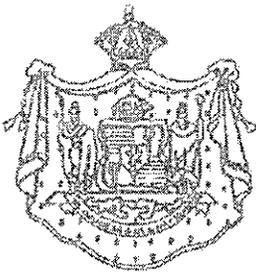


TESTIMONY
SB 995



Hawaiian Civic Club of Honolulu

Established December 1918

P.O. Box 1513 • Honolulu, Hawai'i 96806

Liholiho
Ohaona wale ia pua
I ka miki 'ala mau 'ia
Ua hele wale a nohea
(Hele a nohea) (Hele a nohea)
I ka nou i kē kehau
(I ka nou a kē kehau)
O beautiful 'ilima
Choice of my heart
O sweet and charming
flower
Soft and lovely to behold

LEGISLATIVE TESTIMONY

SB 995

Relating to the Office of Hawaiian Affairs

Senate Committee on Committee on Water, Land, Agriculture, and Hawaiian Affairs

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda, and Members. My name is Leatrice Maluhia Kauahi, Pelekikena of the Hawaiian Civic Club of Honolulu, representing approximately 200 members, and I am a beneficiary of the OHA. Our 200 members are also beneficiaries of OHA. I wish to express my support and our members' support of Senate Bill 995 relating to OHA.

I feel that is about time that the State meet its constitutional obligation to Native Hawaiians by addressing the amount of income and proceeds that OHA is to receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is doing full due diligence on the lands and will have an opportunity to reject properties which do not serve its best interests. Moreover, the fee simple conveyances should be free of certain any other State controls, allowing the lands to be put to use in OHA programs.

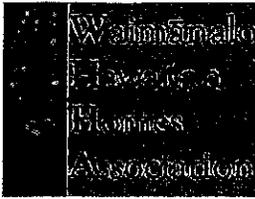
While OHA's mission and powers are broad, it has already demonstrated its capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in resolving an issue that has remained incompletely addressed for three decades and that the Hawai'i Supreme Court has ruled is primarily under the authority and responsibility of the Legislature. The bill would help fulfill the State's solemn and continuing obligation to Hawaiians.

Our members and myself urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

Leatrice Maluhia Kauahi



P.O. Box 353, Waimanalo, Hawaii 96795-0353

TESTIMONY IN SUPPORT OF

SB 995

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

SENATE COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members of the Senate Committee on Water, Land, Agriculture, and Hawaiian Affairs.

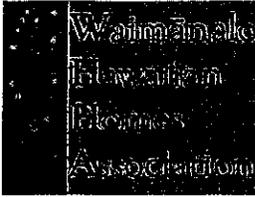
I am Paul P. Richards, President of the Waimanalo Hawaiian Homes Association (WHHA) and a beneficiary of the Department of Hawaiian Home Lands (DHHL) and the Office of Hawaiian Affairs (OHA.) I wish to express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel it is appropriate of a time the State should meet its constitutional obligation to Native Hawaiians by addressing the amount of income and proceeds OHA should receive from the public land trust for the period from November 7, 1978 to July, 2008.

Furthermore, I believe it is reasonable in making adequate steps forward as a sign of progress in meeting the obligations the State convey to OHA in fee simple, certain parcels of real property in Kaka`ako Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is performing a full due diligence on the lands and will have an opportunity to reject properties which they feel do not serve its best interests. Moreover, the fee simple conveyances should be free of certain any other State controls, allowing the lands to be put to use in OHA programs.

While OHA's mission and powers are broad, it has already demonstrated its capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties which it has brought within its stewardship.

Paul P. Richards, President • Roxanne Hanawahine, 1st Vice President • N. Kilauea Wilson, 2nd Vice President • Maile Villarin, Recording and Corresponding Secretary • John K. Sang, Treasurer • Mary Ann Crowell, Historian • Roy Sang, Director • Squeaky Peahi, Director • Heidi "Ilima" Ho-Ramseyer • Anthony H. Sang, Sr., Director



P.O. Box 353, Waimanalo, Hawaii 96795-0353

Page 2

This bill provides the opportunity for the Legislature to take a major step in resolving an issue that has remained incomplete and unaddressed for three decades. Furthermore, the Hawai'i Supreme Court ruled it is primarily under the authority and responsibility of the Legislature to resolve and settle the matter. This bill and its companion bill would help fulfill the State's solemn and continuing obligation to the Hawaiian population.

I urge your Committee to respond favorably by placing your full support to this bill. Mahalo for allowing me to submit this testimony.

