

# Testimony for SB 2124



**SB2124**  
**RELATING TO INCREASING THE PAYMENT AMOUNT FOR THE OFFICE OF HAWAIIAN**  
**AFFAIRS' PRO RATA SHARE OF THE PUBLIC LAND TRUST**  
Senate Committee on Hawaiian Affairs

January 29, 2016

1:15 p.m.

Room 016

The Office of Hawaiian Affairs (OHA) **STRONGLY SUPPORTS** SB2124, which is a bill in OHA's 2016 Legislative Package. SB2124 is the first major step taken in the last ten years to ensure that Native Hawaiians receive a fair annual share of the Public Land Trust. This bill would lift the "interim" \$15.1 million cap placed on the state's annual transfers of Public Land Trust revenues to OHA, allow OHA to expend approximately \$8 million in "overages" it has returned to a state holding account, and establish a negotiating committee to begin the long over-due discussion as to what amount would more appropriately reflect Native Hawaiians' fair annual share of the Public Land Trust. **Lifting the cap on the state's annual \$15.1 million transfers to OHA and allowing OHA to expend the funds it has returned over the last three fiscal years would demonstrate the state's support for Native Hawaiians' right to a fair share of the Public Land Trust. This measure will not require any general fund appropriations, nor would it require state agencies to set aside more funds than they already do; it would merely ensure that the full 20% of revenues that agencies already set aside can be used to benefit Native Hawaiians.**

The Public Land Trust comprises over one million acres of former Hawaiian Kingdom government and crown lands, currently held by the state, that were seized "without the consent of or compensation to the Native Hawaiian people of Hawai'i or their sovereign government."<sup>1</sup> Hawai'i's constitution provides that a share of Public Land Trust income be used for the "betterment of the conditions of native Hawaiians." Accordingly, state law requires that OHA expend 20% of all funds derived from the Trust.

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

**Clearly, the temporary, \$15.1 million cap established ten years ago no longer fairly reflects Native Hawaiians' 20% share of the Public Land Trust, and should at the very least be lifted until the issue can be revisited and discussed by the Governor, the Legislature, and OHA.** According to the state's own reports, which omit certain revenue streams, the state generated an average of \$158,077,656 annually in Public Land Trust revenues over the last three fiscal years. 20% of this amount is \$31,615,531, more than twice the \$15.1 million received annually by OHA under Act 178. Moreover, the state's actual transfers to OHA have exceeded the \$15.1 million cap for the last three years—\$1.03 million in FY13, \$2.78 million in FY14, and \$3.71 million in

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<sup>1</sup> House Concurrent Resolution No. 6 (Reg. Sess. Haw. 2013) (citing Apology Resolution, Pub. L. 103-150).

FY15. These transfers, made by individual state agencies every quarter, are calculated using historically undisputed revenue streams, and reflect only a portion of the revenue reported by the agencies from the Public Land Trust. Since these transfers collectively exceeded the \$15.1 million annual cap, OHA has had to return approximately \$8 million it has received over the last three years. This money could be helping Native Hawaiians and the community right now. Instead, it has been kept by the state, unused, in a trust holding account.

Providing OHA with a fairer share of the Public Land Trust would benefit the Native Hawaiian community as well as the social, economic, environmental, and cultural welfare of our islands. Just this past year alone, OHA provided nearly \$11 million in grants for programs addressing our state's most critical issues, including housing and homelessness, education, environmental stewardship, food security, and healthcare. OHA also provided over \$1 million in loans for beneficiary needs ranging from home and auto repairs to legal fees and educational opportunities. Furthermore, OHA manages over 27,000 acres of legacy, conservation and agricultural lands. By taking steps to establish a more fair share of the Public Land Trust revenues due to Native Hawaiians, this bill will allow OHA to improve its support for Native Hawaiians and, by extension, all those who live in and love Hawai'i nei.

Under this bill, OHA will be entitled to reclaim the \$8 million it returned to the state over the last three years. This amount was initially transferred to OHA as 20% of historically undisputed Public Land Trust revenue streams to which OHA should be otherwise entitled, and was only returned due to the Act 178 cap. Allowing OHA to reclaim the \$8 million in "overages" now set aside in a state trust holding account would not impact the state's treasury in any way, and will enable these monies to be immediately used to benefit the Native Hawaiian community.

