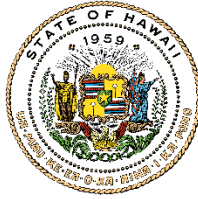


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
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FIRST DEPUTY

CIARA W.K. KAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
DAWN N.S. CHANG
Chairperson**

**Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS**

**Wednesday, February 12, 2025
2:00 PM**

State Capitol, Conference Room 325 & Videoconference

**In consideration of
HOUSE BILL 1358, HOUSE DRAFT 1
RELATING TO THE PUBLIC LAND TRUST WORKING GROUP**

House Bill 1358, House Draft 1 proposes to appropriate moneys to the Office of Hawaiian Affairs (OHA) to facilitate the hiring of necessary staff and the purchase of equipment and professional services on behalf of the Public Land Trust Working Group (PLTWG). **The Department of Land and Natural Resources (Department) supports this measure and offers the following comments.**

The PLTWG was established by Act 226, Session Laws of Hawaii 2022, to conduct a comprehensive accounting of all ceded lands in the Public Land Trust and determine the share of income and proceeds due annually to OHA. The Department recognizes the importance of this work and has actively participated in the PLTWG's efforts. The PLTWG Interim Report was submitted to the Legislature in December 2024 and recommended an appropriation of \$1,000,000 to fund third-party professionals to help complete the PLTWG's work. The funding proposed in this bill will help the PLTWG fulfill its mandate under Act 226.

The Department developed and maintains the Public Land Trust Information System (PLTIS). The Department acknowledges that the PLTIS is reliant on data provided by various agencies and does not independently audit or verify the data provided, nor make any representations regarding the accuracy of the data contained in the PLTIS. If errors in the PLTIS are identified, the appropriate agency managing the lands must correct the error and submit the corrected data to the Department for inclusion in the PLTIS.

The PLTWG's review has not identified specific errors in the PLTIS to date, but the Department remains committed to working with OHA and the PLTWG to improve the accuracy, transparency, and completeness of the PLTIS.

Furthermore, with respect to parcels that may have multiple public land trust classifications, i.e. portions of the parcel are both ceded and non-ceded, the Department notes that it has uncovered very few parcels with multiple public land trust classifications. Finally, regardless of the accuracy of data contained within the PLTIS, the Department provides an accounting of ceded land revenues received and paid to OHA through the annual Act 178 report submitted annually to the Legislature.

Thank you for the opportunity to testify on this measure.



TESTIMONY IN STRONG SUPPORT OF HB1358 HD1

Relating to the Public Land Trust Working Group
House Committee on Judiciary and Hawaiian Affairs

February 12, 2025

2:00 p.m.

Room 325

Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs

Mahalo for setting HB1358 HD1, which is part of the Office of Hawaiian Affairs's (OHA's) 2025 legislative priorities, for public hearing. OHA submits this testimony in **STRONG SUPPORT of HB1358 HD1**, which appropriates funds to OHA to hire a third-party expert to audit the public land trust inventory and the accounting practices used to calculate OHA's pro rate share of public land trust revenues.

HB1358 was introduced with the unanimous consent of the Public Lands Trust Working Group (PLTWG). The PLTWG was established by Act 226 in 2022, to:

- (1) Account for all ceded lands in the public land trust inventory;
- (2) Account for all income and proceeds from the public land trust; and
- (3) Subsequently determine the twenty per cent pro rata share of income and proceeds from the public land trust due annually to [OHA] for the betterment of the conditions of Native Hawaiians.

Act 226, § 3. **The PLTWG unanimously agreed that a third-party audit is necessary to complete the working group's scope of work, as defined above.**

It is well recognized that the State of Hawai'i is paying OHA only a small fraction of the annual public land trust revenues, and not the full 20% that OHA is entitled to under law. As set forth in greater detail in HB1358, section 1, the PLTWG was created to help the State of Hawai'i fulfill its trust duties to Native Hawaiians as established in the Admissions Act, the Hawai'i State Constitution, and Hawai'i Revised Statutes Chapter 10, by performing the work necessary to ensure that OHA receives its 20%. The \$1 million requested by the PLTWG for a third-party audit is what is necessary for the State of Hawai'i to resolve longstanding disputes over the accuracy of the public land trust inventory.

Right now, OHA receives \$21.5 million per year. A 2016 audit commissioned by OHA at its own expense showed the amount due to OHA *at that time* was \$78.9 million. In the absence of accurate and uniform inventory and accounting practices, the gap between what is rightly due to OHA and what is being paid to OHA will only continue to grow. **We ask that you help to bring closure to this problem by authorizing and funding the hiring of a third-party expert to determine the accurate pro rata share due to OHA as required by Hawai'i State law.**

Mahalo again for the Committee's consideration of this bill.

Center for Hawaiian Sovereignty Studies
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Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
For hearing Wednesday, February 12, 2025

Re: HB1358 RELATING TO THE PUBLIC LAND TRUST WORKING GROUP.
Appropriates moneys to the Office of Hawaiian Affairs to facilitate the hiring of necessary staff and the purchase of equipment and professional services on behalf of the public land trust working group. Effective 7/1/3000. (HD1)

TESTIMONY IN OPPOSITION

Summary of three main points; detailed discussion follows.

OHA claims it is entitled to 20% of ceded land revenue. Therefore in this bill OHA wants tax dollars to pay for research to create an inventory of all the ceded lands to make sure OHA gets every last penny it is "entitled to" from those lands. This bill would force taxpayers of all races to pay for setup and operation of an agency under the control of OHA whose purpose is to identify all the ceded lands and the revenue they generate, and then to grab 20% of that money to give to OHA for the exclusive benefit of one racial group. OHA's continually rising hoard of assets now totals ONE BILLION

DOLLARS with no explanation what they want it for. Make OHA pay for its own research and propaganda whose sole purpose is to grab more money from all of us to benefit only a highly privileged few of us through racially exclusionary programs.

2. The State of Hawaii rightfully owns all the public lands for the benefit of all Hawaii's people, not segregated by race. Under an act of the Kingdom legislature in 1865, signed by the King, the crown lands were consolidated with the government lands. The Hawaiian monarchy was "illegally" overthrown in 1893 (of course all revolutions are "illegal" under the existing laws of the overthrown government, including the anti-monarchy U.S. revolution of 1776). All Hawaii's public lands remained public lands benefitting all Hawaii citizens of all races, including Native Hawaiians, under the revolutionary Provisional Government and then the Republic of Hawaii -- that's what happens throughout the world whenever a government changes because of election or revolution. The Republic of Hawaii offered a Treaty of Annexation in 1897 and the U.S.A. accepted it in 1898 by joint resolution of Congress signed by the President. Under terms of that Treaty these public lands were ceded to U.S.A., as happened routinely every time a new area of land became a U.S. territory during the westward expansion. Later, when Hawaii and the other territories became U.S. states, those ceded lands were then ceded back to them at Statehood. These lands do not belong to a racial group now, and never did throughout the Kingdom period.

