

JANUARY 18, 2008
MEDIA CONFERENCE ON PUBLIC LAND TRUST SETTLEMENT
REMARKS OF CHAIRPERSON HAUNANI APOLIONA
1:30 P.M.

This media conference today gives OHA the opportunity to accomplish two things:

- 1) Inform the community on the facts; facts which concurrently will dispel the myths perpetuated by those who wish to mislead; and
- 2) acknowledge the necessary and cooperating partners.

The obligation of the State to implement their public trust land responsibility has existed since 1959, statehood.

In 1978, with Constitutional amendments and the establishment of OHA, the State of Hawai`i made forward movement in that regard and the State Legislature followed on by enacting statutes to implement OHA and provide it a pro-rata share of ceded land revenues.

Unfortunately, the language of this early legislation was ambiguous and lacked enough clarity to fuel and lead controversy on the source and amount of revenues due to OHA. The revenue payments to OHA resulted in being a “football”, kicked from the legislature, to the Courts, back to the legislature, with little to limited success for OHA and our beneficiaries..

But since the early 90s to the present, progress has been achieved. There have been both steps forward as well as set-backs.

The historic record on this issue will show that between 1978 and 2008 there have been four times when OHA and the Executive branch have attempted negotiation.

The **first instance** resulted in a memorialized agreement in 1993 for settlement of the **undisputed** revenue issues acknowledging that the unresolved issues or disputes would be left for resolution at a future time. This settlement was documented in a written agreement signed by the negotiating parties, OHA and the Waihe`e administration. That agreement was then implemented through enactment of statute by the legislature in Act 35. Closure was achieved on the undisputed issues for that time period.

In the 1998 and 1999 negotiations between OHA and the Executive branch the objective was to resolve the disputed, unresolved issues that had been left over from that earlier time. Both attempts never produced a signed settlement agreement between OHA and the Executive branch.

More specifically, the 1999 negotiation never produced a signed agreement between OHA and the Executive branch because the Cayetano administration was demanding that

OHA agree to a release of claims provision that would have adversely affected Native Hawaiians' overthrow claims to ownership of the ceded lands. By a majority vote, the Board of Trustees rejected Cayetano's unacceptable proposition. **This is not myth, this is fact.**

We are here today, in 2008 to speak to you about the fourth try at resolving these disputed, unresolved revenue payment issues, from 1978 to the present.

OHA and the Executive branch have achieved mutual agreement to resolve these "disputed issues" and now join together to request that the 2008 State Legislature enact statute to implement this agreement.

My final point this morning is to acknowledge the necessary and cooperating partners that are essential in order to complete resolution on the "disputed" revenues owing to the Office of Hawaiian Affairs.

The Hawai'i State Supreme Court has at least a half dozen times said that such resolution is a "political issue" and places the burden or opportunity in the realm of the legislature.

The OHA Trustees and the Executive branch have worked for the last four years to bring forward our negotiated settlement that resolves the "disputed" revenue issues from 1978 to the present.

With enactment of 2008 legislation to implement our settlement, the State Legislature will have fulfilled the Court's direction and will have participated in not only codifying statute to settle the undisputed but also the disputed issues surrounding payment of ceded land revenues to OHA from 1978 to 2008, and will codify the minimum payment of \$15.1 million annually to OHA.

As partners in this journey, we ask the Legislature to enact our legislation to implement the settlement.