



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committees on Ways and Means and Judiciary
February 26, 2020 at 1:10 p.m.

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

SB 1363 SD1 – RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS

Chairs Dela Cruz and Rhoads, Vice Chairs Keith-Agaran and Keohokalole, and members of the Committees:

Thank you for the opportunity to submit our strong concerns with SB 1363 SD1. Like the Office of Hawaiian Affairs (OHA), the University of Hawai'i (University) has a unique relationship to the public land trust requiring special consideration.

The Admissions Act § 5(f), which created the State of Hawai'i public trust lands commonly referred to as ceded lands, identifies multiple purposes to benefit from these lands. The first of these purposes enumerated in the Act is the "support of public schools and other public educational institutions" and the second of these purposes is the "betterment of Native Hawaiians." As the University is also an identified purpose of the public land trust, it should not be required to sacrifice its benefits from the public land trust to OHA¹.

The University and OHA were both established by the Hawai'i State Constitution. With this equal footing, the Hawai'i State Constitution expressly authorizes 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, Article X, Section 5, emphasis added.

Independent from Act 178, Session Laws of Hawai'i (SLH) 2006, the University currently provides millions of dollars per year in direct tuition benefits from its own resources to Native Hawaiian students. And as just two additional examples, has created and funded 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

¹ In creating OHA, the Hawai'i State Legislature adopted Hawai'i Revised Statutes §§ 10-3 and 10-13.5 which provide that 20%, or one-fifth, of all funds derived from the public land trust shall be expended by OHA for the betterment of the conditions of native Hawaiians. Later in 2006, the Legislature fixed OHA's pro rata share of the public land trust to \$15,100,000. See Act 178, SLH 2006.

University of Hawai'i at Hilo, which are each completely distinctive in higher education in the United States.

The University has embraced its mission to become a model indigenous-serving university and greatly appreciates the financial support from and many partnerships with OHA (along with the Ali'i Trusts and other organizations) to advance Native Hawaiian people, language, culture, and history. While the University does not necessarily object to any considerations as to whether the pro rata share of ceded land revenues to OHA can be increased or revised, we do point out that the University serves one of the same purposes as provided for under Admissions Act. The University must focus its resources to provide all of its students with the educational tools, training, and tenacity to meet the challenges in today's competitive local, national, and global workforce.

The University respectfully requests that SB 1363 SD1 be amended to exclude the University from any obligations to OHA derived from the University's benefits from the public land trust except for receipts flowing from the subleases issued by the University for properties situated at the Mauna Kea summit.

Thank you for your time and consideration.



SB1363 SD1

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

Ke Kōmike 'Aha Kenekoa o ke Ki'ina Hana a me nā Kumuwaiwai
Ke Kōmike 'Aha Kenekoa o ka Ho'okolokolo

Pepeluali 26, 2020

1:10 p.m.

Lumi 211

The Office of Hawaiian Affairs (OHA) **STRONGLY SUPPORTS** SB1363 SD1, and respectfully requests amendments to restore the intent of the original version of this measure that would update Native Hawaiians' annual share of the Public Land Trust to \$35 million and transfer to OHA a lump sum of \$159 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 eight years. This 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. OHA also supports the other provisions of SB1363 SD1 that would continue existing 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.

OHA's Pro Rata Share

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 Regular Session of the State Legislature.

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 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 since 2006. OHA's research shows that the \$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 to OHA, but which fall within historically agreed upon categories of revenues that have been transferred to OHA as well as smaller amounts due to accounting errors or inconsistent transfers.

OHA notes that the applicability of OHA's pro rata share to airport receipts and the transfer of analogous receipts is not only appropriate, but is also consistent with longstanding state practice and policy. The state began transferring revenue to OHA for the use of Public Land Trust lands at Hawai'i's airports starting in fiscal year 1992. The state continued to honor OHA's right to receive its pro rata share of airport Public Land Trust revenues by making annual payments for several years, and by appropriating lump sums from general funds as equivalent payments for past due amounts when yearly payments were not made.

Even after Congress passed the "Forgiveness Act,"¹ which acknowledged and explicitly "forgave" previous diversions from airport Public Land Trust revenues for the betterment of Native Hawaiians, but barred future, *direct* diversions, the state continued to use airport revenue amounts to calculate OHA's Public Land Trust payments.² This practice was consistent with and affirmed the comments of the late Senator Daniel Inouye, who, in commenting on the passage of the Forgiveness Act, explicitly noted that the Act did not obviate the state's obligation to OHA, but only stated that the funds to satisfy OHA's and Native Hawaiians' pro rata share of Public Land Trust revenues could not come directly from the airports.

OHA further notes that the \$35 million figure does not include revenue streams from hospital patient fees generated from state hospitals on Public Land Trust land, or from residential rental payments and fees generated from state housing facilities on Public Land Trust land – revenues that courts have found should be considered subject to OHA's and

¹ Department of Transportation and Related Agencies Appropriations Act, Pub. L. No. 105-66, section 340, 111 Stat 1425, 1448 (1998).

² Examples of such instances include Act 329 of the 1997 Regular Session of the Hawai'i State Legislature; Act 178 of the 2006 regular Session; Act 15 of the 2012 Regular Session; and *Office of Hawaiian Affairs v. State of Hawai'i*, 96 Haw. 388, 31 P.3d 901 (2001) ("OHA I").

Native Hawaiians' pro rata share. The \$35 million figure also does not consider unknown Public Land Trust 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 SB1363, and which already excludes significant revenue streams, is a prudent, fair, and long-awaited step towards better fulfilling the state's constitutional and moral obligations to Native Hawaiians.**

Similarly, OHA further requests that the measure's proposed lump sum back payment be reinserted into this measure, which now amounts to \$159 million. A \$159 million amount would reflect the difference between the proposed \$35 million annual share and the \$15.1 million OHA receives, then multiplying the difference by eight, to represent the last eight 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.

OHA & the State Should Build Upon Past Agreements, Not Nullify Them

Suggestions made by the Department of Transportation (DOT), the University of Hawai'i, the Hawai'i Health Systems Corporation, and the Department of Agriculture in SB1363's companion measure—HB402, fly in the face of decades of agreement between OHA and the State, regarding what revenue streams should be subject to OHA's pro rata share. While there certainly continues to be remaining disagreements between OHA and the State over specific revenue streams, the revenue streams that OHA and the State disagree on were not included in the calculation of the annual \$35 million proposed by the original version of this measure.

