Ryan I. Yamane, Chair

Rep. Cedric Chris Todd, Vice Chair

DATE: Wednesday, January 30, 2019

TIME: 10:30 a.m.

PLACE: Conference Room 325 State Capitol

RE: HB 402 Relating to Increasing the OHA Pro Rata Share of Public Land Trust Funds

Aloha mai kakou Members of the House Committee on Water, Land and Hawaiian Affairs:

The O`ahu County Committee on Legislative Priorities (OCCLP) of the Democratic Party of Hawai`i (DPH) hereby submits its testimony in **SUPPORT of HB 402 relating to Increasing the OHA Pro Rata Share of Public Land Trust Funds.**

HB 402 establishes \$35,000,000 as the Office of Hawaiian Affairs' pro rata share of the public land trust and it transfers \$139,000,000 less certain funds to the Office of Hawaiian Affairs for underpayment of the public land trust funds for 7/1/2012 to 6/30/2019. HB 403 requires the Department of Land and Natural Resources to provide an annual accounting of receipts from lands described in section 5(f) of the Admissions Act and it establishes a committee to recommend the annual amount of the income and proceeds from the public land trust that the Office of Hawaiian Affairs shall receive annually. Further, HB 402 appropriates funds.

The Democratic Party of Hawaii's 2018 Platform makes is clear that DPH demands that the OHA 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, OCCLP supports HB 402 and urges its passage out of the Committee on Water, Land and Hawaiian Affairs.

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

Submitted on: 1/29/2019 12:18:22 PM

Testimony for WLH on 1/30/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Democratic Party of Hawaii, Hawaiian Affairs Caucus	Support	Yes

Comments:

I shall be providing testimony individually, and as Chair of the Hawaiian Affairs Caucus, Democratic Party of Hawaii in support of HB402.

HB-402

Submitted on: 1/28/2019 5:00:45 PM

Testimony for WLH on 1/30/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	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**.

www.WeAreOne.cc



49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

HOUSE COMMITTEE ON
WATER, LAND AND HAWAIIAN AFFAIRS

Wednesday, January 30, 2018, 10:30 am, Conference Room 325
HB 402, Relating to Increasing the Office of Hawaiian Affairs' Pro Rata Share of Public Land Trust Funds

TESTIMONY

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

Chair Yamane and Committee Members:

The League of Women Voters of Hawaii requests amendment of HB 402.

The League has no expertise or position concerning OHA's fair share of revenues. However, we request amendment of HB 402 so that the proposed public lands trust revenue committee is subject to Chapter 92, Hawaii Revised Statutes. There is no compelling justification to exempt the proposed committee from the Sunshine Law.

Thank you for the opportunity to submit testimony.



Luna O Na Papa Alakai

Committee on Water, Land, & Hawaiian Affairs
Hon. Rep. Ryan I. Yamane, Chair

Pelekikena
A. Makana Paris

Wednesday, January 30, 2019
10:30 am Conference Room 325
State Capitol

Hope Pekekikena
Ekahi
Randi Fernandez

Hope Pelekikena
Elua
Matthew Gumapac

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

Puuku
Denise Kekuna

Aloha Chair Yamane, Vice-Chair Todd, and honorable members:

Kakauolelo Hoopaa
Sai Furukawa

The Prince Kūhiō Hawaiian Civic Club (PKHCC) **SUPPORTS** HB402. 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 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

Founded in 1964, PKHCC was organized to promote the education and social welfare of people of Hawaiian ancestry and objectives include supporting high ethical standards in business, industry and the professional fields of enterprise.

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

PKHCC urges the committee to **PASS** HB402 as is.

www.pkhcc.org

Me ka 'oia' i' o,



A. Makana Paris
Pelekikena

president@pkhcc.org

Founded in 1964
by Liliuokalani
Kawananakoa Morris



Rep. Ryan Yamane
Chairman, House Water, Land and Hawaiian Affairs
State Capitol
Honolulu, HI

Re: House Bill 402

Chairman Yamane and Committee Members:

The Hawaii Professional Chapter of the Society of Professional Journalists takes no position on the merits of this measure.

However, the chapter opposes a provision in the bill to allow the committee that would establish how much money OHA is owed and other related issues to act outside the Sunshine Law.

We feel no committee creating such policy recommendations on the use of public funds should be allowed to meet in secrecy.

Thank you for your time and attention,

Stirling Morita
Hawaii Chapter SPJ

HB-402

Submitted on: 1/29/2019 1:27:36 PM

Testimony for WLH on 1/30/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lu Ann Faborito	Makaha Hawaiian Civic Club	Support	No

Comments:

Makaha Hawaiian civic club has a few members who are current lessee and have beneficiaries. It is imperative to make the transfer of funds due to DHHL to continue to do the work Prince Jonah Kuhio set out when setting up the Hawaiian Homes Act for his native people.