O 'au me ka ha'aha'a (Humbly yours,)

Paul P. Richards

Paul P. Richards, President
Waimanalo Hawaiian Homes Association (WHHA)

Paul P. Richards, President • Roxanne Hanawahine, 1st Vice President • N. Kilauea Wilson, 2nd Vice President • Maile Villarin, Recording and Corresponding Secretary • John K. Sang, Treasurer • Mary Ann Crowell, Historian • Roy Sang, Director • Squeaky Peahi, Director • Heidi "Ilima" Ho-Ramseyer • Anthony H. Sang, Sr., Director

From: Jennifer Chiwa [jenniferc@oha.org]
Sent: Tuesday, February 10, 2009 6:40 PM
To: WTLTestimony
Subject: TESTIMONY IN SUPPORT OF SB 995

LEGISLATIVE TESTIMONY

SB 995
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

SENATE COMMITTEE ON WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha, Chairperson Hee, Vice Chairperson Tokuda and Members. I am Jennifer Chiwa. I support Senate Bill 995 relating to the Office of Hawaiian Affairs.

I think addressing the amount of income and proceeds that OHA is to receive from the public land trust will help OHA greatly in its mission to better the conditions of the Hawaiian people.

While OHA's mission is broad, it is managing Waimea Valley, Wao Kele O Puna and other properties.

This bill would help to fulfill the State's obligation to Hawaiians, and thereby, the State would be helping OHA to make great strides in its mission.

I urge Committee Members to respond favorably to this bill.

Mahalo for the opportunity to testify.

Jennifer Chiwa



LEGISLATIVE TESTIMONY

SB 995

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Jim Patterson, a lifelong resident of Hawaii. I wish to express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is important for all residents of Hawaii that the State meets its constitutional obligation to Native Hawaiians by addressing the amount of income and proceeds that OHA is to receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation the State convey to OHA in fee simple, certain parcels of real property in Kaka`ako Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is doing full due diligence on the lands and will have an opportunity to reject properties which do not serve its best interests. Moreover, the fee simple conveyances should be free of certain any other State controls, allowing the lands to be put to use in OHA programs.

This bill provides the opportunity for the Legislature to take a major step in resolving an issue that has remained incompletely addressed for three decades and that the Hawai'i Supreme Court has ruled is primarily under the authority and responsibility of the Legislature. The bill would help fulfill the State's solemn and continuing obligation to Hawaiians and will provide OHA with an income stream and an ongoing ability to provide services to its beneficiaries. This will benefit everyone who lives here.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.



LEGISLATIVE TESTIMONY

SB 995
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Shirley Okamoto. I wish to express my strong support of House Bill 995 relating to the Office of Hawaiian Affairs ("OHA").

This legislation presents an opportunity for the State to finally meet its constitutional obligation to the Native Hawaiians by addressing the amount of income and proceeds that OHA is to receive from the public land trust for the period November 7, 1978 to July, 2008 in a responsible and effective manner.

I believe it is reasonable that as part of its progress toward meeting its obligation to OHA, the State convey to OHA, in fee simple, certain parcels of real property in Kaka'ako Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is doing full due diligence on the lands and will have an opportunity to reject properties which do not serve its best interests. Moreover, the fee simple conveyances should be free of certain State controls allowing the lands to be put to use in OHA programs.

While OHA's mission and powers are broad, it has already demonstrated its capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties which it has brought within its kuleana.

This bill is the vehicle that will allow the Legislature to take a major step forward in resolving an issue that has remained incompletely addressed for three decades and that the Hawai'i Supreme Court has ruled is primarily under the authority and responsibility of the Legislature. The bill would help fulfill the State's solemn and continuing constitutional obligation to Native Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.



LEGISLATIVE TESTIMONY

SB 995

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Sally Koba, Personnel Specialist, Office of Hawaiian Affairs. I wish to express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meets its constitutional obligation to Native Hawaiians by addressing the amount of income and proceeds that OHA is to receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is doing full due diligence on the lands and will have an opportunity to reject properties which do not serve its best interests. Moreover, the fee simple conveyances should be free of certain any other State controls, allowing the lands to be put to use in OHA programs.

While OHA's mission and powers are broad, it has already demonstrated its capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in resolving an issue that has remained incompletely addressed for three decades and that the Hawai'i Supreme Court has ruled is primarily under the authority and responsibility of the Legislature. The bill would help fulfill the State's solemn and continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.



LEGISLATIVE TESTIMONY

SB 995

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Quentin Flores, a Native Hawaiian and Citizen of the State of Hawaii. I wish to express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

The State must meet its constitutional obligation to Native Hawaiians by addressing the amount of income and proceeds that OHA is to receive from the public land trust for the period from November 7, 1978 to July, 2008.

As our economy spirals, and we as citizens of the State of Hawaii look to ways to cut expenses and increase revenues, the State of Hawaii needs to have the same foresight in looking at SB 995. As the state tries to balance its budget, this bill can assist with addressing that issue in the forthcoming years. Yes it is political hot issue, but it is also smart economics.

I believe it is reasonable that in making progress toward meeting its obligation the State convey to OHA in fee simple, certain parcels of real property in Kaka`ako Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is doing full due diligence on the lands and will have an opportunity to reject properties which do not serve its best interests. Moreover, the fee simple conveyances should be free of certain any other State controls, allowing the lands to be put to use in OHA programs.