Moreover, by removing the Act 178 cap, OHA will be able to keep any such overages going forward, and based on past overages, may result in approximately \$3 million a year being made available for programs, operations, and services that benefit the Native Hawaiian community. Notably, removing the \$15.1 million cap would not require state agencies to set aside more funds than they already do under Act 178 and Governor's Executive Order 06-06 - it would merely ensure that the full 20% of revenues that are being reported and transferred by agencies can actually be used for the benefit of Native Hawaiians via OHA, rather than be returned and sit unused in a state holding account. Enabling OHA to expend the money the state already agrees it is entitled to on behalf of its Native Hawaiian beneficiaries will only serve the social, environmental, economic, and cultural interests of both Native Hawaiians and the state, without impacting the state general fund or agency budgets.

Finally, the negotiating committee established by this measure, which would include representation by the House of Representatives, the Senate, as well as the Governor and OHA, will allow for a long-overdue discussion regarding what amount would more fairly reflect Native Hawaiians' and OHA's 20% share of the Public Land Trust, which the state's own reports indicate should be substantially higher than the "interim" \$15.1 million annual amount established ten years ago. Such a discussion is necessary for Hawai'i to meaningfully uphold its constitutional, statutory, and moral responsibilities to the Native Hawaiian community.

In light of the above, OHA strongly urges the Committee to **PASS** SB2124.

Mahalo nui loa for the opportunity to testify.



## Native Hawaiian Chamber of Commerce

P.O. Box 597  
Honolulu, Hawaii 96809

### 2015-2016 Directors

Deborah Ho`okano Nishijo, President

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Robert Piper

Testimony of Deborah Ho`okano Nishijo  
President, Native Hawaiian Chamber of Commerce  
Before Senate Committee on Hawaiian Affairs  
January 29, 2016

Senate Bill No. 2124  
Relating to Increasing Payment for OHA Share of the Public Land Trust

Aloha Chair Shimabukuro and Vice Chair English:

My name is Deborah Ho`okano Nishijo and I am the President of the Native Hawaiian Chamber of Commerce (NHCC). On behalf of the NHCC, we humbly offer our testimony in **support** of SB 2124. The Native Hawaiian Chamber of Commerce's mission is to connect and strengthen Native Hawaiian businesses, professions and represents nearly 230 members.

The State's obligation to native Hawaiians is firmly established in our constitution. Back in 1980, there was a statutory allocation of twenty percent of income from the public land trust for the Office of Hawaiian Affairs to carry out their mission of bettering Native Hawaiians. Act 178 (SLH2006) set a limit to the income and proceeds that can be transferred to OHA at \$15,100,000. It is our understanding that the state generated an average of \$158 million in public land trust revenues in the last 3 fiscal years. Twenty percent of this amount would be approximately \$31.6 million – more than double what OHA is currently allotted.

This measure seeks to lift the \$15,100,000 cap on the annual transfers to OHA and represents a good opportunity for this legislature to do the right thing by ensuring Hawaiians receive a fair share of the Public Land Trust revenues. Last year, OHA issued about \$11.3 million in grants and over \$4 million in programs and services, the bulk of which was related to housing and education. The Hawaiian community, which include businesses and the professions, depends on OHA to fund programs and services necessary for the lifeblood of the Native Hawaiian community.

For these reasons, we ask for your support in passing out SB2124. Mahalo nui loa for your consideration and the opportunity to testify.

Me ka mahalo nui loa,

Deborah Ho`okano Nishijo

*Mission Statement: To connect and strengthen Native Hawaiian businesses, professions and communities by building on a foundation of relationships, resources, and Hawaiian values*

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**SB2124**

Submitted on: 1/27/2016

Testimony for HWN on Jan 29, 2016 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
RaeDeen Karasuda	CHAMINADE UNIVERSITY OF HONOLULU	Support	No

Comments: STRONGLY SUPPORT WITHOUT ANY RESERVATIONS  
WHATSOEVER.

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**SB2124**

Submitted on: 1/25/2016

Testimony for HWN on Jan 29, 2016 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Iu Faborito	Makaha Hawaiian Civic Club	Support	No

Comments: Our Makaha Club are in complete support of OHA's plan to get the monies due in order to continue their work for native hawaiiians and getting them into housing.