As supported by statements in a consolidated letter drafted by the Department of the Attorney General to the Chairs of the Senate Committees on Water and Land and Ways and Means dated December 21, 2018, the Department of Budget and Finance and other state agencies generally follow a longstanding distinction between "sovereign" and "proprietary" Public Land Trust revenues. These distinctions as well as the inclusion of airport revenues were the basis of the agreements reached between the State and OHA that eventually became Act 304 of the 1990 Legislature, a historic law that has informed the State's and OHA's actions related to the Public Land Trust for nearly thirty years. Significantly, the agreements underlying Act 304 also formed the basis of the calculations used in prior settlements of the past due amounts owed to OHA. Accordingly, the applicability of OHA's pro rata share to proprietary revenues is the longstanding policy of the State, including that of the executive branch. **It appears that the aforementioned individual state agencies are seeking to arbitrarily adopt only part of Act 304's sovereign definition, which allows them to exclude substantial revenue streams, while ignoring the part of the definition that requires them to include other revenue streams.** That result ignores the substantial give and take made by both OHA and the State in its agreements embodied in Act 304 nearly three decades ago.

Furthermore, the fact that an agency utilizes Public Land Trust receipts for other purposes of the 5(f) trust does not excuse it from its obligations to account for OHA's constitutional and statutory pro rata share. It is important to remember that the 5(f) lands subject to the Public Land Trust were taken from the Hawaiian Kingdom without consent and without compensation. Prior to the 1978 state constitutional amendments, all 5(f) revenues had been going only to the state Department of Education; the delegates to the 1978 Constitutional Convention directly addressed this fundamental unfairness and injustice and changed Hawai'i's Constitution so that Native Hawaiians would directly benefit from Public Land Trust revenues through OHA. The 1978 constitutional amendments were adopted and approved by a majority of the Hawai'i electorate. Arguments that agencies should be excused from their constitutional obligations accordingly ignore the longstanding history underlying Native Hawaiians' and OHA's pro rata share of the Public Land Trust as now embodied in the highest law of the state.

OHA appreciates the efforts of other state agencies to assist Native Hawaiians and others in our community. OHA expends a substantial portion of its trust fund revenues on activities that fall within the trust purposes of Section 5(f) and that are also for the benefit of Native Hawaiians, such as education, health, agriculture, home ownership; and other areas. OHA also contributes funding to assist other state agencies in their efforts. The position of another state agency that it should not have to transfer 20% of its Public Land Trust receipts to OHA runs afoul of the State's fiduciary duties to Native Hawaiians and its constitutional and statutory obligations to OHA. It would be a miscarriage of justice to reduce the 20% obligation that has been law in Hawai'i for almost 40 years. The statistics are clear that Native Hawaiians are in need.

OHA strongly opposes the changes proposed by the DOT in SB1363's companion bill—HB402, which would defy its clear and well-established constitutional and statutory obligations, and suggest that its transfers to OHA as required by law are somehow NOT necessary, insofar as they would fall outside of its "mission for the State." As a state agency, HDOT is duty-bound to uphold the constitution and laws of Hawai'i, which make clear its constitutional and statutory duties and trust responsibilities to transfer a pro rata share of Public Land Trust revenues, derived from "ceded" and unlawfully acquired Hawaiian Kingdom lands, to OHA. **HDOT's argument that it need not comply with these constitutional and statutory responsibilities as not within its own narrowly-interpreted "mission" is a poor attempt to selectively excuse itself from laws it finds inconvenient;** under this logic, HDOT would also need not comply with any number of other constitutional and statutory mandates that fall outside of its self-defined "mission."

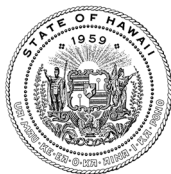
Indeed, as previously discussed, excluding revenues from agencies that are "generated to fulfill [their] mission for the State" would set back decades of agreement and progress regarding Native Hawaiians' pro rata share of the Public Land Trust, and render meaningless the state's constitutional commitment to acknowledge the injustice and ongoing harms inflicted upon the Hawaiian people, rooted in large part through the forceful overthrow of the Hawaiian Kingdom without which the State as it stands today would not even exist. Such an interpretation would essentially mean that no revenues from the Public Land Trust would be subject to Native Hawaiians' pro rata share, an

absurd and patently unjust result that flies in the face of even the most basic legal—and logical—interpretation of the law.

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 Committees to **PASS** SB1363 SD1, with the recommended amendments described above. Mahalo nui loa for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
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)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEES ON WAYS AND MEANS
AND JUDICIARY
ON
SENATE BILL NO. 1363, S.D. 1

February 26, 2020
1:10 p.m.
Room 211

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

The Department of Budget and Finance (B&F) supports the general intent of this measure and provides the following comments.

Senate Bill (S.B.) No. 1363, S.D. 1, proposes to: 1) amend the amount of the Office of Hawaiian Affairs' annual share of the income and proceeds of the Public Land Trust beginning in FY 19-20; 2) require the Department of Land and Natural Resources to conduct an annual accounting of receipts; 3) establish a committee to recommend the annual transfer amount; and 4) establish the implementation process.

It is noted that this bill does not repeal Act 178, SLH 2006, and certain parts of S.B. No. 1363, S.D. 1, conflict with provisions in Act 178. Accordingly, B&F believes it is preferable to amend Act 178 and replace the current amount with the newly determined amount. B&F also recommends that the detailed process of making the transfers continue to be accomplished via Executive Order (E.O.). The existing E.O. (E.O. No. 06-06) is currently under review as we recognize there is a need to update it. Further, B&F recommends that the effective date be changed to FY 21 to allow sufficient time for implementation.

Thank you for your consideration of our comments.

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 Senate Committees on
WAYS AND MEANS
and
JUDICIARY**

**Wednesday, February 26, 2020
1:10 PM
State Capitol, Conference Room 211**

**In consideration of
SENATE BILL 1363, SENATE DRAFT 1
RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA
SHARE OF PUBLIC LAND TRUST FUNDS**

Senate Bill 1363, Senate Draft 1 proposes to establish the Office of Hawaiian Affairs' (OHA) pro rata share of the Public Land Trust, and transfer funds to OHA for underpayment of the Public Land Trust funds from July 1, 2012 to June 30, 2019. The measure also proposes to require the Director of Finance to make up the difference between a specified minimum amount and an amount of public land trust receipts from an agency to OHA by transferring the difference into the carry forward holding account, require the Department of Land and Natural Resources (Department) to provide an annual accounting of receipts from lands described in Section 5(f) of the Admission Act, and establish a committee to recommend the annual amount of the income and proceeds from the public land trust that OHA shall receive annually. **The Department opposes this bill, due to particular concerns about certain provisions, particularly SECTION 6.**

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 2019 totaled \$17,150,588.94. 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

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

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.