These properties in question have the potential of becoming great revenue generating sources for OHA of which it will not only benefit Native Hawaiians but also benefit the State of Hawaii by reducing the amount of general funds appropriated for departmental budgeting in future fiscal years.

While OHA's mission and powers are broad, it has already demonstrated its capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in resolving an issue that has remained incompletely addressed for three decades and that the Hawai'i Supreme Court has ruled is primarily under the authority and responsibility of the Legislature. The bill would help fulfill the State's solemn and continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill not because it is right, but it is the right thing to do.

Mahalo for the opportunity to testify.

**LEGISLATIVE TESTIMONY****SB 995****RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS****SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS**

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am *Habona Kagiishi*
(position/title, organization.) (optional "and a beneficiary of the OHA.") I wish to
express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meet its constitutional obligation to
Native Hawaiians by addressing the amount of income and proceeds that OHA is to
receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation
the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako
Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is
doing full due diligence on the lands and will have an opportunity to reject properties
which do not serve its best interests. Moreover, the fee simple conveyances should be
free of certain any other State controls, allowing the lands to be put to use in OHA
programs.

While OHA's mission and powers are broad, it has already demonstrated its
capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties
which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in
resolving an issue that has remained incompletely addressed for three decades and that
the Hawai'i Supreme Court has ruled is primarily under the authority and
responsibility of the Legislature. The bill would help fulfill the State's solemn and
continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

**LEGISLATIVE TESTIMONY****SB 995****RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS****SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS**

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Ray A. Kaei
(position/title, organization.) (optional "and a beneficiary of the OHA.") I wish to
express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meet its constitutional obligation to
Native Hawaiians by addressing the amount of income and proceeds that OHA is to
receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation
the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako
Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is
doing full due diligence on the lands and will have an opportunity to reject properties
which do not serve its best interests. Moreover, the fee simple conveyances should be
free of certain any other State controls, allowing the lands to be put to use in OHA
programs.

While OHA's mission and powers are broad, it has already demonstrated its
capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties
which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in
resolving an issue that has remained incompletely addressed for three decades and that
the Hawai'i Supreme Court has ruled is primarily under the authority and
responsibility of the Legislature. The bill would help fulfill the State's solemn and
continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

**LEGISLATIVE TESTIMONY****SB 995****RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS****SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS**

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Paquetta Helen
(position/title, organization.) (optional "and a beneficiary of the OHA.") I wish to
express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meet its constitutional obligation to
Native Hawaiians by addressing the amount of income and proceeds that OHA is to
receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation
the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako
Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is
doing full due diligence on the lands and will have an opportunity to reject properties
which do not serve its best interests. Moreover, the fee simple conveyances should be
free of certain any other State controls, allowing the lands to be put to use in OHA
programs.

While OHA's mission and powers are broad, it has already demonstrated its
capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties
which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in
resolving an issue that has remained incompletely addressed for three decades and that
the Hawai'i Supreme Court has ruled is primarily under the authority and
responsibility of the Legislature. The bill would help fulfill the State's solemn and
continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

Paquetta K. Helen

**LEGISLATIVE TESTIMONY****SB 995****RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS****SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS**

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Chad Kachauai
(position/title, organization.) (optional "and a beneficiary of the OHA.") I wish to
express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meet its constitutional obligation to
Native Hawaiians by addressing the amount of income and proceeds that OHA is to
receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation
the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako
Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is
doing full due diligence on the lands and will have an opportunity to reject properties
which do not serve its best interests. Moreover, the fee simple conveyances should be
free of certain any other State controls, allowing the lands to be put to use in OHA
programs.

While OHA's mission and powers are broad, it has already demonstrated its
capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties
which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in
resolving an issue that has remained incompletely addressed for three decades and that
the Hawai'i Supreme Court has ruled is primarily under the authority and
responsibility of the Legislature. The bill would help fulfill the State's solemn and
continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

Chad Kachauai

**LEGISLATIVE TESTIMONY****SB 995****RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS****SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS**February 13, 20093:30 p.m.Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Sheena Pauole
(position/title, organization.) (optional "and a beneficiary of the OHA.") I wish to
express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meet its constitutional obligation to
Native Hawaiians by addressing the amount of income and proceeds that OHA is to
receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation
the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako
Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is
doing full due diligence on the lands and will have an opportunity to reject properties
which do not serve its best interests. Moreover, the fee simple conveyances should be
free of certain any other State controls, allowing the lands to be put to use in OHA
programs.