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**SB2124**

Submitted on: 1/26/2016

Testimony for HWN on Jan 29, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Oppose	Yes

Comments: We CONDITIONALLY OPPOSE this bill & its companion bill SB2125, as a Kanaka Maoli run company, because OHA has proven to be highly mismanaged & inept at handling beneficiary monies. The fiascos Behring KAU Inoa, Kana`iolowalu & Na`i Aupuni clearly demonstrate that OHA cannot be entrusted to effectuate manage beneficiary monies. Furthermore, OHA has NOT ran its business with the informed consent of the very people it was created to represent: native Hawaiians as is defined by the Hawaiian Homes Commission Act. The State of Hawaii entered into a contract with the United States Government, BEFORE becoming a State of the United States, and as a prerequisite for even becoming a State, and that is to assume the fiduciary duties of the Hawaiian Homes Commission Act of 1920. After the Constitutional Convention of 1978, the State created OHA specifically to be that arm of Government that carries out the contractual agreement between the State of Hawaii & the Federal Government. To date, OHA has proven itself to be tone-deaf to the needs & wishes of the native Hawaiians, as is defined by the Hawaiian Homes Commission Act of 1920. OHA is nothing more than a puppet arm of the State of Hawaii, looking out for the States interest ( Mauna Kea was a classic example ), & operates as a little fiefdom unto itself, without the informed consent of the native Hawaiians as is defined by the Hawaiian Homes Commission Act of 1920. Until OHA demonstrates the proficient ability to manage the trust of its beneficiaries & decide to return to its original purpose of being a native Hawaiian Trust organization, no more beneficiary monies should be given to OHA! Mahalo, De MONT R. D. Conner, Manager

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## **Association of Hawaiian Civic Clubs**

P. O. Box 1135

Honolulu, Hawai`i 96807

### **SENATE COMMITTEE ON HAWAIIAN AFFAIRS**

#### **SB 2124 Re: TO INCREASING THE PAYMENT AMOUNT FOR THE OFFICE OF HAWAIIAN AFFAIRS PRO RATA SHARE OF THE PUBLIC LAND TRUST**

**Friday; 1/29/16/; 1:15 pm; Rm 016**

Aloha Madam Chair Shimabukuro, Vice Chair English and members of the Senate Committee on Hawaiian Affairs. I am Annelle Amaral, president of the Association of Hawaiian Civic Clubs, an organization formed in 1918 as an advocacy group on behalf of the Native Hawaiian people.

The first Hawaiian Civic Club was founded by Prince Jonah Kuhio Kalaniana'ole as a Delegate to the US Congress trying to establish the legislation that is the cornerstone for the Department of Hawaiian Home Lands. He gathered a group of prominent Hawaiian men and formed the Hawaiian Civic Club of Honolulu to help promote the Hawaiian homesteading legislation before the Congress.

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

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

After some discussion the AHCC board agreed to support legislation that would provide OHA with a fair share of the Public Trust Land revenues. OHA's share of

the PTL revenues go toward a wide range of support programs, services and initiatives that include but are not limited to health, education, housing, culture and general community wellness.

This legislation will establish a public land trust revenues negotiating committee to sort out what has become a complicated issue of payment, overpayment, shortfalls and repayments. We sincerely hope that the committee suggested in SB2124 to consist of: the Senate president (or designee), Speaker of the House(or designee), Governor of Hawaii (or designee) and the Chairperson of the Office of Hawaiian Affairs (or designee) will be able to fairly resolve the matter of PLT annual income and proceeds to OHA.

Thank you for the opportunity to testify on this bill that is so important to the continued betterment of conditions of the indigenous people of Hawaii.

Contact: [Jalna.keala2@hawaiiantel.net](mailto:Jalna.keala2@hawaiiantel.net)

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Unity, Equality, Aloha for all



To: Senate Committee on Hawaiian Affairs  
For hearing Friday, January 29, 2016

Re: SB2124 RELATING TO INCREASING THE PAYMENT AMOUNT FOR THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF THE PUBLIC LAND TRUST.

Requires agencies that collect receipts for any disposition of the public land trust shall each fiscal quarter transfer to the office of Hawaiian affairs twenty per cent of each receipt from the disposition. Returns to the office of Hawaiian affairs certain moneys previously claimed as public land trust overpayments to the office. Establishes a public land trust revenues negotiating committee.

#### 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 35 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) 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 distributed to OHA is actually tax dollars in disguise.

(4) SB2124 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. The accounting should be done annually, and for all the ceded lands jointly across all departments. As noted in item (3) there would then be zero net income, and 20% of zero would be zero dollars for OHA. Indeed, if ceded land net income is negative, then OHA should be required to send 20% of the negative amount to the

State general fund as its share of the loss. Shouldn't OHA help to paddle our collective canoe?