The revenues collected by the Land Division cover the entire annual operating budget for the Land Division, the Department's Office of Conservation and Coastal Lands, and the Dam Safety and Mineral Resources Programs of the Department. 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.

Regarding SECTION 6 of the bill, each year the Department collects the ceded land revenue information from the executive agencies pursuant to Act 178, Session Laws of Hawaii 2006, and submits a report to the Legislature. Act 178 provides that the executive agencies are to cooperate with the Department in this endeavor but does not make the Department an auditor or "bill collector" of other agencies' revenues. Rather, with respect to information reported by other agencies, the Department relies on the accounting such agencies provide and conducts no independent verification of their revenue figures. The Department opposes this provision to the extent that it imposes additional requirements upon the reporting process.

Requiring the Department to serve as a forensic accountant of all public land trust revenues would unreasonably burden the Department from fulfilling its core mission: the preservation and stewardship of the State's natural resources. The Department is in no position to provide an accounting of public trust land receipts generated by other departments or agencies, other than for itself. The accessibility to and accuracy of the information contained in the report is determined largely by the accounting practices of other agencies and departments involved with managing public land trust revenues, of which the Department has no control or oversight

The Department does not have the necessary staff resources and expertise to audit or otherwise confirm the accuracy of information provided by other agencies.¹ To require the Department to

¹ There is no legitimate reason for the Department to be tasked with compiling the financial records from the various agencies into what is known as the annual Act 178 report. And there ought not to be a question of whether the land is ceded or not, because almost all State lands are ceded (97%-98%) and each agency managing those lands is aware whether their land is ceded or not (or a combination thereof). As such, the Department offers no special expertise in compiling the accounting records of the various agencies into a report.

do so would force the Department to expend its limited resources in capitulation of its public trust obligations to all of the State's residents. If OHA believes that the current reporting is deficient and incomplete, then OHA should assume responsibility for the accounting and reporting of ceded land revenues. OHA would then have the autonomy to determine and implement an accounting methodology they deem fit to satisfy the obligations to their beneficiaries.

In addition, the Department believes paragraph (2) under the purpose section of the bill on page 11 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.

Thank you for the opportunity to comment on this measure.

DEMOCRATIC PARTY OF HAWAII
Hawaiian Affairs Caucus

TESTIMONY IN SUPPORT OF
SB1363, SD1, RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA
SHARE OF PUBLIC LAND TRUST FUNDS.

Hearing , Feb 26, 2020, 1:10 p.m., Conference Room 211

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S. C. Keith-Agaran, Vice Chair
Members of the Committee on Ways and Means

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Members of the Committee on Judiciary

Aloha,

The Hawaiian Affairs Caucus of the Democratic Party of Hawaii, submits testimony in strong support of SB1363, SD1, that, “Establishes \$ _____ as the Office of Hawaiian Affairs' pro rata share of the public land trust. Transfers \$ _____ 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 Director of Finance to make up the difference between a specified minimum amount and an amount of public land trust receipts from an agency to the Office of Hawaiian Affairs by transferring the difference into the carry-forward trust holding account. Requires the Department of Land and Natural Resources to provide an annual accounting of receipts from lands described in section 5(f) of the Admission 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. (SD1)”.

Years of data are now available to the Governor, the legislature, and OHA that clearly support an increase in the pro-rata share of the Public Land Trust revenues to OHA. We also fully support the requirement for an annual accounting of receipts since testimonies by state Departments themselves, as well as OHA's own contracted audit reflect errors and/or misunderstanding about the receipts to be reported.

Lastly, the establishment of a Public Land Trust Revenues Committee to study and make recommendations every six years regarding the amount of the income and proceeds from the public land trust that the OHA shall receive annually is forward thinking and prudent given the evolving nature of the economics of this state and turnover in state leadership positions.

For all of these reasons, we continue to support SB1363, SD1. We were highly disappointed that this measure did not pass out of the legislature into law last year, and are hopeful for better results this year.

Respectfully,

/s/ Leimomi Khan
Chair

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: SENATE COMMITTEE ON WAYS AND MEANS
AND SENATE COMMITTEE ON JUDICIARY

For hearing Wednesday, February 26, 2020

Re: SB 1363, SD1

RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS. Establishes \$ as the Office of Hawaiian Affairs' pro rata share of the public land trust. Transfers \$ 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 Director of Finance to make up the difference between a specified minimum amount and an amount of public land trust receipts from an agency to the Office of Hawaiian Affairs by transferring the difference into the carry-forward trust holding account. Requires the Department of Land and Natural Resources to provide an annual accounting of receipts from lands

described in section 5(f) of the Admission 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. (SD1)

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 40 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 unsupported by facts. The dollar amount for makeup of alleged arrears is both unsupported by facts and would violate previous agreements negotiated in good faith.

Although this current version of the bill does not have dollar amounts filled in, a previous version 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 a propaganda film broadcast repeatedly on TV in 2019, are evidence that no amount would ever be enough to satisfy the monster that is devouring Hawaii. Enough already! Stop feeding this beast.