While OHA's mission and powers are broad, it has already demonstrated its
capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties
which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in
resolving an issue that has remained incompletely addressed for three decades and that
the Hawai'i Supreme Court has ruled is primarily under the authority and
responsibility of the Legislature. The bill would help fulfill the State's solemn and
continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

Sheena Pauole

**LEGISLATIVE TESTIMONY****SB 995****RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS****SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS**

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Sherry Sacida
(position/title, organization.) (optional "and a beneficiary of the OHA.") I wish to
express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meet its constitutional obligation to
Native Hawaiians by addressing the amount of income and proceeds that OHA is to
receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation
the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako
Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is
doing full due diligence on the lands and will have an opportunity to reject properties
which do not serve its best interests. Moreover, the fee simple conveyances should be
free of certain any other State controls, allowing the lands to be put to use in OHA
programs.

While OHA's mission and powers are broad, it has already demonstrated its
capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties
which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in
resolving an issue that has remained incompletely addressed for three decades and that
the Hawai'i Supreme Court has ruled is primarily under the authority and
responsibility of the Legislature. The bill would help fulfill the State's solemn and
continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

Sherry Sacida

**LEGISLATIVE TESTIMONY****SB 995****RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS****SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS**

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Charlie Kachenui
(position/title, organization.) (optional "and a beneficiary of the OHA.") I wish to
express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meet its constitutional obligation to
Native Hawaiians by addressing the amount of income and proceeds that OHA is to
receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation
the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako
Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is
doing full due diligence on the lands and will have an opportunity to reject properties
which do not serve its best interests. Moreover, the fee simple conveyances should be
free of certain any other State controls, allowing the lands to be put to use in OHA
programs.

While OHA's mission and powers are broad, it has already demonstrated its
capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties
which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in
resolving an issue that has remained incompletely addressed for three decades and that
the Hawai'i Supreme Court has ruled is primarily under the authority and
responsibility of the Legislature. The bill would help fulfill the State's solemn and
continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

Charlie A. Kachenui

**LEGISLATIVE TESTIMONY****SB 995****RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS****SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS**

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Kelly Pauole
(position/title, organization.) (optional "and a beneficiary of the OHA.") I wish to
express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meet its constitutional obligation to
Native Hawaiians by addressing the amount of income and proceeds that OHA is to
receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation
the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako
Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is
doing full due diligence on the lands and will have an opportunity to reject properties
which do not serve its best interests. Moreover, the fee simple conveyances should be
free of certain any other State controls, allowing the lands to be put to use in OHA
programs.

While OHA's mission and powers are broad, it has already demonstrated its
capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties
which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in
resolving an issue that has remained incompletely addressed for three decades and that
the Hawai'i Supreme Court has ruled is primarily under the authority and
responsibility of the Legislature. The bill would help fulfill the State's solemn and
continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

Kelly Pauole

**LEGISLATIVE TESTIMONY****SB 995****RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS****SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS**

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair-Hee, Vice Chair Tokuda and Members. I am Jonathan Kahanui,
(position/title, organization.) (optional "and a beneficiary of the OHA.") I wish to
express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meet its constitutional obligation to
Native Hawaiians by addressing the amount of income and proceeds that OHA is to
receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation
the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako
Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is
doing full due diligence on the lands and will have an opportunity to reject properties
which do not serve its best interests. Moreover, the fee simple conveyances should be
free of certain any other State controls, allowing the lands to be put to use in OHA
programs.

While OHA's mission and powers are broad, it has already demonstrated its
capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties
which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in
resolving an issue that has remained incompletely addressed for three decades and that
the Hawai'i Supreme Court has ruled is primarily under the authority and
responsibility of the Legislature. The bill would help fulfill the State's solemn and
continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

Jonathan Kahanui

**LEGISLATIVE TESTIMONY****SB 995****RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS****SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS**

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Irene Keheou
(position/title, organization.) (optional "and a beneficiary of the OHA.") I wish to
express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meet its constitutional obligation to
Native Hawaiians by addressing the amount of income and proceeds that OHA is to
receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation
the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako
Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is
doing full due diligence on the lands and will have an opportunity to reject properties
which do not serve its best interests. Moreover, the fee simple conveyances should be
free of certain any other State controls, allowing the lands to be put to use in OHA
programs.

While OHA's mission and powers are broad, it has already demonstrated its
capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties
which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in
resolving an issue that has remained incompletely addressed for three decades and that
the Hawai'i Supreme Court has ruled is primarily under the authority and
responsibility of the Legislature. The bill would help fulfill the State's solemn and
continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

**LEGISLATIVE TESTIMONY****SB 995****RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS****SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS**

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Ronald Sasaki
(position/title, organization.) (optional "and a beneficiary of the OHA.") I wish to
express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meet its constitutional obligation to
Native Hawaiians by addressing the amount of income and proceeds that OHA is to
receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation
the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako
Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is
doing full due diligence on the lands and will have an opportunity to reject properties
which do not serve its best interests. Moreover, the fee simple conveyances should be
free of certain any other State controls, allowing the lands to be put to use in OHA
programs.

