



BEFORE THE HOUSE COMMITTEE ON FINANCE  
February 16, 2018

House Bill No. 2358 HD1  
Relating to the Public Lands  
Aloha Chair Luke, Vice Chair Cullen, and Members of the Committee:

KPAC submits the following testimony in opposition to HB 2358 HD1 exempting lands to which Hawaii Public Housing Authority holds title from the definition of "public lands" in chapter 171, Hawai'i Revised Statutes.

This proposal to exempt lands held by the Hawai'i Public Housing Authority is contrary to its intended purpose as detailed below and could also potentially be determined to be a breach of trust.

By way of background, Professor Williamson Chang of the UH Law School has detailed his analysis that the Joint Resolution was incapable of acquiring Hawai'i at [http://blog.hawaii.edu/aplpj/files/2015/09/APLPJ\\_16\\_2\\_Chang.pdf](http://blog.hawaii.edu/aplpj/files/2015/09/APLPJ_16_2_Chang.pdf). Despite this analysis, the former Crown and government lands of the Kingdom of Hawai'i were illegally transferred to the US and as a condition of Statehood was transferred to the State of Hawaii to be held as a public trust for 5 purposes including the betterment of the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920. The Admissions Act further states that any other object besides the 5 purposes shall constitute a breach of trust for which suit may be brought by the United States. The Article XII Constitutional provisions further establish that the lands are held as a public trust for native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920 and should be used solely for that purpose.

The Ka Lāhui Hawai'i Political Action Committee (KPAC) affirms and defends our Hawaiian peoples' right to over 1.8 million acres of our national lands.

Respectfully submitted,

M. Healani Sonoda-Pale  
Chair, KPAC