KE ONE O KĀKUHIEWA

O'ahu Council of the
Association of Hawaiian Civic Clubs

SENATE COMMITTEE ON WAYS AND MEANS AND SENATE COMMITTEE ON JUDICIARY

WEDNESDAY, FEBRUARY 26, 2020

CONFERENCE ROOM 211

STATE CAPITOL

415 South Beretania Street

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

JACOB KA'ŌMAKAOKALĀ AKI-
KING KAMEHAMEHA HCC
HOPE PELEKIKENA

GEORGIANA NAVARRO-
MĀKAHA 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
KĀPOLEI
LANCE HOLDEN

ALI'I PAU'UHI HCC
KEHAULANI LUM

'EWA-PU'ULO'A HCC
MARLEEN KAU'I SERRAO

HCC OF HONOLULU
ANITA NAONE

KAILUA HCC
MAPUANA DE SILVA

KALIHI-PĀLAMA HCC
JUANITA BROWN
KAWAMOTO

KING KAMEHAMEHA HCC
LETANI PELTIER

KO'OLAULO'A HCC
RANAE "TESSIE"
FONOIMOANA

KO'OLAUPOKO HCC
ALICE P. HEWETT

LUALUALEI HCC
SHIRLINE HO

MĀKAHA HCC
LUANN LANKFORD-
FABORITO

MAUNALUA HCC
ROSE KITTY SIMONDS

NA LANI 'EHA HCC
R. KELANI RAMOS

NĀNĀIKAPONO HCC
JAYCINE HICKS

PĀPAKŌLE'A HCC
KEALI'I LUM

PEARL HARBOR HCC
ANTOINETTE LEE

PRINCE KŪHIŌ HCC
A. MAKANA PARIS

PRINCESS KAI'ULANI HCC
RUSTY RODENHURST

QUEEN EMMA HCC
RAWLETTE P. KRAUT

HCC OF WĀHIAWA
MARIE "MĀLIA" DOO

HCC OF WĀIALUA
MAKALAPUA CASSON-
FISHER

WĀI'ANAE HCC
CYNTHIA ENRIQUEZ

WAIKIKI HCC
L. PI'IKEA TOMCZYK

HCC OF WAIMĀNALO
LOU'ANNA KAIO

Aloha Chair Rhoads, Chair Dela Cruz, Vice chair Keohokalolo, and Vice Chair Keith-Agaran, and members of the committees on Ways and Means and Judiciary,

My name is Benton Kealii Pang and I am the president for the O'ahu Council of the Association of Hawaiian Civic Clubs. I am writing in **strong support** of **SB1363 SD1**, which esatalibshes funds as the Office of Hawaiian Affairs' pro rata share of the public land trust and transfers funds to the Office of Hawaiian Affairs for underpayment of the public land trust funds for 7/1/2012 to 6/30/2019. The bill also requires the the Department of Land and Natural Resources to provide an annual accounting of 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 the Office of Hawaiian Affairs shall receive annually.

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. 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.



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.

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.

Thus, Ke One O Kākuhihewa respectfully urges the Committee to **PASS** SB133 SD1.

Ke One O Kakūhihewa is a native Hawaiian council made up of 24 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,

A handwritten signature in black ink, appearing to read "Benton Kealii Pang". The signature is fluid and cursive, with a large initial "B" and a long, sweeping tail.

Benton Kealii Pang, Ph.D.





Moku o Keawe

Hawai'i Council of the
Association of Hawaiian Civic Clubs
P.O. Box 7164 | Hilo, Hawai'i | 96720

LATE

Committees on Ways and Means & Judiciary

Wednesday, February 26, 2020 1:10 p.m. Conference Room 211

Re: SB 1363 SD1 – RELATING TO INCREASING THE OFFICE OF HAWAIIAN
AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS.

Aloha Chair Dela Cruz and Chair Rhodes and Committee members,

The Hawai'i Council for the Association of Hawaiian Civic Clubs **STRONGLY SUPPORTS THE ORIGINAL VERSION OF SB1363 SD1**. This bill proposes a constitutional amendment to lower the voting age to sixteen for all state and local elections.

This bill 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. The 28th Legislature in 2016, the Senate adopted concurrent H.C.R. No. 188 H.D.1, S.D.1, requesting the Governor to convene a Public Land Trust Revenue Negotiating Committee and that they should meet 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. More importantly, Native Hawaiians' PLT share is the primary source of funding programs, grants, and services that benefit both Native Hawaiians and the larger community. Raising Native Hawaiians' annual share will support the 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 would like to respectfully urge the Committees to **PASS SB1363 SD1** with amendments to add the dollar amounts back into this bill.

Mahalo nui,
Shane Palacat-Nelsen
Pelekikena



LATE

Senate Committee on Ways and Means
Senate Committee on Judiciary

Pō 'akolu, Pepeluali 26, 2020
Lumi 'Aha Kūkā 211
Ke Kapikala Moku 'āina
415 South Beretānia Street

Re: SB1363, SD1 - RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS

Aloha Luna Ho 'omalu Donovan Dela Cruz, Hope Luna Ho 'omalu Gibert Keith-Agaran, Luna Ho 'omalu Karl Rhoads, Hope Luna Ho 'omalu Jarrett Keohokalole, and members of the Senate Committees on Ways and Means and Judiciary:

The Association of Hawaiian Civic Clubs **SUPPORTS** the intent of SB1363, SD1. 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. At its 57th annual convention, the Association passed resolution 2016-1, which 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. At its 60th annual convention, the Association passed resolution 2019-58, which calls for the state to provide Native Hawaiians with their fair share of the public land trust revenue.

This original bill would transfer \$139 million to OHA to make up for some of the underpayment of PLT 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.

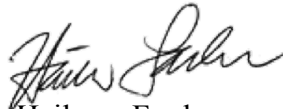
The Native Hawaiian community has been denied access to its fair share of trust resources for decades. The OHA pro rata share of PLT revenue is the primary source of funding for programs, grants and services that benefit the Native Hawaiian community, and has a positive impact on all of Hawai'i. Raising the annual appropriation to \$35 million 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, the Association respectfully urges the committees to **PASS** SB1363 SD1 and revert all blanked out amounts to that which was specified in the original bill.

The civic club movement was founded in 1918 by Congressional Delegate Prince Jonah Kūhiō Kalaniana'ole with the creation of the Hawaiian Civic Club; 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

***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

ASSOCIATION OF HAWAIIAN CIVIC CLUBS

A RESOLUTION

No. 2019 - 58

URGING THE STATE OF HAWAI‘I TO PROVIDE NATIVE HAWAIIANS WITH THEIR FAIR SHARE OF THE PUBLIC LAND TRUST REVENUE

WHEREAS, Native Hawaiians are the indigenous people of the Hawaiian archipelago and have never given up their inherent right of self-determination nor their claims and rights to their land; and

WHEREAS, after the illegal overthrow of Queen Lili‘uokalani’s government and the establishment of the Republic of Hawai‘i in 1894, the republic claimed the Crown Lands and merged the Government and Crown Lands into the “public lands” through the 1895 Land Act; and

WHEREAS, in 1898, the Republic of Hawai‘i transferred over 1.8 million acres of Government and Crown Lands to the United States under the Newslands Joint Resolution; and

