



BEFORE THE SENATE COMMITTEES ON EDUCATION AND WATER & LAND

Hawaii State Legislature
March 21, 2018

House Bill 2679
Relating to the Transfer of Lands

Aloha Chair Kidani, Vice Chair Kahele, Chair Rhoads, Vice Chair Gabbard, and Members of the Committees,

The Ka Lāhui Hawaii Political Action Committee (KPAC) opposes House Bill 2679 which transfers fee interest in certain public school lands to the Department of Education (DOE) and removes these lands from the “public lands” inventory and from protections that are found in Chapter 171.

We oppose for the following reasons:

1. It is the State’s responsibility to adequately fund the DOE and should make this a priority in budgeting and should fully fund the DOE’s budget requests.
2. Utilizing public educational facilities like public schools for corporate development could set a dangerous precedent in the commercialization of public facilities including the education of our most precious resource, our children.
3. These lands are primarily Kanaka Maoli lands or “ceded lands” (former Hawaiian Kingdom Crown and government) to which Kanaka Maoli never relinquished their rights too. These lands should not be removed from the “ceded lands” inventory without first consulting the Kanaka Maoli people.
4. The removal of DOE lands from “public lands” and from the 5(f) public trust purposes that include being used toward the betterment of the conditions of native Hawaiians could also potentially be determined to be a breach of trust (see below).

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. 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 the Kanaka Maoli peoples’ right to over 1.8 million acres of our national lands.

Respectfully submitted,

M. Healani Sonoda-Pale
Chair, KPAC