HB-402

Submitted on: 1/28/2019 3:54:26 PM

Testimony for WLH on 1/30/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Gora-Aina	Individual	Support	No

Comments:

The State of Hawaii needs to pay the 20% of PLT as stated in the law it's the least it can do for taking what isn't theirs. The state also owes back revenues due. We shouldn't have to come to the legislature & ask what is due.

HB-402

Submitted on: 1/28/2019 5:30:11 PM

Testimony for WLH on 1/30/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lei K Ayat-Verdadero	Individual	Support	No

Comments:

It's time to revisit Native Hawaiians' fair share of PLT revenues. Importantly, Native Hawaiians' PLT share has been underfunded historically, and 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

Submitted on: 1/29/2019 8:41:41 AM

Testimony for WLH on 1/30/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Leanne Fox	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 HB402.

HB-402

Submitted on: 1/29/2019 2:23:03 AM

Testimony for WLH on 1/30/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra C. Castell	Individual	Support	No

Comments:

I, Sandra Coffey Castell, an OHA beneficiary and State resident, 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

Submitted on: 1/29/2019 10:28:14 AM

Testimony for WLH on 1/30/2019 10:30:00 AM

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 and I strongly urge you to SUPPORT of HB402.

Mahalo.

HB-402

Submitted on: 1/29/2019 10:35:11 AM

Testimony for WLH on 1/30/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brytni K-aloha	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 HB402.

HB-402

Submitted on: 1/29/2019 10:27:41 AM

Testimony for WLH on 1/30/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaimo Muhlestein	Individual	Support	No

Comments:

HB-402

Submitted on: 1/29/2019 11:54:50 AM

Testimony for WLH on 1/30/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Gumapac	Individual	Support	No

Comments:

HB-402

Submitted on: 1/29/2019 3:26:34 PM

Testimony for WLH on 1/30/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Samantha Keaulana	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 HB402.

Committee on Water, Land, & Hawaiian Affairs
Rep. Ryan I. Yamane, Chair
Rep. Chris Todd, Vice Chair



Wednesday, January 30, 2019
10:30am Conference Room 325
State Capitol
415 South Beretania Street

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

Aloha Chair Yamane and honorable members:

I **SUPPORT** HB402. The State will better fulfill its trust responsibilities to the Native Hawaiian community, especially 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 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.

I respectfully urge the Committee to **PASS** HB402, and return to the Native Hawaiians what is theirs.

Me ke aloha,

Kamuela Werner, MPH
Native Hawaiian and Wai'ananae Resident

LATE

HB-402

Submitted on: 1/29/2019 4:54:08 PM

Testimony for WLH on 1/30/2019 10:30:00 AM

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

Comments:

Dear members of the House Committee on Water, Land and 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 this opportunity to testify.

Kevin

LATE

**Association of Hawaiian Civic Clubs
Hawai'i Council – Moku o Keawe
P.O. Box 7164
Hilo, HI 96720**

**LEGISLATIVE TESTIMONY
SUPPORTING HB 402
RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA
SHARE OF PUBLIC LAND TRUST FUNDS.**

House Committee on Water, Land, & Hawaiian Affairs
Wednesday January 30, 2019, 10:30a.m. Rm. #325

Aloha Chair Yamane and members of the WLH committee,

The Association of the Hawaiian Civics is comprised of five councils that are region based, to which over sixty clubs nationwide that are chartered within their respective council. The Hawai'i Council, on numerous occasions, supported the position of the Association of Hawaiian Civic Clubs regarding the pro rata share due to the Office of Hawaiian Affairs (OHA).

Many of the clubs from the Hawai'i Council work within rural areas that struggle to maintain resources, lifestyle, and adaptation. On many occasions Hawaiian Civic clubs, with the assistance of OHA, has been able to reach out in their community and has even gone beyond the Native Hawaiian households.

It's imperative that this legislation finds that the Native Hawaiian community rely heavily on the support of OHA to carry its mission within these rural areas of Hawaii Nei, and it also connects to a wider and broader community.

Mahalo for your time and please support HB 402.

Mahalo,
Shane Palacat-Nelsen
AHCC – Moku o Keawe
Pelekikena

LATE

HB-402

Submitted on: 1/29/2019 5:24:00 PM
Testimony for WLH on 1/30/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments:

LATE

HB-402

Submitted on: 1/29/2019 5:52:15 PM

Testimony for WLH on 1/30/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Micah Hicks	Individual	Support	No

Comments:

Aloha e council members,

This bill is a necessary measure to ensure not only that constitutional obligations are fulfilled, but that kanaka maoli have access to programs and opportunities that can break the cycle of poverty and destructive behavior that so many find themselves in. What benefits kanaka, will benefit all of Hawai'i. Kanaka maoli have been a strong voice for the issues that in fact matter most to all of Hawai'i: the environment, housing, agriculture, ect. Similarly, it is from that culture that we all draw so much.