WHEREAS, when Hawai‘i became a state in 1959, most Government and Crown Lands, including those lands included as part of the Hawaiian Homes Commission Act, were transferred to the State of Hawai‘i, however the United States retained use and control of over 375,000 acres of land; and

WHEREAS, as part of the incorporation of Hawaii as a state of the Union, in section 5(f) of the Admissions Act the State of Hawaii’s public trust responsibilities to Native Hawaiians is clarified whereby “[t]he lands granted to the State of Hawai‘i... shall be held by said State as a public trust for the support of ...native Hawaiians.”; and

WHEREAS, in 1978, the people of Hawai‘i overwhelmingly ratified amendments to the constitution including Article XII, Section 4, that confirmed the state’s Public Trust responsibilities; Section 5 that established the Office of Hawaiian Affairs (OHA); and Section 6 which requires the OHA Trustees to manage and administer income and proceeds from a variety of sources, including a “pro rata portion” of the public land trust; and

WHEREAS, the Hawai‘i State Constitution does not define what percentage of the public land trust income and proceeds OHA should receive on behalf of Native Hawaiians because that determination was left to the Hawai‘i State Legislature; and

WHEREAS, the Hawai'i State Legislature determined that Native Hawaiians should get at least 20 percent of the Public Land Trust revenue (Hawai'i Revised Statutes §10-13.5); and

WHEREAS, in a joint resolution adopted by the 103rd Congress of the United States, signed into law as Public Law 103-150, November 23, 1993, the U. S. Congress apologized to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawai'i; and

WHEREAS, Act 178, Session Laws of Hawai'i 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, based on the annual accounting of the amounts derived from the public trust and additional research commissioned by OHA of receipts from the Public Land Trust in fiscal year 2015-2016, OHA has determined the minimum amount of applicable total gross public land trust receipts to be at least \$174,816,220 in fiscal year 2015-2016, for undisputed revenues and 20 percent of that income is \$34,963,244; 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 to for the benefit of Native Hawaiians under Article XII, Sections 4 and 6 of the Hawai'i State Constitution; and

WHEREAS, the pro rata share owed to Native Hawaiians from the Public Land Trust revenue is not a handout, a race base benefit, nor a privilege, but is their fair share of the trust lands that they collectively hold claim over and rights as recognized by the State and Federal governments; and

WHEREAS, the pro rata share owed is indisputably at least 20 percent of the total revenues of the Public Land Trust which is estimated to be at least \$34,963,244 as of State Fiscal Year 2015-2016.

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs at its 60th Annual Convention in Lahaina, Maui, in the malama of Welehu and the rising of Lā'au Pau, this 16th day of November 2019, urging the State of Hawai'i to provide Native Hawaiians with their fair share of the Public land trust revenue; 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 Water, Land, and 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 in the malama of Welehu and the rising of Lā'au Pau on the 16th day of November 2019, at the 60th Annual Convention of the Association of Hawaiian Civic Clubs in Lahaina, Maui.

Hailama V. K. K. Farden, President



LATE

Luna O Nā Papa Alakaʻi

Pelekikena
Anthony Makana Paris

Hope Pekekikena ʻĒkahi
Randi Fernandez

Hope Pelekikena ʻElua
K āʻeo Kealoha Lindsey

Puʻukū
Leilani Williams-
Solomon

Kākau ʻŌlelo Hoʻopaʻa
Sai Furukawa

Kākau ʻŌlelo Palapala
Kamuela Werner

Pelekikena Hala Koke
Yvonne ʻPeeWeeʻ Ryan

Nā Luna Alakaʻi
Alan Akao
Kuni Agard
Puamana Crabbe
Kanani Pali
Marlene Sai
Bruce Wong

P.O. Box 4728
Honolulu, HI 96812

www.pkhcc.org

*Founded in 1964
by Liliʻuokalani
Kawānanakoa Morris*

Ways and Means
Judiciary
Wednesday, February 26, 2020
1:10 pm Conference Room 016
State Capitol

Re: SB1363, SD1 – RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS’ PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS

Aloha Chair Dela Cruz, Vice-Chair Keith-Agaran, Chair Rhoads, Vice-Chair Keohokalole and honorable members:

The Prince Kūhiō Hawaiian Civic Club (PKHCC) **SUPPORTS** the intent of SB1363, SD1. This 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.

The original version of SB1363 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.

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 Hawaiʻi.

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.

PKHCC urges the committees to **PASS** SB1363, SD1 with the blanked amounts to be replaced with the amounts noted in the original bill.

Me ke aloha,


A. Makana Paris
Pelekikena

MOKU O MANOKALANIPŌ

THE KAUA'I COUNCIL OF THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS

LATE

Date: Peleluali 26, 2020

To: Senate Committee on Ways and Means
Senate Committee on Judiciary

From: Moku o Manokalanipō, The Kaua'i Council of the Association of Hawaiian Civic Clubs
Malia Nobrega-Olivera, President
malianob@gmail.com

Re: SB1363 SD1 - RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS

Aloha Luna Ho'omalua Donovan Dela Cruz, Hope Luna Ho'omalua Gibert Keith-Agaran, Luna Ho'omalua Karl Rhoads, Hope Luna Ho'omalua Jarrett Keohokalole, and members of the Senate Committees on Ways and Means and Judiciary:

I'm writing on behalf of Moku o Manokalanipō, The Kaua'i Council of the Association of Hawaiian Civic Clubs which represents the four (4) Hawaiian Civic Clubs based on the island of Kaua'i.

Moku o Manokalanipō SUPPORTS the intent of SB 1363 SD1 . 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. At its 57th annual convention, the Association passed Resolution 2016-1, which 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. At its 60th annual convention, the Association passed resolution 2019-58, which calls for the state to provide Native Hawaiians with their fair share of the public land trust revenue.

This original bill would transfer \$139 million to OHA to make up for some of the underpayment of PLT 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 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. Raising the annual appropriation to \$35 million 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

MOKU O MANOKALANIPŌ

THE KAUA'I COUNCIL OF THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS

conditions of Native Hawaiians and, indeed, all of Hawai'i.

Therefore, Moku o Manokalanipō respectfully urges the Committee to PASS SB1363 SD1 and revert all blanked out amounts to that which was specified in the original bill.