(5) 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 \$28 Million of alleged arrears which a court recently ordered the legislature to pay. OHA has at least a moral obligation to help DHHL; and if OHA won't do what's pono on its own initiative then the legislature should force them to do it instead of further burdening the taxpayers. 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 10 years from July 1, 2004 through June 2014 was an additional two Billion dollars, for a total of three Billion dollars. Enough already! No wonder the State is having budget problems!

The details

(1) There is a long history of contentious negotiation and litigation over the amount of money owed to OHA under the rule specifying 20% of ceded land revenue. Section 1 of SB2124, pp. 1-10, recounts 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. The law 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%. SB2124 proposes 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.

(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, "This can be fairly characterized as a confession of guilt to systematic and massive misappropriation of trust funds over

the last three decades." For further details and citations of the Kawamura/Buto declaration see pages 16-17 and 42-45 at <http://aloha4all.org/wordpress/wp-content/uploads/2010/01/81119KuroiwaPsAplntsOpBrf.pdf>

(4) SB2124, section 2, page 11 says "All departments and agencies that collect receipts for the use, sale, lease, or other disposition of the public land trust shall each fiscal quarter transfer to the office of Hawaiian affairs twenty per cent of each receipt derived from the use, sale, lease, or other disposition of the public land trust ..." 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) 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. Page 3 of SB2124 quotes Act 273 (1980) as saying "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 272 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. For example, OHA should pay the approximately \$28 Million which a court recently ruled the State owes to DHHL. 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 native Hawaiians AS DEFINED IN THE HAWAIIAN HOMES COMMISSION ACT OF 1920."

It's doubtful the ceded lands produce any net income after the amortized annual capital investment and operating expenses are deducted. Therefore, the so-called ceded land revenues sent to OHA are actually tax dollars in disguise.

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 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!



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**SB2124**

Submitted on: 1/26/2016

Testimony for HWN on Jan 29, 2016 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bobby-John Campbell	Individual	Support	No

Comments: The Native Hawaiian community deserves access to an entire 20% of public trust revenues. Lifting the \$15.1 million cap to the Office of Hawaiian Affairs will allow for immediate benefits to the Native Hawaiian Community and Hawai'i as a whole without having to make any additional appropriations from the general fund. Vote to SUPPORT this bill. Mahalo

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**SB2124**

Submitted on: 1/28/2016

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Derek Kauano	Individual	Support	No

Comments: I urge the Committee to pass SB2124. The Office of Hawaiian Affairs is statutorily mandated to improve the conditions of Native Hawaiians and Hawaiians. Act 178 however imposes a cap on OHA's fair share of Public Land Trust revenues it would use to fulfill its mission. As a result, OHA is not getting the 20% it should receive. Passing this bill will help to change this underfunding. This comment is submitted in my private and personal capacity.

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**SB2124**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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**SB2124**

Submitted on: 1/28/2016

Testimony for HWN on Jan 29, 2016 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jon	Individual	Support	No

Comments: Aloha Chair Shimabukuro, Vice-Chair English, and Members of the Senate Committee on Hawaiian Affairs, I strongly support SB2124 and recommend the committee pass the measure unamended. Mahalo.

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**Date:** Thursday, January 28, 2016 9:43:30 AM

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**SB2124**

Submitted on: 1/28/2016

Testimony for HWN on Jan 29, 2016 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kaimo Muhlestein	Individual	Support	No

Comments:

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**SB2124**

Submitted on: 1/25/2016

Testimony for HWN on Jan 29, 2016 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kaipo R Dye	Individual	Support	No

Comments: I live in (Hilo, Hawaii). I strongly SUPPORT SB2124 which is the first major step taken in the last 10 years to ensure that Hawaiians receive a fair annual share of Public Land Trust revenues. The bill lifts the temporary \$15.1 million cap on the state's annual transfers to OHA and reclaims approximately \$8 million in overages that OHA has returned to the state. Public Land Trust revenue provides OHA with funding to support programs and services, including Hawaiian charter schools, health, housing, and cultural based initiatives. OHA has greatly impacted my community through their grants program. I urge the committee to PASS this bill.