3. The rule that 20% of ceded land revenue must be given to OHA is merely a statute, not mandated by the Statehood Admissions Act nor by the Hawaii Constitution. Like any statute enacted during one term of the legislature, it can be amended or rescinded during any later term. The nonsense in this bill gets constantly repeated in legislation and litigation. **YOU HAVE THE POWER TO PUT AN END TO IT. PASS A BILL TO RESCIND THE 20% RULE AND DECLARE THAT ETHNIC HAWAIIANS SHALL PAY TAXES AND RECEIVE BENEFITS ON THE SAME BASIS AS ALL OTHER CITIZENS OF HAWAII.**

DISCUSSION

1. Make OHA pay for its own research and propaganda.

This bill would force taxpayers of all races to pay for setup and operation of an agency under the control of OHA whose purpose is to identify all the ceded lands and the revenue they generate, and then to grab 20% of that money to give to OHA for the exclusive benefit of one racial group. It is absurd to force defendant taxpayers to pay for research by plaintiff OHA to support political demands or litigation whose purpose is to take away defendant's assets and give them to OHA. OHA has hoarded assets -- far beyond its expenditures "for the betterment of Native Hawaiians" -- assets increasing by tens of millions of dollars every year until it now owns ONE BILLION DOLLARS. Make OHA pay for its own research and propaganda.

Suppose the Department of Education filed a bill demanding millions of dollars to do research proving that schools are good for "the betterment of children" and identifying laws around the world requiring children to attend school, and demanding additional millions of dollars to publish ads in the newspapers and pay for lobbyists at the legislature touting those research findings and demanding huge increases in the DOE budget to build fancy schools and double the salaries of school administrators. Wouldn't you defeat such legislation?

According to OHA's Annual Report for the fiscal year ending June 30, 2024, on page 15, OHA's total assets were \$971 Million. By now, half a year later, that figure is likely more than A BILLION DOLLARS as can be seen by extrapolating the annual increases in OHA's total assets as documented in its annual reports. No other branch of the State government is allowed to carry forward such an enormous amount. Yet here comes OHA, demanding a huge amount of additional taxpayer dollars for its expenses to build and operate its own private propaganda and lobbyist agency. If OHA wants to have its own private lobbyist group, let OHA pay for it. We, the 80% of Hawaii's people who lack a drop of Hawaiian native blood, should not be forced to pay

for OHA's lobbying which is intended to take away our money and give it to them.

Hawai'i Free Press on Friday June 24, 2025 reported some information from OHA's check register which it was able to obtain only after demanding access through the Freedom of Information Act. OHA's payroll was \$15.9 Million for its bloated bureaucracy, which was 40.7% of its spending. Any charity spending such a large percentage on payroll would be regarded as a scam.

All citizens of Hawaii pay taxes to the State government, regardless of race, and receive benefits from the State government, regardless of race. The same thing is true regarding ceded land revenues -- money is fungible; so whether government gets money from taxes or from land revenues, the money is used to provide goods and services. But two branches of the State government, OHA and DHHL, are empowered by law to take large amounts of money and land away from the general population and set it aside for the exclusive benefit of ethnic Hawaiians, even while ethnic Hawaiians also continue to receive all the other benefits that are given to all our citizens. That is obviously unfair. In fact, it is unconstitutional under the Equal Protection Clause of the 14th Amendment of the U.S. Constitution.

2. History shows that the State of Hawaii rightfully owns all the public lands for the benefit of all Hawaii's people, not segregated by race.

Kamehameha The Great owned all the lands of Hawaii by right of conquest, using weapons and military advisors given to him by Britain. He invaded nearly all the islands, slaughtering thousands of natives and ruining some croplands; and at the end he intimidated King Kaumuali'i of Kaua'i to surrender without being invaded, for fear of the same fate.

In 1840 his second son King Kamehameha III proclaimed the first Constitution of the Kingdom, voluntarily giving up dictatorial powers to establish a legislature and courts. In 1848 Kamehameha III

began the Mahele process, voluntarily giving up his sole ownership of all the lands to create three categories: crown lands (owned by the office of the monarch), government lands (owned by government to provide public services such as roads and harbors), and private lands (initially given in fee-simple in huge swaths to high-ranking chiefs and eventually also allowing ordinary people to own small parcels for homes and farms). There were never any racial set-asides. In the early stages nearly all the people were native Hawaiians, but as time went by increasing numbers of Asians and Whites became private landowners, including some very large plantations. The laws of the Kingdom did not discriminate for or against racial groups regarding land ownership or regulation.

By 1865 Lota Kamehameha V, with a dissolute lifestyle, had run up huge gambling debts to foreigners, and had mortgaged the crown lands to pay them. When he was unable to pay the mortgages, the mortgage grantors threatened to foreclose and take ownership of the crown lands. The chiefs and legislators were alarmed and decided such a thing must never be allowed to happen. So the legislature passed a law declaring that the crown lands now belonged to the government in return for the government issuing bonds to pay off the mortgages; and the King was very happy to sign that law. From that time forward the income from the former crown lands was set aside to pay for the dignity of the office of monarch -- such things as palaces, carriages, crowns, banquets, travel, etc.; but otherwise there was no longer a distinction between crown lands and government lands. The monarch and the government served all Hawaii's people without racial distinctions or set-asides. Native Hawaiians as a racial group had no special privileges or rights regarding land ownership or regulation.

After the monarchy was overthrown in 1893, the public lands (former crown and government combined) continued to be owned and operated by the government, and the income from those lands was used for the benefit of all the people regardless of race. Same land, different government with different laws and policies applying uniformly to all people regardless of race. U.S. President Grover Cleveland, a friend of ex-queen Lili'uokalani, spent the year 1893 trying

to undermine and destabilize the Provisional Government, including gunboat diplomacy to intimidate it during "Black Week" December 14, 1893 to January 11, 1894; but President Dole held firm.