While OHA's mission and powers are broad, it has already demonstrated its
capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties
which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in
resolving an issue that has remained incompletely addressed for three decades and that
the Hawai'i Supreme Court has ruled is primarily under the authority and
responsibility of the Legislature. The bill would help fulfill the State's solemn and
continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

Ronald Sasaki



LEGISLATIVE TESTIMONY

SB 995

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Kalani Akana, a lead advocate in education at OHA and Hawaiian beneficiary. I cast and voice my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meet its constitutional obligation to Native Hawaiians by addressing the amount of income and proceeds that OHA is to receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is doing full due diligence on the lands and will have an opportunity to reject properties which do not serve its best interests. Moreover, the fee simple conveyances should be free of certain any other State controls, allowing the lands to be put to use in OHA programs.

While OHA's mission and powers are broad, it has already demonstrated its capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in resolving an issue that has remained incompletely addressed for three decades and that the Hawai'i Supreme Court has ruled is primarily under the authority and responsibility of the Legislature. The bill would help fulfill the State's solemn and continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.



LEGISLATIVE TESTIMONY

SB 995

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

**SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS**

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am *(Mayor Mokuaka)* *Jamoa Tetiiaio Kakuia Mawae*
(position/title, organization.) (optional "and a beneficiary of the OHA.") I wish to
express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meet its constitutional obligation to
Native Hawaiians by addressing the amount of income and proceeds that OHA is to
receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation
the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako
Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is
doing full due diligence on the lands and will have an opportunity to reject properties
which do not serve its best interests. Moreover, the fee simple conveyances should be
free of certain any other State controls, allowing the lands to be put to use in OHA
programs.

While OHA's mission and powers are broad, it has already demonstrated its
capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties
which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in
resolving an issue that has remained incompletely addressed for three decades and that
the Hawai'i Supreme Court has ruled is primarily under the authority and
responsibility of the Legislature. The bill would help fulfill the State's solemn and
continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.



Hawai'i Maoli

P.O. Box 1135, Honolulu, Hawai'i 96807

Phone: (808) 394-0050 Fax (808) 394-0057

LEGISLATIVE TESTIMONY

Hawai'i Maoli
Board of Directors

Henry Malenani Gomes
President

Ramsay Taum
Vice President

Jaina Kcala
Secretary

Daniel Naho'opi'i
Treasurer

Mahelani Cypher
Director

H.K. Bruss Keppeler
Director

Antoinette Lee
Director

Verlie-Ann Molina-Wright
Director

Wm. Kekoa McClellan
Director

SB 995

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Kathryn Chung, Executive Director of Hawai'i Maoli, and a beneficiary of OHA. I wish to express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

It is time for the State to meet its constitutional obligation to Native Hawaiians by addressing the amount of income and proceeds that OHA is to receive from the public land trust for the period from November 7, 1978 to July 1, 2008.

It is reasonable that, in making progress toward meeting its obligation, the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is doing full due diligence on the lands and will have an opportunity to reject properties which do not serve its best interests. Moreover, the fee simple conveyances should be free of any certain other State controls, allowing the lands to be put to use in OHA programs.

While OHA's mission and powers are broad, it has already demonstrated its capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in resolving an issue that has remained incompletely addressed for three decades and that the Hawai'i Supreme Court has ruled is primarily under the authority and responsibility of the Legislature. The bill would help fulfill the State's solemn and continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

From: Robert Crowell [mililanicrowell@gmail.com]
Sent: Thursday, February 12, 2009 10:48 AM
To: WTLTestimony
Subject: SB 995 TESTIMONY

LEGISLATIVE TESTIMONY

**SB 995
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS**

**SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN
AFFAIRS**

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Robert Crowell a beneficiary of OHA. I wish to express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meets its constitutional obligation to Native Hawaiians by addressing the amount of income and proceeds that OHA is to receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation the State convey to OHA in fee simple, certain parcels of real property in Kaka`ako Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is doing full due diligence on the lands and will have an opportunity to reject properties which do not serve its best interests. Moreover, the fee simple conveyances should be free of certain any other State controls, allowing the lands to be put to use in OHA programs.

While OHA's mission and powers are broad, it has already demonstrated its capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in resolving an issue that has remained incompletely addressed for three decades and that the Hawai'i Supreme Court has ruled is primarily under the authority and responsibility of the Legislature. The bill would help fulfill the State's solemn and continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

From: Onaona Maly [onaona@wave.hicv.net]
Sent: Thursday, February 12, 2009 10:50 AM
To: WTLTestimony
Subject: SB 995 - Testimony-Revised (kala mai)

Importance: High

February 12, 2009

RE: SB 995 – RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

Senate Committee on Committee on Water, Land, Agriculture,
and Hawaiian Affairs

Aloha Chair Hee, Vice Chair Tokuda and Members.