The Hawaiian civic club movement was founded in 1918 by Congressional Delegate Prince Jonah Kūhiō Kalaniana'ole with the creation of the Hawaiian Civic Club; the Association was formally organized in 1959 and in 1968, the Hawaiian Civic Clubs on the island of Kaua'i organized Moku o Manokalanipō, the Kaua'i Council of the Association of Hawaiian Civic Clubs.



LATE

KAMEHAMEHA SCHOOLS®

Senate Committee on Ways and Means
Senate Committee on Judiciary

Time: 1:10 p.m.

Date: Peleluali 26, 2019

Where: State Capitol Room 211

TESTIMONY

by Kau'i Burgess

Director of Community & Government Relations
Kamehameha Schools

RE: **SB 1363, SD1, Relating to increasing the Office of Hawaiian Affairs' pro rata share of public land trust funds**

E ka Luna Ho'omalua Dela Cruz, ka Luna Ho'omalua Rhoads, ka Hope Luna Ho'omalua Keith-Agaran, ka Hope Luna Ho'omalua Keohokalole, a me nā Kenekoa 'ē a'e o kēia mau kōmike, aloha!

Kamehameha Schools **SUPPORTS SB 1363, SD1**, which increases the amount established as the Office of Hawaiian Affairs' annual share of the income and proceeds of the public land trust.

We believe this measure is an important step to improve 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 Lāhui by the year 2040, we view the Office of Hawaiian Affairs as a valuable partner in serving Native Hawaiians and the community.

Between 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 **SUPPORTS SB 1363, SD1.**

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

LATE



Environmental Caucus of The Democratic Party of Hawai'i

Wednesday, February 26, 2020

Senate Bill 1363, SD 1

Testifying in Strong Support

Aloha Chair Dela Cruz; Vice Chair Keith-Agaran; and Members of the Committee on Ways and Means:

The Environmental Caucus of the Democratic Party of Hawaii stands in **STRONG SUPPORT** of SB 1363, SD 1. The purpose of this measure is to: (1) establish \$_____ (an amount to be determined) as the Office of Hawaiian Affairs' pro rata share of the public land trust; (2) transfer \$_____ (an amount to be determined) 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; (3) require the Director of Finance to make up the difference between a specified minimum amount and an amount of public land trust receipts from an agency to the Office of Hawaiian Affairs by transferring the difference into the carry-forward trust holding account; (4) require the Department of Land and Natural Resources to provide an annual accounting of receipts from lands described in section 5(f) of the Admission Act; (5) establish 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; and (6) appropriate funds.

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 trust comprises of more than 1 million acres of former government and crown lands of the Kingdom of Hawai'i, seized in the overthrow of the Kingdom.

It was nearly four decades ago that the state formally recognized that 20 percent of all funds derived from those public lands, or ceded lands, should go to OHA for, among other things, the betterment of Native Hawaiians. The problem, however, was interpreting what funds meet the requirement as ceded lands revenue.

OHA and the state remain in dispute about some categories of trust revenue, including proceeds from the [Honolulu airport](#) on ceded lands. In 2001, the [Hawai'i Supreme Court](#) invalidated Act 304 in the case *OHA v. State*, but acknowledged the State's obligation: "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." In 2006, the Legislature passed Act 178, which established the interim revenue to be transferred to OHA annually as \$15.1 million. It also required a one-time payment

of \$17.5 million to OHA for past underpayments of revenues and required the [Department of Land and Natural Resources](#) to conduct annual accounting for revenues from all ceded lands. In 2012, OHA and the state reached another settlement through Act 15, which resolved back payment claims from 1978 through June 2012 and transferred ten parcels of property in [Kaka'ako](#) to OHA.

The controversy over public land trust revenue remains ongoing, and recent efforts to determine the actual amount of OHA's pro rata share have not been successful. In 2018 and 2019, relying on the definition of revenue historically agreed to by OHA and the state, data collected from agency reporting, and an analysis of underreported receipts, proposed legislation declared that the amount of revenue OHA should receive annually is closer to \$35 million, not \$15.1 million.

Based on the annual accounting of the amounts derived from the public trust and additional research commissioned by the office of Hawaiian affairs of receipts from the public land trust in fiscal year 2015-2016, the minimum amount of total gross public land trust receipts from sources that the office of Hawaiian affairs has a past or current claim was to be \$174,616, 220 in fiscal year 2015-2016. Twenty per cent of this amount from fiscal year 2015-2016 is \$34,863.244. Such additional money could be used to underwrite more programs, grants and services that benefit both the Native Hawaiian and larger communities.

For these reasons, we urge you to vote favorably on this bill that: (1) establishes \$_____ (an amount to be determined) as the Office of Hawaiian Affairs' pro rata share of the public land trust; (2) transfers \$_____ (an amount to be determined) 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; (3) requires the Director of Finance to make up the difference between a specified minimum amount and an amount of public land trust receipts from an agency to the Office of Hawaiian Affairs by transferring the difference into the carry-forward trust holding account; (4) requires the Department of Land and Natural Resources to provide an annual accounting of receipts from lands described in section 5(f) of the Admission Act; (5) 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; and (6) appropriates funds.

Mahalo for this opportunity to testify,

/s/ Melodie Aduja

Environmental Caucus of the
Democratic Party of Hawai'i

https://en.wikipedia.org/wiki/Ceded_lands#Status_of_lands_after_statehood
<https://www.staradvertiser.com/2019/01/31/hawaii-news/bill-would-more-than-double-oha-land-trust-revenue/?HSA=ca3b627092225246c7bfcf45854e7ef3dd689171>

SB-1363-SD-1

Submitted on: 2/24/2020 8:23:25 PM

Testimony for WAM on 2/26/2020 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jen Jenkins	Individual	Support	No

Comments:

SB-1363-SD-1

Submitted on: 2/25/2020 5:37:47 AM

Testimony for WAM on 2/26/2020 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Walter Ritte	Individual	Support	No

Comments:

In strong support:

To date, the States "Constitutional" and moral obligation to Hawaiians has been insulting!

SB-1363-SD-1

Submitted on: 2/25/2020 9:12:26 AM

Testimony for WAM on 2/26/2020 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
josephine tanimoto	Individual	Support	No

Comments:

My family and I strongly support this Bill.

From: [Tadia Rice](#)
To: [WAM Testimony: JDC Testimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 4:00:26 PM

LATE

I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

Tadia Rice
322 Aoloa Street
Kailua, HI 86734

From: [Raynette Suganuma-Carlson](#)
To: [WAM Testimony](#); [JDCTestimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 4:01:15 PM

LATE

I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

May I count on your kokua?