A Constitutional Convention, including at least 6 delegates whose names show they were Native Hawaiian, produced a Constitution that was proclaimed in July of 1894. The Speaker of the House of Representatives of the Republic was John Kaulukou, a former royalist. The Republic asked the local consuls of all the nations having consulates in Hawaii to send copies of the new Constitution to their home governments around the world, requesting them to formally recognize the Republic as the rightful successor to the Kingdom. During the remainder of 1894 letters in 11 languages (most accompanied by English translations) were received from at least 19 nations on 4 continents personally signed by emperors, kings, queens, and presidents addressed to President Dole, formally recognizing the Republic of Hawaii. Perhaps the most politically significant letter of recognition was personally signed by Britain's Queen Victoria: significant because here was the reigning Queen of a powerful nation recognizing the legitimacy of a revolutionary government which had overthrown a fellow monarch; also significant because Queen Kapiolani and Princess Lili'uokalani had attended Queen Victoria's golden jubilee in London, and Victoria had also been godmother to Queen Emma's baby Prince Albert and had sent a crib to him (still on display in Emma's Summer Palace alongside Pali Highway). Photos of those letters and accompanying diplomatic letters and envelopes can be viewed on a website at <https://historymystery.kenconklin.org/recognition-of-the-republic-of-hawaii/>

These recognitions by the heads of Britain, France, Spain, Russia, China, Switzerland, and 13 other nations gave the Republic, under international law, the right to speak on behalf of the continuing independent nation of Hawaii, including the right to offer a Treaty of Annexation to the United States which included the ceding of Hawaii's public lands. Minorities (such as ethnic Hawaiians) might always disagree with any policy of any government, but they are legally bound

by the actions of their internationally recognized governments. Under terms of the Treaty, the U.S. agreed to pay the accumulated national debt of the Republic of Hawaii, most of which was debt left over from the monarchy to pay for Kalakaua's Palace and his trip around the world. That money was more than the real estate value of the ceded lands at that time. Thus Native Hawaiians, along with all other citizens of Hawaii, did indeed receive compensation for the ceded lands, contrary to the falsehood in the 1993 apology resolution. And at Statehood most of the ceded lands were returned to Hawaii except for national parks and military bases, from which we all benefit.

News of the international recognition of the Republic aroused a significant number of Hawaiian race-nationalists who realized they must take action or suffer permanent political loss. They attempted a counter-revolution led by mixed-race Robert Wilcox in January 1895. Men on both sides were killed. But the Republic maintained control with zero outside help. Guns, ammunition and hand grenades were found buried in Lili'uokalani's flower garden at her "Washington Place" home, and a search indoors revealed she had already signed documents appointing the cabinet ministers she had chosen to take office after her counterrevolution had succeeded. So she was placed on trial and found guilty of "misprision of treason"; i.e., conspiracy in the attempted counterrevolution. Throughout all these tumultuous events, the lands of Hawaii remained under control by the government for the benefit of everyone regardless of race.

The most important acknowledgment that the ceded lands belong to all Hawaii's people, without racial distinction, came in a court decision in 1910. Courses in "Hawaiian Studies" like to cover up this decision, so perhaps even some legislators are unaware of it.

In the only lawsuit ever brought by ex-queen Lili'uokalani against the U.S. Lili'uokalani demanded compensation from the U.S. for the crown lands, which she claimed had belonged to herself personally. The Court ruled that she had never been the owner of those lands, partly because of the 1865 Kingdom law discussed above. Furthermore, by claiming personal ownership of the crown lands and demanding compensation

only for herself, the ex-queen displayed her belief that so-called "Native Hawaiians" as a group were not the owners of those lands -- she could have named them as co-plaintiffs or they could have moved to intervene to be added as class-action complainants, but neither of those things occurred. According to Lili'uokalani, she was sole owner.

Full text of Lili'uokalani's complaint filed in 1909, and full text of the Court's decision filed in 1910, along with commentary, can be found on a webpage:

"Lili'uokalani Loses A Big One (The Crown Lands) -- Liliuokalani v. United States, 45 Ct. Cl. 418 (1910)" at <https://www.angelfire.com/hi2/hawaiiansovereignty/liliucrownlands.html>

The ex-queen lost the case. But in the process, many of the claims made today by the sovereignty activists were asserted by the ex-queen and rejected by the Court based on irrefutable evidence. After seeing all the evidence and hearing all the arguments on both sides, the Court of Claims became convinced that her claims had no merit. The decision itself is a valuable legal and historical document. It is important not only because it contains these arguments concerning the Crown Lands, but also because of the very important appendices included by the Court as part of the evidence. Some of the material in these appendices is difficult or impossible to find anywhere else, and decisively refutes claims raised by today's sovereignty activists on issues in addition to the Crown Lands. It is also interesting that she never sued the United States for the "illegal overthrow" or the "illegal annexation" to try to reverse those events or be compensated for them; she sued only for money for "her" Crown Lands. The manner in which she lost lays out the evidence and the arguments for both sides in a direct confrontation between the ex-Queen and the United States. Such a direct legal confrontation at such a high level over "sovereignty" issues was never repeated for 90 years, until the Rice v. Cayetano case. The decision of the Court of Claims (like the Supreme Court decision in Rice v. Cayetano) is very clear and convincing. For example, in the Lili'uokalani decision, the Court cited the Treaty of

Annexation both as evidence that the Court has jurisdiction to decide the case and as affirmation that the Treaty exists and is valid; and the Court provided full text of the Treaty of Annexation in an appendix which is included in the webpage.

3. The rule giving 20% of ceded land revenue to OHA is merely a statute passed by a previous session of the legislature, and can therefore be amended or rescinded at any moment by this legislature. Please put an end to it.

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 requirement to pay OHA 20% of ceded land revenue is statutory law enacted as Act 273, Session laws of 1980. It is not in the Statehood Admissions Act nor in the State Constitution. 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%.

Here is the relevant language from section 5(f) of the statehood Admissions Act identifying the 5 purposes allowed 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. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes ..."

My dear legislators: notice something OHA does not tell you. There is NO REQUIREMENT THAT ANY MONEY FROM THE CEDED LANDS MUST BE SPENT FOR ANY PARTICULAR ONE OF THOSE 5 PURPOSES. Section 5(f) specifically says "Such lands, proceeds, and income shall be managed and disposed of FOR ONE OR MORE of the foregoing purposes.

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.

So what about the remaining 4 purposes in addition to betterment of native Hawaiians? If OHA tells you that each of those 5 purposes gets a dedicated $\frac{1}{5}$ (20%) of ceded land revenue, 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.

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

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.

Let's do a little arithmetic. OHA demands 20% of land revenues exclusively for the benefit of ethnic Hawaiians. And then, because ethnic Hawaiians are 20% of Hawaii's people, they will also receive an additional 20% of the remaining 80% of the land revenues, which is an additional 16%, for a total of 36% of land revenues going to only 20% of the people. Not to mention 20% of all the tax dollars.

