



BEFORE THE HOUSE JUDICIARY COMMITTEE
February 14, 2019

House Bill No. 453 SD1
Relating to the Public Lands

Aloha Chair Lee, Vice Chair San Buenaventura and Members of the Committee,

KPAC submits the following testimony in opposition to House Bill 453 exempting lands to which Hawaii Public Housing Authority holds title from the definition of "public lands" in chapter 171, Hawai‘i Revised Statutes.

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands. Professor Williamson Chang stated in a lecture given on October 1, 2014 entitled “Hawaii’s ‘Ceded Lands’ and the Ongoing Quest for Justice in Hawai‘i” that the Joint Resolution was incapable of acquiring these Hawaiian Kingdom public lands. 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 Hawai‘i 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.

This proposal to exempt lands from “public lands” held by the Hawai‘i Public Housing Authority could potentially be determined to be a breach of trust and will lessen public oversight and input in the future use of these lands. Furthermore, Kanaka Maoli have unsettled claims to about 1.8 million acres of the public lands trust that have yet to be settled.

Respectfully submitted,

M. Healani Sonoda-Pale
Chair, KPAC