Raynette K. Suganuma-Carlson

LATE

From: [Diane Kanealii](#)
To: [WAM Testimony](#); [JDC Testimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 4:01:24 PM

I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.
Mahalo for your consideration

LATE

From: [Ike Kaaihue](#)
To: [WAM Testimony](#); [JDCTestimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 4:08:15 PM

I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

Sent from my iPhone

From: [Jason Lees](#)
To: [WAM Testimony](#); [JDC Testimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 4:10:44 PM



I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

ALOHA!

Jason

LATE

From: [Genai Keliikuli](#)
To: [WAM Testimony](#); [JDCTestimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 4:15:34 PM

I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

Me ka ha'aha'a no!

Genai U'ilani Keli'ikuli
Associate Professor, Hawaiian Studies
Chair, Puko'a no na 'Ewa Council
Leeward Community College - Wai'anae Moku
87-380 Kulaaupuni St, Waianae, HI 96792

LATE

From: [Kauahi Perez](#)
To: [WAM Testimony](#); [JDCTestimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 4:17:32 PM

I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

Sincerely,
Kauahi Perez

LATE

From: [Charles young](#)
To: [WAM Testimony](#); [JDCTestimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 4:22:28 PM

I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

I believe that legislators are cognizant of the rising opposition among the public to the State's failure to properly meet its' constitutional and fiduciary responsibilities to its' indigenous people and also how that failure carries over to the general public. The State's constitution, its' laws and its' courts clearly point out the indigenous peoples unique standing. The Office of Hawaiian Affairs is the State agency through which the State fulfils those responsibilities. By inhibiting OHA to receive its' fair share of revenue as mandated by law and mandated by justice, the State continues along the path of disenfranchisement of Hawaiians. This is not a good policy nor one that will support future prosperity for all residents.

Respectively

Charles Young
PO Box 505
Honaunau, Hi. 96726

From: [Nicholas Childs](#)
To: [WAM Testimony](#); [JDCTestimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 4:41:49 PM



Aloha, my name is Nick Childs and I STRONGLY SUPPORT the original version of SB1363 SD1, 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 for the state of Hawai'i to give Native Hawaiians' their 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

Me ka ha'aha'a

-Nick Childs from Makakilo. A concerned student, citizen, and educator.

From: [Misti Oriol](#)
To: [WAM Testimony: JDC Testimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 4:45:19 PM

LATE

I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

Mahalo,
Misti Oriol

LATE

SB-1363-SD-1

Submitted on: 2/25/2020 4:05:06 PM

Testimony for WAM on 2/26/2020 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne	Individual	Support	No

Comments:

I STRONGLY SUPPORT THE ORIGINAL DRAFT OF SB1363 SD1, which would seek to ensure that OHA’s constitutional and statutory right to a pro rata share is more adequately reflected and that the state’s Public Land Trust (PLT) obligations to Native Hawaiians are fulfilled, by: (1) Establishing \$35 million as an interim reflection of the 20% of PLT revenues that should be transferred annually to OHA; (2) Transferring \$119 million to OHA for underpaid PLT revenues between July 1, 2012 and June 30, 2018; (3) Requiring continued annual accounting of revenues from PLT lands; and (4) Convening a Public Land Trust Revenues Committee every six years, to review and make recommendations regarding OHA’s portion of PLT revenues. After years of injustice, it is time to revisit Native Hawaiians' fair share of the PLT revenue. This revenue is the primary source of funding for programs, grants and services that benefit both Native Hawaiians and the larger community. Raising the annual payment to \$35 million will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i. Therefore, I respectfully urge the Committee to PASS SB1363 SD1 as originally drafted.

LATE

SB-1363-SD-1

Submitted on: 2/25/2020 4:08:27 PM

Testimony for WAM on 2/26/2020 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Juanita Kawamoto Brown	Individual	Support	No

Comments:

I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

SB-1363-SD-1

Submitted on: 2/25/2020 5:02:49 PM

Testimony for WAM on 2/26/2020 1:10:00 PM



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

Comments:

Mahalo for the opportunity to provide testimony. I **strongly support** the original version of SB1363 SD1, 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 will support a wider range of strategic and innovative programs and activities designed to improve the well-being and conditions of Native Hawaiians and Hawai'i.

I respectfully urge the Committee to **PASS SB1363 SD1** with amendments to add the dollar amounts back into this bill.

Mahalo for the opportunity to provide testimony!

Rhonda Roldan

From: [Leilehualani Kane Tapado](#)
To: [WAM Testimony](#); [JDCTestimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 5:23:42 PM



I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill. The money should be paid yes . remember the money is for native Hawaiians. The problem is when Oha gets the money where will go?

SB-1363-SD-1

Submitted on: 2/25/2020 5:15:26 PM

Testimony for WAM on 2/26/2020 1:10:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Leatrice Maluhia Kauahi	Individual	Support	No

Comments:

Please do the right action: Increase OHA's prorata share according to State of Hawaii's Constitution-20% of ceded land revenues by voting accordingly on this Bill. OHA has not received their share according to the State Constitution. As a Hawaiian and a citizen of the State of Hawaii, born and raised here, why haven't our legislators done what they were elected to do-uphold our State of Hawaii Constitution and do right to the Hawaiian people as well as to everyone who live in Hawaii. I am a kupuna, my parents, grandparents, great grandparents, great great grandparents, and beyond Captain Cook, were born and raised in Hawaii and not taught the truth of our history in our own country. Do the right thing, be PONO and vote for OHA getting their share of the ceded land revenues.

LATE

SB-1363-SD-1

Submitted on: 2/25/2020 5:24:34 PM

Testimony for WAM on 2/26/2020 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Frances Dinnan	Individual	Support	No

Comments:

Yup, the State should pay up it's pro rate share to OHA and help more Hawn people w/those funds.