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. You have the power to rescind Act 273, Session laws of 1980. Please do so. And vote "NO" to defeat this bill.

HB-1358-HD-1

Submitted on: 2/10/2025 5:25:15 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joanne Okika Shigeko Qinaau	Pilina Center for Wellbeing	Support	Written Testimony Only

Comments:

Aloha mai -

I'm writing on behalf of the Pilina Center for Wellbeing to urge you to vote to support HB1358. An audit will ensure that the State is acting in accordance with the law and that critical services offered to Native Hawaiians by OHA not only continue but potentially grow. It is the pono thing to do for the entire Hawai'i community at large because thriving Indigenous communities mean thriving communities overall. As a clinical psychologist I have heard inspiring stories from clients about the life-saving services OHA has offered to them over the years.

Additionally, we all want to ensure that:

- Under the Hawai'i Admissions Act, the Hawai'i State Constitution, and state law, OHA is legally entitled to 20% of all revenues from the public land trust.
- The public land trust is comprised of former crown and government lands of the Hawaiian Kingdom.
- In 2022, the Legislature created a working group to inventory public lands and determine OHA's 20% share.
- The working group - which includes OHA representatives - unanimously recommended an independent third-party audit.
- After decades of underpayment, an outside third-party expert is necessary to hold the state accountable and determine OHA's fair share of revenues.

Me ke aloha,

Jo

HB-1358-HD-1

Submitted on: 2/11/2025 7:18:02 AM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kehaulani Lum	Ali'i Pauahi Hawaiian Civic Club	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing on behalf of the Ali'i Pauahi Hawaiian Civic Club, a chartered member of the Association of Hawaiian Civic Clubs, **in support of HB1358_HD1** because we believe that it will right a wrong that has contributed to the lack of promised resources for our Native Hawaiian people for decades; perhaps, a major determinant for the exodus of over half of our native community from Hawai'i Nei.

This measure is prudent and pono, for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an organization that benefits from OHA's many services, we urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify. We respectfully request your support for this measure.

Me ke aloha pumehana,

Kehaulani Lum, Pelekikena

Ali'i Pauahi HCC

99-045 Nalopaka Place

'Aiea, Hawai'i 96701



Committee: Judiciary & Hawaiian Affairs
Hearing Date/Time: Thursday, February 12, 2025, at 2:00pm
Place: Conference Room 325 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of H.B. 1358 Relating to the Public Land Trust Working Group**

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members:

The ACLU of Hawai'i is in **support of H.B.1358**. Transparency is vital to good governance. It is especially important given the constitutional public trust requirements that the State and its agencies are tasked with. Funding the public land trust working group to accurately determine public lands is sorely needed to ensure that these lands are being used in accordance with the public's interest and to ensure credibility and accuracy when calculating OHA proceeds.

Article XI §1 of the Hawai'i Constitution is clear that "all public natural resources are held in trust by the State for the benefit of the people." The public land trust is comprised of former crown and government lands of the Hawaiian Kingdom. Given that the State of Hawai'i has trust duties to Native Hawaiians as established in the Admissions Act, the Hawai'i State Constitution, and numerous laws, it is necessary to have a full and accurate accounting of what these public natural resources are.

On a practical level, an audit of public trust land will also help determine if the State is using the land in a way that allows for "public use, access, and enjoyment" and "consistent with trust purposes" (*In re Water Use Permit Applications*, 94 Haw. 97, 132 (Haw. 2000)). As most recently stated in *Ching v. Case*, the State has a duty to aloha 'Āina, to steward and care for the land. This includes actively monitoring land and ensuring that it is being preserved and being used in the public interest, even when these lands are being leased to other people. Being able to audit public lands and better understand how they are being used is an important step in the right direction to fulfill public trust responsibilities. **Please support H.B. 1358.**

Sincerely,

Nathan Lee
Policy Legislative Fellow

Carrie Ann Shirota
Policy Director

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization founded in 1965 that provides its services at no cost to the public and does not accept government funds.

American Civil Liberties Union of Hawai'i
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HB 1358 HD 1

To: HOUSE COMMITTEE OF JUDICIARY AND HAWAIIAN AFFAIRS: For hearing
Wednesday February 12, 2025

Issue – HB 1358 HD 1: “RELATING TO THE PUBLIC LAND TRUST WORKING GROUP. Appropriates moneys to the Office of Hawaiian Affairs to facilitate the hiring of necessary staff and the purchase of equipment and professional services on behalf of the public land trust working group”.

Position - Strong Opposition: This proposed legislation **HB 1358 HD 1** is Unconstitutional. The Legislature must conduct an audit of OHA and its Constitutional standing before any appropriation of public funding is made.

The United States Congress has rejected every attempt to accept the Kanaka Maoli (native Hawaiian) as indigenous to the Islands of Hawaii. The Kanaka Maoli arrived from Polynesia between 1219 A.D. and 1266 A.D. which could make them the first visitors and inhabitants of the Hawaiian Islands, but not indigenous. Attempts made through the “Akaka Legislation”, all which has failed, began on September 27, 2000, with the introduction of S 2899, “To express a policy of the United States regarding the United States' relationship with ‘Native Hawaiians’, and for other purposes.”

To begin, the Congress and the Federal Courts have intimate knowledge of the February 26, 1894, U.S. Senate Committee on Foreign Relations Report No. 227, which is the record of a formal hearing that started on December 27, 1893, continuing through February 13, 1894, on the 1893 Hawaiian Revolution. The Senate Committee submitted Report No. 227 to the Senate and House, which was received, debated on the floor for some four days, and accepted. Also, by a Senate and House joint resolution, approved funding for the printing and distribution of 6,000 copies of the Report. The Report found that the United States military was not involved or complicit in the January 14 - 17, 1893, overthrow of the Queen by the Hawaii Provisional Government with a vote of nine to zero. And, by a five to four vote cleared both Commissioners John L. Stevens and James H. Blount of complicity.

The U. S. Supreme Court decided on February 23, 2000, in *Rice v. Cayetano*: “The Hawaiian Constitution limits the right to vote for nine trustees chosen in a statewide election. The trustees compose the governing authority of a state agency known as the Office of Hawaiian Affairs, or OHA. The agency administers programs designed for the benefit of two subclasses of ‘Hawaiian citizenry’, ‘Hawaiians’ and ‘native Hawaiians.’ State law defines ‘native Hawaiians’ as descendants of not less than one-half part of the races inhabiting the Islands before 1778, and ‘Hawaiians’ – a larger class that includes ‘native Hawaiians’ – as descendants of the peoples inhabiting the Hawaiian Islands in 1778.” Both “Hawaiians” and “native Hawaiians” are a subclass of the large class of Hawaiian citizenry of every race or ethnicity.