We are writing you, requesting support of SB 995 relating to the Office of
Hawaiian Affairs.

Kupuna have taught us:

“Maika’i ka hana a ka lima, ‘ono no ka ‘ai a ka waha!” (When the
hands do good work, the mouth has good food to eat!) Doing what
is pono, sustains the well-being of the people.

The island of Lāna’i is comprised of thirteen traditional ahupua’a. During the
Māhele ‘Āina of 1848, eight of those ahupua’a were retained as Crown and
Government lands (becoming ceded lands by actions of 1893, 1898, 1900
and 1959). In 1906, Territorial Governor Carter, authorized the sale of all
ceded lands on Lāna’i to one party. The errors of that sale are today, manifest
in many facets of Lāna’i’s history, and have resulted in a steady degradation
of natural and cultural resources on this island. That action has also led to a
lost legacy and benefit to Hawaiians and organizations such as the Office of
Hawaiian Affairs and Department of Hawaiian Home Lands.

We urge the State to meet its constitutional obligation to Native Hawaiians by
allocating the mandated income and proceeds that Office of Hawaiian Affairs
is to receive from the public land trust for the period from November 7, 1978 to
July, 2008. While this opportunity has been lost for the island of Lāna’i, other
locations remain to the benefit of present and future generations of Hawaiians.

In taking affirmative action on this bill, the State can ensure that progress is made towards meeting its obligation to Hawaiians. Conveyance by the State, in fee simple, to the Office of Hawaiian Affairs, certain parcels of real property in Kaka'ako Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i, is a step towards pono. At present, the Office of Hawaiian Affairs is doing full due diligence on the lands, so the program will be able to fully access the properties, ensuring that they serve its best interests of the Hawaiian beneficiaries.

While the mission and powers of the Office of Hawaiian Affairs are broad, it has already demonstrated its capacity and ability to manage Waimea Valley, Wao Kele o Puna, and other properties which it has brought within its program kuleana. Also, the fee simple conveyances should be free of other State controls, thus allowing the lands to be put to best and wisest use in Office of Hawaiian Affairs programs.

We urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

I. Onaona Maly (Beneficiary)

Kepa Maly (Beneficiary Program Director)

Kawena Maly (Beneficiary)

P.O. Box 631599

Lāna'i City, Hawai'i 96763
(808) 565-7175



**THE TRUST FOR PUBLIC LAND'S TESTIMONY IN SUPPORT OF
SB 995 Relating to the Office of Hawaiian Affairs
Senate Committee on Water, Land, Agriculture and Hawaiian Affairs
Friday, February 13, 2009, 3:30 p.m.
State Capitol, 415 South Beretania, Senate Conference Rm. 229
testimony@capitol.hawaii.gov**

Hawaii Office
212 Merchant St.
Suite 320
Honolulu, HI
96813
1-808-534-3660
1-808-534-3565
www.tpl.org

Dear Chairperson Hee and Committee Members:

The Trust for Public Land (TPL) supports SB 995 Relating to the Office of Hawaiian Affairs.

TPL conserves land for people to enjoy as parks, gardens and other natural places, ensuring livable communities for generations to come. Nationwide, TPL has five program initiatives: (1) providing parks for people, (2) protecting working lands (farms, ranches, and forests), (3) conserving natural lands (wilderness, wildlife habitat), (4) safeguarding heritage lands (cultural and historical resources), and (5) preserving land to ensure clean drinking water and the natural beauty of our coasts and waterways. In Hawai'i, TPL has worked with public and private partners to conserve over 36,000 acres of land in the State, with a focus on coastal lands and lands important to Hawaiian communities.

Over the past several years, TPL has worked with the Office of Hawaiian Affairs (OHA) to acquire and conserve 1,875 acres at Waimea Valley on O'ahu, 24,856 acres at Wao Kele o Puna on Hawai'i Island, and 73 acres at Mū'olea Point on Maui. Throughout our dealings with OHA, the Board of Trustees and Land Management Hale Director Jonathan Scheuer and his staff have been very professional and supportive as conservation partners. OHA is well aware of the responsibilities (and liabilities) that come with ownership and management of land. OHA has prepared a strategic plan for its land acquisition priorities, and has hired additional land hale staff. OHA continually balances the need to continue the living Hawaiian culture, while at the same time, create a sound economic foundation for the betterment of the Hawaiian people.

This bill would provide OHA with an annual payment of \$15,100,000 as its pro rata share of the income and proceeds of the public land trust, as well as convey to OHA the fee title of two properties with a combined tax assessed value of \$127,203,140. The 2010 legislature would then pass additional legislation to convey to OHA the fee title to real property in the value of \$72,796,860

This bill would put to rest some 30+ years of ongoing negotiations, court battles and community disenchantment and would allow OHA and the State to focus on other extremely pressing issues of education, economy, environment, and cultural preservation.