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**Date:** Wednesday, January 27, 2016 12:20:49 PM

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**SB2124**

Submitted on: 1/27/2016

Testimony for HWN on Jan 29, 2016 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kapua Keliikoa-Kamai	Individual	Support	No

Comments: Aloha Senators, Chair Shimabukuro and Committee, SB 2124 - RELATING TO INCREASING THE PAYMENT AMOUNT FOR THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF THE PUBLIC LAND TRUST. I fully support SB 2124 and request your passage of this Bill out of your committee. The State's obligation to share 20% of the income & proceeds from the public land trust is clear. This Bill allows the State to fulfill that obligation. Mahalo for this opportunity to testify in FULL SUPPORT OF BILL 2124. Kapua Keliikoa-Kamai Concerned Wai'anae Resident Hawaiian

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**SB2124**

Submitted on: 1/23/2016

Testimony for HWN on Jan 29, 2016 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kealii Makekau	Individual	Support	No

Comments: If OHA could produce the trust document that it professes to be run and administered by to the committee let alone to the legislature, much needed oversight would be easy in determining how much money OHA has received and how much they spend from the pro rata share.

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**SB2124**

Submitted on: 1/27/2016

Testimony for HWN on Jan 29, 2016 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leimomi Khan	Individual	Comments Only	No

Comments: Aloha, Chair Shimabukuro, Vice Chair English, and members of the Committee on Hawaiian Affairs, the Kalihi Palama Hawaiian Civic Club supports SB2124, Relating to Increasing the Payment Amount for the Office of Hawaiian Affairs' Pro Rata Share of the Public Land Trust. In 2006, OHA and the state agreed on Act 178 as an interim resolution and established OHA's temporary annual share at \$15.1 million dollars, but in the past three year's the state's Public Trust Land revenues have averaged \$158,077,656 20% of which is \$31,615,531, more than twice the \$15.1 million. Thus, it is appropriate to revisit the pro rata share of the Public Land Trust. The bill offers a way to do this, i.e., by establishing a public land trust revenues negotiating committee to make recommendations to the legislature. While the bill calls for the removal of the annual and quarterly maximum amounts that Act 178 imposed, i.e., the \$15.1 million dollars, we would be concerned with any reduction of this amount while the negotiating committee meets and the legislature adopts their recommendations. Further, in view of the fact that if the 20% were applied to the revenues generated over the last three years, we believe it is appropriate to return to OHA the moneys paid as described in the bill, item (2). Lastly, this is not a frivolous "ask" since costs for delivery of services and programs have escalated due to inflation and these programs and services are needed to improve the welfare of Native Hawaiians in education, in health, in housing, in employment. Respectfully submitted, Leimomi Khan, President, Kalihi Palama HCC

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**SB2124**

Submitted on: 1/28/2016

Testimony for HWN on Jan 29, 2016 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Luukia Archer	Individual	Support	No

Comments: Aloha mai, My name is Luukia Archer, and I am Native Hawaiian currently living in Wahiawa. I support Sb2124 because Native Hawaiians are not currently receiving our fair share of revenues from the Public Land Trust. The \$15.1 million amount is a 10-year old figure and is clearly too low. The immediate lump sum payment of \$8 million as well as up to \$3 million in additional annual payments proposed under this bill will go a long way to help lift the Native Hawaiian people. Therefore, I urge the committee to pass SB2124. Mahalo and aloha.

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## SB2124 Testimony of Support

I live in Kailua, Oahu. I strongly **SUPPORT** SB2124 which is the first major step taken in the last 10 years to ensure that Hawaiians receive a fair annual share of Public Land Trust revenues. The bill lifts the temporary \$15.1 million cap on the state's annual transfers to OHA and reclaims approximately \$8 million in overages that OHA has returned to the state. Public Land Trust revenue provides OHA with funding to support programs and services, including Hawaiian charter schools, health, housing, and cultural based initiatives. OHA has greatly impacted my community through their grants program. I urge the committee to **PASS** this bill.

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**SB2124**

Submitted on: 1/27/2016

Testimony for HWN on Jan 29, 2016 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
RaeDeen Karasuda	Individual	Support	No

Comments: STRONGLY SUPPORT WITHOUT ANY RESERVATIONS WHATSOEVER.

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**SB2124**

Submitted on: 1/28/2016

Testimony for HWN on Jan 29, 2016 13:15PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wayne	Individual	Support	No

Comments: Public land trust lands are Hawaiian lands, and our constitution entrusts the state with the responsibility to ensure they benefit Native Hawaiians. However, it is now abundantly clear that the \$15.1 million established as OHA's annual Public Land Trust share falls far short of the 20% that Hawaiians are owed. Please support this long-due effort to ensure that Hawaiians receive a realistic and fair reflection of their one-fifth share of revenues from the Public Land Trust!

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