The State of Hawaii has one large class of “Hawaiian citizenry”, inclusive of all racial ethnicity, from its first 1840 Kingdom Constitution of Hawaii, through the July 4, 1894, Republic of Hawaii’s Constitution, and the current State of Hawaii’s Constitution. The Republic of Hawaii’s

Constitution reads: “Article 17. - Citizenship. Section 1. All persons born or naturalized in the Hawaiian Islands, and subject to the jurisdiction of the Republic are citizens thereof,” as presented in writing and is the foundation of the Multi-ethnic State of Hawaii.

The “Akaka Legislation” rejection by Congress caused its supporters to change their efforts for recognition from Congress to a Policy Directive through the Department of Interior. They first used the Hawaii State legislature to establish a Native Hawaiian election process through Act 195, a “Hawaiian Sovereignty” legislation signed into Law on July 6, 2011. The Kanaka Maoli group, in conformance to Act 195, initiated their plan to conduct an illegal “racial” Constitutional Convention to develop a Kanaka Maoli Constitution.

On December 2, 2015, the United States Supreme Court ended the efforts of the Kanaka Maoli to establish their Constitution and form a separate Kanaka Maoli Government. The U.S. Supreme Court’s decision is a significant victory for all citizens of Hawaii and is the first step towards ending the state's unconstitutional, wasteful, and divisive nation-building effort.

In addition, the United States Supreme Court on March 31, 2009, decided in the State of Hawaii et al. v. the Office of Hawaiian Affairs et al. that all Ceded Lands returned to the State of Hawaii upon Statehood in 1959 belong to the State of Hawaii in absolute Fee. The Ceded Lands have never been transferred to the Hawaiian Homes Commission, and all Ceded Lands leased by the Hawaiian Homes Commission to native Hawaiians is owned by the State of Hawaii. Also, the March 31, 2009, decision defanged the 1993 Apology Resolution PL 103-150 and rejected all of the thirty-seven Whereas clauses of the Resolution.

Recently, by a 6-3 ruling on June 28, 2024, the U.S. Supreme Court overturned the Chevron deference framework taking away the power of the Administration to establish Law through Regulations. This U.S Supreme Court’s decision removes the authority from the Department of Interior to recognize the “Kanaka Maoli” or (Native Hawaiian and native Hawaiian) as indigenous to the Islands of Hawaii, and returns the decision to Congress, as written in our Constitution.

Submitted by:

James Isamu Kuroiwa, Jr.

47-327 Mawaena St.

Kaneohe HI 96744

kuroiwaj@earthlink.net

HB-1358-HD-1

Submitted on: 2/10/2025 3:58:02 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Wong	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify.

Susan Wong

suwongyoga@gmail.com

HB-1358-HD-1

Submitted on: 2/10/2025 4:15:05 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shaeralee-Tiare Manosa	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify,

Shaeralee-Tiare Manosa

P.O Box 581

Kaunakakai, Hawaii 96748

(808)658-9366

HB-1358-HD-1

Submitted on: 2/10/2025 4:28:32 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kimmer Horsesen	Individual	Support	In Person

Comments:

TESTIMONY IN SUPPORT OF HB1358_HD1

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I Kimmer Horsesen am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify.

Kimmer Horsesen

HB-1358-HD-1

Submitted on: 2/10/2025 4:28:56 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Matt L	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to **ensure that OHA receives its full 20% share of trust revenues as required by law.**

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

We Hawaiians are tired of being lied to and ripped off!!

Mahalo for the opportunity to testify.

Dear Chair Tarnas, Vice Chair Poepoe, and House Committee members,

I support HB1358_HD1 for the following reasons:

Ensuring Transparency and Accountability: HB1358_HD1 allocates funding for an independent third-party audit of the Public Land Trust Inventory System. This audit aims to address incomplete or inconsistent accounting practices and ensure that OHA receives its mandated 20% share of trust revenues.

Fairness and Justice: This bill addresses more than funding; it ensures fairness and justice. According to the Hawai'i Admissions Act, Hawai'i Constitution, and state law, OHA should receive 20% of all revenues from the public land trust, but **OHA currently receives only a fraction**. As an OHA beneficiary and voter, I urge the committee to pass HB1358_HD1 to correct this issue.

Funding OHA's Work: The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiians and advance community empowerment and economic development. The working group has determined that this audit is a necessary initial measure to fully restore OHA's entitlements.

Mahalo for the opportunity to testify.

Kecia Littman

(808)-343-0501

HB-1358-HD-1

Submitted on: 2/10/2025 5:36:47 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
DR. KAMUELA KAAHANUI	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing in support of HB1358_HD1 for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, OHA only receives a fraction of this amount. As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify.

Kamuela Ka'Ahanui, EdD

987 Queen Street

Apt 1911

Honolulu Hawa'i 96814

kamuela_kaahanui@yahoo.com

808.783.5100

HB-1358-HD-1

Submitted on: 2/10/2025 5:36:56 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Germaine Meyers	Individual	Support	Remotely Via Zoom

Comments:

In Strong Support of HB1358 HD1.

Mahalo also to DLNR Director Dawn Chang and the other PLT Working Group members that expressed their support of the intentions and actions of HB1358 HD1.

Ke Akua pu,

Germaine Meyers, Nanakuli Hawaiian Homestead Lessee

HB-1358-HD-1

Submitted on: 2/10/2025 5:38:52 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lilinoe De Gruy	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify.

Lilinoe De Gruy

HB-1358-HD-1

Submitted on: 2/10/2025 5:40:01 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Thomas	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify

Michael Thomas

mthomas020@gmail.com

(808) 269-1234

HB-1358-HD-1

Submitted on: 2/10/2025 5:51:39 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deborah King	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and Members of the Committee,

I strongly support HB1358 for Office of Hawaiian Affairs to receive the monies that are due them. I also strongly support third party auditing for this bill since the Department of Land and Natural Resources is trying to privatize or lease to private companies many lands that belong to Hawai'i and her people.

I strongly support the effective date of this bill be amended from 7.1.3000 to now 3.1.2025 since all the monies are delinquent and are needed to support the Native Hawaiian now. Many of the people are unable to WAIT until the year 3000, which is how many years away.