THE
TRUST
for
PUBLIC
LAND

OHA's programs and services greatly benefit the Hawaiian community as well as the general public by advocating for Hawaiian rights, land, and culture, facilitating and funding culture based educational programs, and assisting Hawaiians achieve economic self-sufficiency. Therefore, TPL supports SB 995.



Mahalo for this opportunity to testify.

Hawaii Office
213 Merchant St
Suite 420
Honolulu HI
96813
T 808-524-8561
F 808-524-8565
www.tpl.org

Lea Hong
Lea Hong
Hawaiian Islands Program Director



Na Koa Ikaika o Ka Lahui Hawaii

c/o 400 Hualani Street, Bldg 10, Suite 194 ❖ Hilo, HI 96720
(808) 961-2888 phone • (808) 935-8854 fax • gibson@ilhawaii.net



TESTIMONY IN OPPOSITION TO SB#995 Relating to OHA (Ceded Land Settlement Revenue Bill)

SB #995

Hearing: Senate Committee WLAH

Date: February 13, 2009

Time: 3:30pm

Place: CR 229

Aloha Senators,

I am opposed to this measure for the following reasons:

Issues and Problems with the Bill:

OHA CANNOT MANAGE LAND ASSETS

1. In 2005 the legislative auditor blasted OHA for not being able to administer its finances pursuant to its fiduciary responsibilities. The Audit was very detailed in its criticism that OHA still had no comprehensive master plan and was still grappling with the effects of its poorly planned reorganization. The Auditor was not able to consider the OHA limited Liability Corporations because they were not in existence at that time. The last Audit, conducted in 2004 and filed with the legislature in 2005, is on line at <http://www.state.hi.us/auditor/Reports/2005/05-03.pdf>. Hawaii State law requires that every State Agency be audited every 4 years, but no audit was conducted on OHA for reporting in 2009.
2. The Roulac Report, which OHA paid \$916,980.00 for in 2008, was a private audit that OHA hired the Roulac Group from California & Georgia to conduct. The legislature must review this report before acting on this bill because it demonstrates that OHA cannot manage land. Quotes from the Roulac Report:
 - a. “#2. OHA staff and resources dedicated to its real estate involvements fall far short of need. Without requisite staff and resources, OHA cannot realize the objectives or its land involvements – and therefore overall OHA objectives.
 - b. #3. Trustees do not sufficiently appreciate the importance of the reality and appearance of no conflicts of interest. Trustees may not be attuned to the imperative of fiduciary duties of OHA property investment and their relative responsibilities.
 - c. #5. Some Trustees, lacking deal-making experience and savvy, may conduct themselves in ways that are contrary to OHA’s interests. Inappropriate discussions of what should be confidential information, combined with doing

business in public what should be done in private, compromises OHA's effectiveness in property transactions.

- d. # 8. Trustees tend to think in terms of incremental transactions and programmatic priorities, rather than holistic systems based on perceptions of what OHA's property involvements could be. Disproportionate emphasis on one involvement can compromise other types of involvements – and ultimately overall OHA purpose and objectives.
- e. #9. Trustees initiate and are confronted with a series of decisions without experience or consideration of how the decision may effect other decisions. Trustees devote more attention and resources to transactions – which may lack strategic merit and therefore should never been considered – than they do to the policies and strategies necessary for effective property involvements, consistent with OHA's overall purpose and priorities.
- f. #10. Financial discipline appears to be lacking, as some Trustees reflect a NO BUDGET CONSTRAINT assumption to guide OHA property involvements. Fiscal irresponsibility may compromise realizing specific priorities, threatens enterprises sustainability, and precluded OHA from realizing its overall purpose and objectives – plus exposes every trustee to liability for breach of trust.

THIS BILL CONFLICTS WITH THE OHA MORATORIUM BILL

The Moratorium bill prevents the State from transferring or selling ceded Lands. This bill transfers ceded lands to OHA. OHA's present policy is to put Land into its limited Liability Corporations. The Corporate Documents of the LLC's allow OHA to transfer its lands to non-profits when OHA terminates the LLC's. This is a transfer of land out of the trust, and a breach of trust which the legislature cannot allow. A Moratorium is a Moratorium, OHA should not be an exception.

THE SETTLEMENT AGREEMENT ACCOMPANYING THE BILL IS FLAWED AND WILL NEGATIVELY IMPACT HAWAIIANS

The Settlement agreement accompanying the bill is not limited to OHA's claims for revenue from 1978 to 2008, but will exterminate all claims of "any other person or entity" who have claims relating to ceded lands during this period. This broad language means that kalo farmers on Maui (Keanae-Waialea Nui), Oahu (Waihole-Waikane), & Hawaii (Waipio Valley) will not be able to recover damages or water for their claims relating to water diversion. These are only a few instances where there will be a negative impact on beneficiaries. If OHA can give up revenues for land, why can't Hawaiians give up their money damages for water for kalo? Any Release of Claims or Waiver should state clearly that the Settlement relates only to OHA's claims against the State for revenues.