From: [Nohea Gmail](#)
To: [WAM Testimony](#); [JDCTestimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 5:51:55 PM



I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

Mahalo,
M. Noeahiwiwa Stibbard

From: [Sharol Sisneros](#)
To: [WAM Testimony](#); [JDCTestimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 5:59:04 PM

LATE

I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

From: [Loretta Ritte](#)
To: [WAM Testimony](#); [JDC Testimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 6:32:25 PM



I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

LATE

SB-1363-SD-1

Submitted on: 2/25/2020 7:27:01 PM

Testimony for WAM on 2/26/2020 1:10:00 PM

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

Comments:

Aloha Chair and Committee members:

I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

LATE

SB-1363-SD-1

Submitted on: 2/25/2020 8:54:47 PM

Testimony for WAM on 2/26/2020 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Banner Fanene	Individual	Support	No

Comments:

Talofa. I support this Legislation. Please pass. Fa'afetai.

LATE

SB-1363-SD-1

Submitted on: 2/25/2020 9:36:52 PM

Testimony for WAM on 2/26/2020 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Denise K Medeiros	Individual	Support	No

Comments:

Denise Kapualani Kauwale-Medeiros

16-2064 Pikake Drive Pahoā, Hawai'i 96778

deekmdrs@gmail.com

TESTIMONY IN SUPPORT OF

S.B. 1363

Increasing the Office of Hawaiian Affairs Pro Rata Share of Public Land Trust Funds

COMMITTEE ON HAWAIIAN AFFAIRS

Senator Malie S.L. Shimabukuro, Chair

Senator Kaiali'i Kahele, Vice Chair

COMMITTEE ON WATER AND LAND

Senator Kaiali'i Kahele, Chair

Senator Gilber S.C. Keith-Aragan, Vice Chair

I submit my testimony as a private citizen of Hawai'i in **Strong Support** of **S.B. 1363**, relating to Increasing the Pro Rata Share of Public Land Trust Funds to the Office of Hawaiian Affairs which will allow for the States trust responsibilities to the Kanaka Maoli and Hawaiian .

From July 1, 2012 – June 30, 2019- transferring \$139M to OHA to cover for some of what is owed from the Public Land Trust revenues and then to establish 35M as the new pro rata share allocation to OHA.

The years of unjustified lawsuits and litigation by the State is very disturbing. Its time to get this matter under control. Establish a fair share of PLT revenues and payable to OHA in trust for Kanaka Maoli and Hawaiians.

The revenue that is collected by OHA from the PLT revenues is where the vast majority of funding comes from for the benefit of the bigger community.

Increasing the revenue to 35M from PLT revenues will be able to pay for all sorts of needs like grants, variety of services that actually benefit the Kanaka Maoli and the greater community as well.

A Private Note: I mention this information because I see an elephant in the house. The State continues to spend our tax dollars to basically stop any form of payment to OHA for the betterment of the Native Hawaiian and the whole Hawaii community.

Respectfully, I would like to see OHA receive the fair share from the PLT revenue, increasing it to 35M will benefit a vast amount of needs and the greater community as well.

From: [Debbie Medeiros](#)
To: [WAM Testimony](#); [JDC Testimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 7:38:56 PM



I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.



From: [Dr. Cara Lucey](#)
To: [WAM Testimony](#); [JDCTestimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 8:38:26 PM

I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

From: [Dante Carpenter](#)
To: [WAM Testimony](#); [JDCTestimony](#)
Cc: [Dante Carpenter](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 8:53:14 PM



I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

From: [Joe Yamamoto](#)
To: [WAM Testimony](#); [JDC Testimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 8:54:21 PM



I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

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From: [Edward Ayau](#)
To: [WAM Testimony: JDC Testimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 9:11:30 PM



Pursuant to the words of Governor Ige to follow the law, the State of Hawai'i has follow its own advice and stop shirking it's legal responsibilities to Native Hawaiians vis-a-vis the Public Lands Trust (PLT).

I STRONGLY SUPPORT the original version of SB1363 SD1, which seeks to ensure that the state's constitutional and statutory 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

Sincerely,

Edward Halealoha Ayau
622 Wainaku St, Hilo, HI 96720
(808) 646-9015

From: [Johanna Stone](#)
To: [WAM Testimony](#); [JDCTestimony](#)
Subject: Pass SB1363 SD1!
Date: Tuesday, February 25, 2020 9:49:49 PM



Aloha mai kakou

I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

Me ke aloha nui
Kapomaika'i Stone

LATE

From: [Shaeralee-Tiare Manosa](#)
To: [WAM Testimony](#); [JDCTestimony](#)
Subject: Pass SB1363 SD1!
Date: Wednesday, February 26, 2020 3:05:51 AM

I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

From: [DUKE ZOLLER](#)
To: [WAM Testimony](#); [JDC Testimony](#)
Subject: Pass SB1363 SD1!
Date: Wednesday, February 26, 2020 6:14:04 AM

LATE

I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

From: [Joey Mielke](#)
To: [WAM Testimony](#); [JDCTestimony](#)
Subject: Pass SB1363 SD1!
Date: Wednesday, February 26, 2020 7:34:20 AM



I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

From: [Loeka Wiltz](#)
To: [WAM Testimony](#)
Subject: Pass SB1363 SD1!
Date: Wednesday, February 26, 2020 8:05:57 AM

LATE

I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.

Mahalo.

Loeka

A'o | Hakulau | No'ono'o | Alaka'i™

Apela-Tila Kalua Indigenous Social Innovation NHO™

To help Underutilized Small Business Owners and Underserved Community Leaders convert growth [or poverty] stagnation to wealth creation.™

SB-1363-SD-1

Submitted on: 2/26/2020 8:30:17 AM

Testimony for WAM on 2/26/2020 1:10:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kehaulani Shintani	Individual	Support	No

Comments:

I strongly support the original version:

(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.

I respectfully urge the Committee to PASS SB1363 SD1 with amendments to add the dollar amounts back into this bill.

LATE

SB-1363-SD-1

Submitted on: 2/26/2020 9:27:55 AM

Testimony for WAM on 2/26/2020 1:10:00 PM

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

Comments:

LATE

SB-1363-SD-1

Submitted on: 2/26/2020 9:36:10 AM

Testimony for WAM on 2/26/2020 1:10:00 PM

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

Comments:

Aloha WAM/JDC Committee Members,

Please Support and Pass this Bill.

Mahalo, From Kauai

LATE

SB-1363-SD-1

Submitted on: 2/26/2020 9:45:59 AM

Testimony for WAM on 2/26/2020 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Yoshito L'Hote	Individual	Support	No

Comments:

I STRONGLY SUPPORT the original version of SB1363 SD1, 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 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 SB1363 SD1 with amendments to add the dollar amounts back into this bill.