Report Title: Public Land Trust Working Group; OHA; Public Land Trust; Appropriation
Description: Appropriates moneys to the Office of Hawaiian Affairs to facilitate the hiring of necessary staff and the purchase of equipment and professional services on behalf of the public land trust working group. Effective 7/1/3000. (HD1)

Mahalo for considering my testimony and amending the effective date.

Deborah W. King

HB-1358-HD-1

Submitted on: 2/10/2025 6:22:00 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kananiokaaina Giddens	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify.

Kananiokaaina C. Giddens

kananz89@gmail.com 808-853-8069

HB-1358-HD-1

Submitted on: 2/10/2025 6:57:00 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kawaiohawaiki Garran	Individual	Support	In Person

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify

Monday, February 10, 2025

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify.

Kulani Ho'ohuli

808-766-3872

HB-1358-HD-1

Submitted on: 2/10/2025 7:18:12 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mai Hall	Individual	Support	Written Testimony Only

Comments:

I support HB1358. As a Native Hawaiian, I have seen the injustices for our people. This is one small way to make pono, to make right the needs of our community. After decades of underpayment, an outside third-party expert is necessary to hold the state accountable and determine OHA's fair share of revenues. Keep Hawaiian lands in Hawaiian hands. Mahalo

HB-1358-HD-1

Submitted on: 2/10/2025 7:26:49 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tiare Smith	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and members of the House Committee on Water and Land,

I am writing in support of HB1358 for the following reasons:

Ensuring Transparency and Accountability: HB1358 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work: The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiians and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making OHA whole.

Fairness and Justice: This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i State Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, OHA only receives a fraction of this amount. As an OHA beneficiary and a voter, I urge the committee to pass HB1358 to help right this wrong.

Mahalo for the opportunity to testify.

Tiare Smith

HB-1358-HD-1

Submitted on: 2/10/2025 8:31:21 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kekama	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify.

Scott W. Kekama Amona

swamona@gmail.com

HB-1358-HD-1

Submitted on: 2/10/2025 8:48:04 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Bellamy	Individual	Support	Written Testimony Only

Comments:

I am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify.

HB-1358-HD-1

Submitted on: 2/10/2025 9:27:20 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Johanna Stone	Individual	Support	Written Testimony Only

Comments:

aloha mai kakou,

currently we are being robbed, as Hawaiians, consistently, Where as -

Currently, OHA receives only **\$21.5 million per year** of public land trust revenues, **far below the estimated \$78.9 million the state owes.**

therefore, i support this bill because as settlers in our territories, you are indebted to our people. This is not even yet the bear minimum.

na‘u me ke aloha

na johanna kapomaikai stone

HB-1358-HD-1

Submitted on: 2/10/2025 9:58:48 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rae Leong	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify.

Rae Leong

(808)284-2211

rleong04@yahoo.com

HB-1358-HD-1

Submitted on: 2/10/2025 10:48:42 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gordon B. Lindsey	Individual	Support	Written Testimony Only

Comments:

I support hb1358 hd1

HB-1358-HD-1

Submitted on: 2/11/2025 12:02:15 AM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynn	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in support of HB1358_HD1.

1. To ensure transparency and accountability. To provide an independent third party audit, to make sure that OHA receives it's full 20% of trust revenues required by law.

2. To Ensure Full Funding Of OHA's work.

Full funding is most important so OHA can fullfill its legal mandates, to improve the conditions of Native Hawaiians, and fullfill promised obligations to advance community empowerment, and economic development.

3. To Ensure Full Fairness and Justice.

This bill is not just about funding OHA's work, but it's about fairness and justice.

Under the Hawaii Admissions Act, the Hawaii Constitution, and Hawaii State Law. OHA is entiltled to a full 20% of all revenues from the public land trust. Currently, OHA recieves a fraction of this amount. Of most importance, one urges the passing of HB1358_HD1, as most needed and promised.

Mahalo, for this opportunity to testify,

Lynn Kenney

lynnkenney007@gmail.com

HB-1358-HD-1

Submitted on: 2/11/2025 4:26:07 AM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bernadette DeLeon	Individual	Support	Written Testimony Only

Comments:

I support HB1358 HD1.

HB-1358-HD-1

Submitted on: 2/11/2025 4:57:53 AM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cresta Proctor	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong and ensure the success of our native Hawaiian people.

Mahalo for the opportunity to testify.

Cresta Proctor

crestaproctor@ymail.com

HB-1358-HD-1

Submitted on: 2/11/2025 5:18:34 AM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Janice Herrick	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing in support of HB1358_HD1 for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, OHA only receives a fraction of this amount. As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify.

Janice Herrick

janhwailuku@gmail.com

808 268-2708

633 Waiehu Beach Rd, Wailuku, HI 96793

SHERRY P. BRODER
A Law Corporation
Law Offices of Sherry P. Broder

500 Ala Moana Blvd., Suite 7400, Honolulu, HI 96813
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sherrybroder@sherrybroder.com

Feb. 12, 2025

RE: House Bill 1358, Relating to the Public Land Trust Working Group

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I was appointed as an Office of Hawaiian Affairs (OHA) representative to the Public Land Trust Working Group (“PLTWG”) that was created pursuant to Act 226, Session Laws of Hawai‘i 2022. I am submitting in my personal capacity this testimony in strong support.

The PLTWG met regularly since its inception for a total of 17 meetings, subject to the Sunshine Law. The PLTWG researched and analyzed the issues and worked together cooperatively to fulfill its statutory assignments in Act 226. The PLTWG decided that the expertise of independent third parties to analyze and review the current Public Land Trust Information System (PLTIS) and Act 178 DLNR annual report of receipts from the agencies is required to complete its review of their accuracy and completeness. The DLNR relies on reporting from the agencies. Thus the accuracy and completeness of the Act 178 Report and the PLTIS depend on the accuracy and completeness of the reporting agencies. The public land trust is comprised of former crown and government lands of the Hawaiian Kingdom. It is important to take this step in order to fulfill the State’s constitutional and statutory duties, to continue the work to provide fairness and justice to Native Hawaiians, and to provide our community with the assurance all relevant and correct information are included.

Here is the link to the lengthy PLTWG Interim Report and OHA Supplement filed with the Legislature on 12/26/24. The Interim Report elaborates on the research done, issues addressed and positions of OHA. The OHA Supplement reports on the positions of OHA over the decades on these issues and explains the different ways the State has paid OHA its 20% pro rata share when there were not sufficient funds from the receipts from the agencies.