Conclusion:

1. This bill should be killed, in the alternative, the legislature should consider taking the approached used with Kahoolawe, Hold the land for the Hawaiian Nation, put revenues from the land into an interest bearing account for the Nation.

Mililani B. Trask (Hawaii Island)

From: Jim Springer [Jims@oha.org]
Sent: Thursday, February 12, 2009 1:44 PM
To: WTLTestimony
Subject: SB 995 Testimony - Feb. 13, 2009 at 3:30pm

LEGISLATIVE TESTIMONY

**SB 995
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS**

SENATE COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. My name is Jim Springer. I wish to express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meet its constitutional obligation to Native Hawaiians by addressing the amount of income and proceeds that OHA is to receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation the State convey to OHA in fee simple, certain parcels of real property in Kaka`ako Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai`i. OHA is doing full due diligence on the lands and will have an opportunity to reject properties which do not serve its best interests. Moreover, the fee simple conveyances should be free of certain any other State controls, allowing the lands to be put to use in OHA programs.

While OHA's mission and powers are broad, it has already demonstrated its capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in resolving an issue that has remained incompletely addressed for three decades and that the Hawai`i Supreme Court has ruled is primarily under the authority and responsibility of the Legislature. The bill would help fulfill the State's solemn and continuing obligation to Hawaiians.

I strongly urge your Committee to respond favorably to this bill. It is the right and just thing to do. Mahalo for the opportunity to testify.



LEGISLATIVE TESTIMONY

SB 995

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Naomi Kamakanalani Kim a resident of Hawaii and a beneficiary of the OHA. I wish to express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meet its constitutional obligation to Native Hawaiians by addressing the amount of income and proceeds that OHA is to receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation the State convey to OHA in fee simple, certain parcels of real property in Kaka`ako Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is doing full due diligence on the lands and will have an opportunity to reject properties which do not serve its best interests. Moreover, the fee simple conveyances should be free of certain any other State controls, allowing the lands to be put to use in OHA programs.

While OHA's mission and powers are broad, it has already demonstrated its capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in resolving an issue that has remained incompletely addressed for three decades and that the Hawai'i Supreme Court has ruled is primarily under the authority and responsibility of the Legislature. The bill would help fulfill the State's solemn and continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

LEGISLATIVE TESTIMONY**SB 995****RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS****SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS**

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Cary Kanemoto. I wish to express my strong support of House Bill 995 relating to the Office of Hawaiian Affairs ("OHA").

This legislation presents an opportunity for the State to finally meet its constitutional obligation to the Native Hawaiians by addressing the amount of income and proceeds that OHA is to receive from the public land trust for the period November 7, 1978 to July, 2008 in a responsible and effective manner.

I believe it is reasonable that as part of its progress toward meeting its obligation to OHA, the State convey to OHA, in fee simple, certain parcels of real property in Kaka'ako Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is doing full due diligence on the lands and will have an opportunity to reject properties which do not serve its best interests. Moreover, the fee simple conveyances should be free of certain State controls allowing the lands to be put to use in OHA programs.

While OHA's mission and powers are broad, it has already demonstrated its capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties which it has brought within its kuleana.

This bill is the vehicle that will allow the Legislature to take a major step forward in resolving an issue that has remained incompletely addressed for three decades and that the Hawai'i Supreme Court has ruled is primarily under the authority and responsibility of the Legislature. The bill would help fulfill the State's solemn and continuing constitutional obligation to Native Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

LEGISLATIVE TESTIMONY

SB 995

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

SENATE COMMITTEE ON COMMITTEE ON WATER, LAND, AGRICULTURE, AND
HAWAIIAN AFFAIRS

February 13, 2009

3:30 p.m.

Conference Room 229

Aloha Chair Hee, Vice Chair Tokuda and Members. I am Nana Kawasaki-Jones and I wish I could be there today to express my support of Senate Bill 995 relating to the Office of Hawaiian Affairs.

I feel strongly about honoring obligations and debts. As a non-Hawaiian resident, it is the least I can do to support the people who have allowed me to enjoy an ideal life in their islands. I was able to raise my family in a safe, nurturing community with tolerance and kokua as the main values.

It seems reasonable that the State convey to OHA the parcels in Kaka'ako Makai in Honolulu and along Banyan Drive in Hilo. These fee simple conveyances should be free of other State controls so that OHA can use the land for it's programs.

This bill provides the opportunity for the Legislature to take a major step in resolving an issue that has shamefully remained unaddressed for three decades and will help fulfill the State's solemn and continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill. Mahalo for listening.

TESTIMONY
SB 995
(END)