This is not owed to kanaka maoli, in the sense that they do not have a right such as we all have life, liberty, and so on. But it is the duty of the broader society to note what has been taken, and to give back in equal measure. It is the duty of the broader society to support all peoples, and this includes kanaka. As OHA is the primary vehicle through which we have chosen to do this, society ought to make sure not to not renege on our promises.

While OHA is currently mired in controversy—this is is not the point. Certainly it is incumbent on OHA and the state to find a path forward—though the state clearly has some of its own problems. But beyond the reform, we must ensure that OHA is properly funded. As much as we need reform, so to do we need funding.

The state, and by extension each one of us, has for far too long withheld what funding was promised to and necessary for the proper functioning of OHA. Restore the funding that was promised.

LATE

HB-402

Submitted on: 1/29/2019 9:36:13 PM

Testimony for WLH on 1/30/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Juanita Kawamoto Brown	Kalihi Palama Hawaiian Civic Club	Support	No

Comments:

I stand in support of this legislation.

LATE

HB-402

Submitted on: 1/29/2019 9:40:23 PM

Testimony for WLH on 1/30/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaui Burgess	Kamehameha Schools	Support	No

Comments:

House Committee on Water, Land, & Hawaiian Affairs

Time: 10:30 a.m.

Date: Ianuali 30, 2019

Where: State Capitol Room 325

TESTIMONY

By: Kamehameha Schools

RE: HB 402, Relating to Increasing the Office of Hawaiian Affairs' pro rata share of the Public Land Trust Funds

E ka Luna Ho'omalua Yamane, ka Hope Luna Ho'omalua Todd, a me nā Lunamaka inana o kā'ia kā'ia, aloha!

Kamehameha Schools **SUPPORTS HB 402**, relating to increasing the Office of Hawaiian Affairs' pro rata share of the Public Land Trust funds.

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 strongly believe that the Office of Hawaiian Affairs should receive full and fair funding from the public land trust, as designated by Hawai'i's Constitution.

Consistent with our strategic plan for 2015-2020 and vision for a thriving Lā• hui 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 Lā• hui 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 these comments, Kamehameha Schools **SUPPORTS HB 402.**

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

LATE

HB-402

Submitted on: 1/29/2019 11:18:59 PM

Testimony for WLH on 1/30/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christina H. Young	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 HB402.

LATE

Testimony HB402

HOUSE OF REPRESENTATIVES

THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2019

COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS

Rep. Ryan I. Yamane, Chair

Rep. Chris Todd, Vice Chair

Rep. Sharon E. Har

Rep. Tina

Wildberger

Rep. Nicole E.

Rep. Cynthia

Lowen

Thielen

Rep. David A.

Tarnas

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

Report Title: Public Land Trust; OHA; Pro Rata Share; DLNR; Appropriation

Position: SUPPORT

The Office of Hawaiian Affairs (OHA) has been tasked per the Hawai'i State Constitution to employ resources to support efforts toward native Hawaiian self sufficiency in areas such as education and business ownership. HB402 Establishes \$35,000,000 as the Office of Hawaiian Affairs' pro rata share of the public land trust and transfers \$139,000,000 less certain funds to the Office of Hawaiian Affairs for underpayment of the public land trust funds for 7/1/2012 to 6/30/2019. In addition, this bill requires the Department of Land and Natural Resources to provide an annual accounting of receipts from lands described in section 5(f) of the Admissions Act. Thank you for giving this bill a hearing, For the good of native Hawaiians please pass this bill.

Mahalo,

Ken Farm

Member, Kalihi-Palama Hawaiian Civic Club

LATE

LATE

Testimony in Strong Support of HB 402

HOUSE OF REPRESENTATIVES

THE THIRTIETH LEGISLATURE

COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS

Rep. Ryan I. Yamane, Chair

Rep. Chris Todd, Vice Chair

REGULAR SESSION OF 2019

January 30, 2019, Room 325

MEASURE: HOUSE BILL 402

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

TO HOUSE COMMITTEE MEMBERS ON WATER, LAND, & HAWAIIAN AFFAIRS,

I speak in **STRONG SUPPORT** of House Bill 402, **RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS.**

For many years to this current day, the current pro rata share of public land trust fund to OHA is inconsistent with the Hawaii State Constitution's 20% pro rata share funding. OHA was established by the Hawaii State Constitution and that its mission is to improve the betterment of Native Hawaiians. HB 402 will make "pono" the State of Hawaii's inadequate accountability to fund OHA's annual pro rata share of the public lands trust funds. You have the opportunity now to properly account for OHA's pro rata share of the public lands trust funds.

I urge this committee to **PASS** House Bill 402 so that the public lands trust funds obligation to OHA from the State of Hawaii becomes "*pono*".

Mahalo,

Kaimo Muhlestein
President
Kalihi-Palama Hawaiian Civic Club