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=DC&billnumber=228&year=2025

The PLTWG researched and discussed the extent to which the reporting system for the receipts from the Public Land Trust which is used to compute the amount due to OHA for the pro rata share is complete. See, DLNR Report to the Thirty-Second State Legislature 2024 Regular Session Accounting of All Receipts From Lands Described In Section 5 (f) Of The Admission Act For Fiscal Year 2024. which contains the agencies reporting to DLNR its Public Land Trust Revenue. Act 178, Session Laws of Hawai‘i 2006, requires all state agencies to comply with its reporting requirements “Responsibility for the accuracy of the financial data in the Act 178

Report rests with the reporting agencies. DLNR does not verify the accuracy of individual transactions and confirming the trust land status for individual parcel from which the financial data is reported.” See Act 178 Report, submitted for FY ’24, Methodology, p. 4. All public land trust receipts must be accounted for, including those receipts that a department or agency believes may not be subject to the Office of Hawaiian affairs' pro rata share.

The PLTWG researched and discussed the extent to which the Public Land Trust Information System (PLTIS), which was created, organized and maintained by DLNR, is a complete and accurate inventory of all ceded lands to which state and county agencies hold title or over which they maintain management control, including their trust status. Act 54, Session Laws of Hawai‘i 2011, mandated DLNR to create and maintain a comprehensive information system to inventory and maintain information about the lands of the Public Land Trust as described in Section 5(f) of the Admission Act and Article XII, section 4 of the Hawaii State Constitution. DLNR was tasked with coordinating all efforts to establish such a system, including data collection from all State and County agencies, as well as the development of the System itself. The purpose of the PLTIS is to serve as an inventory of State owned and county owned lands, the disposition of those lands, and to allow for the further study of the Trust Land status of those lands. PLTIS was developed to satisfy the requirements of Act 54. The PLTIS is the State of Hawaii’s first centralized, web-based inventory of state and county lands.

With regard to the reporting of lands in the DLNR inventory or managed by DLNR, DLNR Land Division staff explained that the process by which the State Abstractor determines the trust status of public land in the DLNR inventory is research intensive and includes a record search to identify the subject property and its original source of title, review of county real property tax records for assessed ownership of the subject property, determine how and when the government’s derivation of title to the subject property was acquired or transferred and a review of disposition records to track chain of ownership, management and control of the subject property.

DLNR explained that it relies on self-reporting by the state and county agencies and to its knowledge other state agencies do not have agency abstractors. DLNR does not verify the accuracy of the self- reporting. Some of the potential areas for inaccuracy or incompleteness are listed on the DLNR website. For further information, see PLTIS, DLNR website, <https://pltis.hawaii.gov/HomeAuthenticated/About>. The PLTWG did identify additional areas of inaccuracy or incompleteness.

DLNR is currently in the process of implementing technical computer upgrades to the PLTIS system. DLNR received 2024 legislative appropriation of \$900,000 to upgrade the computer and other technical aspects of the system. The PLTWG supported DLNR’s request for this funding. DLNR invited OHA representatives to meet with Land Division IT staff to discuss these technical upgrades to PLTIS to improve its functionality and accuracy.

The PLTWG also collected and creating an list of earlier (a) inventories, information systems and databases, (b) financial reviews, and accountings of the income and proceeds from the PLT and (c) state and OHA working groups that were set up by statute to examine these same issues.

The PLTWG did agree unanimously to support this appropriation of at least \$1,000,000 in funds for hiring professional services and the other aspects of this bill to accomplish goals of Section 3(a) of Act 226 and to be provide information and results for the work of the PLTWG.

The PLTWG did submit an Interim Report made pursuant to Act 226, Session Laws of Hawai‘i 2022 (Act 226), which provides a detailed account of the Public Land Trust Working Group (PLTWG) activities from September 5, 2023 through November 20, 2024 and its findings. This interim report highlights key activities of the PLTWG during the reporting period, challenges, and recommendations for achieving comprehensive accountability in managing the Public Land Trust. See Report To The Thirty-Third Legislature, State Of Hawai‘i, 2025 Regular Session Relating To The Public Land Trust Working Group.

OHA submitted a Supplement to the PLTWG Interim Report to the Legislature to provide along with the PLTWG Interim Report. This Supplement included OHA’s position on these important issues relating to an accurate and complete inventory, an accurate and complete accounting to the income and proceeds from the PLT and a determination of “the twenty per cent pro rata share of income and proceeds from the public land trust due annually to the office of Hawaiian affairs for the betterment of the conditions of Native Hawaiians.” See Act 226, Sec. 3 (a). It reviews the State’s responsibilities and duties to Native Hawaiians and OHA which are based on the law and fairness and OHA’s positions on these issues for many decades and how under the Hawai‘i Admissions Act, the Hawai‘i State Constitution, and state law, OHA is legally entitled to 20% of all revenues from the public land trust.

OHA’s Supplement also includes a chart itemizing the many instances of the State paying OHA its pro rata share attributable from airport revenues from other sources in satisfaction of the State’s obligation to pay OHA “revenue derived from the public land trust, such as general obligation funds, general funds and land. See Airport Revenue Payment Chart, Attachment A, which lists the many times the State has paid OHA some of its constitutionally mandated pro rata share of airport income and proceeds due and owing from other sources.

The Governor’s budget includes partial funding of \$750,000 for this joint project and OHA would provide \$250,000. In conclusion, after these many decades of trying to address these issues, it is urged that the committee to pass HB1358 to start the process to achieve the complete and accurate accounting and inventory that Native Hawaiians and our community deserves.

Mahalo nui loa for your attention to this matter.

HB-1358-HD-1

Submitted on: 2/11/2025 7:48:51 AM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sheila Dean	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify.

Sheila Dean

kuladean@gmail.com

277 Pueo Drive

Kula, HI 96790

HB-1358-HD-1

Submitted on: 2/11/2025 8:10:25 AM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Waynette Apolo	Individual	Support	Written Testimony Only

Comments:

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

I am writing in strong support of **HB1358_HD1**, which seeks to uphold the legal and moral obligation of the State of Hawai‘i to provide the Office of Hawaiian Affairs (OHA) with its rightful share of revenues from the public land trust. As a concerned community member, I believe this bill is essential to ensuring transparency, accountability, and justice for Native Hawaiians.

Under the Hawai‘i Admissions Act, the Hawai‘i State Constitution, and state law, OHA is legally entitled to 20% of all revenues generated from the public land trust. These lands, once crown and government lands of the Hawaiian Kingdom, hold deep historical and cultural significance. However, for decades, OHA has been underpaid, denying Native Hawaiians critical resources meant to support their well-being, economic development, and artistic preservation.

Recognizing this ongoing issue, the Legislature took a crucial step in 2022 by establishing a working group to inventory public lands and determine OHA’s rightful 20% share. After thorough analysis and discussion, the working group – including OHA representatives – unanimously recommended an independent third-party audit to ensure accuracy and fairness in revenue calculations. Such an audit is necessary to hold the State accountable and ensure that OHA finally receives its due.

The passage of **HB1358_HD1** would affirm the State’s commitment to honoring its legal and fiduciary responsibilities. A third-party audit will bring much-needed transparency to the process and provide a fair resolution to this longstanding issue. I urge the Legislature to take action and support this bill, demonstrating a true commitment to justice for Native Hawaiians.

Mahalo for your time and consideration.

HB-1358-HD-1

Submitted on: 2/11/2025 8:15:25 AM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Candice Napuelua	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify.
Candice Napuelua

2553 Pauoa Rd Honolulu, HI 96813

HB-1358-HD-1

Submitted on: 2/11/2025 8:47:30 AM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
K. Kehani Guerrero	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify.

Na'u nō me ka ha'aha'a,
K. Kehani Guerrero

kehani.guerrero@gmail.com
(808)895-5486

HB-1358-HD-1

Submitted on: 2/11/2025 9:10:48 AM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Aaron Veincent	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify.

Aaron Kahauolopua Veincent

HB-1358-HD-1

Submitted on: 2/11/2025 10:05:10 AM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kelcy Durbin	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing in support of HB1358_HD1 for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, OHA only receives a fraction of this amount. As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify.

Kelcy Durbin

HB-1358-HD-1

Submitted on: 2/11/2025 10:17:53 AM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Erika-Lei Kekahuna	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing **in support of HB1358_HD1** for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify.

Erika-Lei Kekahuna

HB-1358-HD-1

Submitted on: 2/11/2025 10:24:01 AM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

support

February 11, 2025

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I humbly ask your kako'o (support) of HB1358_HD1.

As a voter who believes in the power of voice, there are several reasons for my kako'o:

HB1358_HD1 provides funding that ensures transparency and accountability for an independent third-party audit of the Public Land Trust Inventory System. This step and process is necessary to correct years, decades to be exact of inconsistent accounting practices. This aids in enduring that OHA receives its 20% share of trust revenues as required by law.

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improving the conditions of Native Hawaiians and progress community empowerment and economic development. The working group determined this audit is a necessary and needed first step to making OHA whole.

Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State Law, OHA is entitled to 20% of all revenues from the Public Land Trust. At present OHA receives only a fraction of this amount. As an OHA beneficiary, voter, and native Hawaiian, I urge the committee to pass HB1358_HD1.

Mahalo nui for this opportunity to testify in support of HB1358_HD1

W. Mapuana Waipa

awilipond@yahoo.com

HB-1358-HD-1

Submitted on: 2/11/2025 2:02:55 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keoni DeFranco	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of HB1358_HD1 for the following reasons:

Ensuring Transparency and Accountability

HB1358_HD1 allocates funding for an independent third-party audit of the Public Land Trust Inventory System—an essential step toward correcting decades of incomplete and inconsistent accounting practices. This audit is crucial to ensuring OHA receives its full, legally mandated 20% share of trust revenues.

Funding OHA's Mission

The Public Land Trust Working Group was created to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full and accurate funding, OHA cannot fulfill its legal mandate to uplift Native Hawaiian communities through advocacy, economic development, and empowerment. The working group has determined that this audit is a critical first step in rectifying longstanding discrepancies.

Advancing Fairness and Justice

HB1358_HD1 is more than just a funding measure—it is about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and state law, OHA is entitled to 20% of all revenues from the public land trust. Yet, OHA continues to receive only a fraction of this amount. As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 and take a necessary step toward righting this historical wrong.

HB-1358-HD-1

Submitted on: 2/11/2025 3:43:45 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brenten Kanoa Yamane	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs,

I am writing in support of HB1358_HD1 for the following reasons:

Ensuring Transparency and Accountability:

HB1358_HD1 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work:

The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiian and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making to make OHA whole.

Fairness and Justice:

This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, OHA only receives a fraction of this amount. As an OHA beneficiary and a voter, I urge the committee to pass HB1358_HD1 to right this wrong.

Mahalo for the opportunity to testify.

Brenten Kanoa Yamane

brentenyamane@gmail.com

HB-1358-HD-1

Submitted on: 2/11/2025 4:27:56 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
sunnie Kupahu	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and members of the House Committee on Water and Land,

I am writing **in support of HB1358** for the following reasons:

Ensuring Transparency and Accountability: HB1358 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work: The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiians and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making OHA whole.

Fairness and Justice: This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i State Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358 to help right this wrong.

Mahalo for the opportunity to testify.

Sunnie Kupahu

HB-1358-HD-1

Submitted on: 2/11/2025 4:29:33 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
manuel kupahu	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and members of the House Committee on Water and Land,

I am writing **in support of HB1358** for the following reasons:

Ensuring Transparency and Accountability: HB1358 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work: The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiians and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making OHA whole.

Fairness and Justice: This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i State Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358 to help right this wrong.

Mahalo for the opportunity

Manuel Kupahu

HB-1358-HD-1

Submitted on: 2/11/2025 4:31:27 PM

Testimony for JHA on 2/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
heaven kupahu	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and members of the House Committee on Water and Land,

I am writing **in support of HB1358** for the following reasons:

Ensuring Transparency and Accountability: HB1358 provides funding for an independent third-party audit of the Public Land Trust Inventory System. This is a necessary step to correct decades of incomplete or inconsistent accounting practices and to ensure that OHA receives its full 20% share of trust revenues as required by law.

Funding OHA's work: The Public Land Trust Working Group was established to hold the State of Hawai'i accountable for its trust obligations to Native Hawaiians. Without full funding, OHA cannot fulfill its legal mandates to improve the conditions of Native Hawaiians and advance community empowerment and economic development. The working group determined this audit is a necessary first step to making OHA whole.

Fairness and Justice: This bill is not just about funding, it's also about fairness and justice. Under the Hawai'i Admissions Act, the Hawai'i State Constitution, and Hawai'i State law, OHA is entitled to 20% of all revenues from the public land trust, however, **OHA only receives a fraction of this amount.** As an OHA beneficiary and a voter, I urge the committee to pass HB1358 to help right this wrong.

Mahalo for the opportunity to testify.

Heaven Kupahu