



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Finance  
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by

Kalbert K. Young

Vice President for Budget and Finance/Chief Financial Officer  
University of Hawai'i System

### HB 402 HD1 – RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS

Chair Luke, Vice Chair Cullen and members of the committee:

The University of Hawai'i (University) stands firmly committed to the betterment of Native Hawaiians and has deep respect for the constitutional role of the Office of Hawaiian Affairs (OHA). However, this bill, along with previous legislative approaches to the funding of OHA, errs in pitting one important purpose of the public land trust against others. Both the Admissions Act and the Constitution of the State of Hawai'i make it perfectly clear that the University also has its own direct relationship to the public land trust. The University therefore strongly opposes HB 402 HD1. We strongly urge that the University be explicitly and fully excluded from the reporting and payment provisions of this bill and any similar measures based on Act 178, SLH 2006, and its predecessors. Given the University's own clear and formal role and responsibilities under the public land trust, there should be no required ceded land payments from the University to OHA or any of the other sister agencies that also have responsibilities associated with the public land trust.

The Admissions Act § 5(f), which created the State of Hawai'i public trust lands commonly referred to as ceded lands, identifies multiple purposes for these lands. The first of these purposes enumerated in the Act is the "support of the public schools and other public educational institutions" and the second of these purposes is the "betterment of the conditions of Native Hawaiians." As the University of Hawai'i is the sole provider of public higher education in the State, it is clearly identified as a primary intended beneficiary of the public land trust and should not be required to reduce the benefits it provides to the people of Hawai'i in order to transfer funds to OHA, another beneficiary of the public land trust.

The University and OHA were both established by the Hawai'i State Constitution, the University in 1959 and OHA in 1978. The Hawai'i State Constitution further and expressly directs that University lands be used solely for its purposes. Article X, Section 5, states that the University "shall have title to all the real and personal property now or hereafter set aside or conveyed to it, which shall be held in public trust for its purposes[.]" See Hawai'i State Constitution, Art. X, Section 5.

Moreover, independent from Act 178, SLH 2006, the University is committed to the betterment of Native Hawaiians. As of 2009, the University's Regent Policy 4.201.III.C.3 states in part: "As the only provider of public higher education in Hawai'i, the university embraces its unique responsibilities to the indigenous people of Hawai'i and to Hawai'i's indigenous language and culture. To fulfill this responsibility, the university ensures active support for the participation of Native Hawaiians at the university and support vigorous programs of study and support for the Hawaiian language, history, and culture."

As of Fall 2018, the University enrolled 12,061 Native Hawaiian students, 23.6% of total enrollment, all of whom benefit from the public investment and resources of the University of Hawai'i including its use of the public land trust. The University's direct financial investment in the betterment of Native Hawaiians is also substantial. The University provides over \$7,000,000 per year in direct tuition benefits from current resources to advance Native Hawaiian students through public higher education. The University created and funds the Hawai'inuiākea School of Hawaiian Knowledge at the University of Hawai'i at Mānoa and the Ka Haka 'Ula O Ke'elikōlani College of Hawaiian Language at the University of Hawai'i at Hilo, which are each completely distinctive in higher education in the United States and both of which sit on ceded lands. These units advance Native Hawaiian culture and language through offering relevant and dynamic courses and programs, while also providing academic assistance and support to Native Hawaiian students. Other University campuses also operate support centers for Native Hawaiian students and offer academic programs that advance Hawaiian language and culture and inspire Native Hawaiian students.

The University also directs internal resources to better the broader Native Hawaiian community. As one example, The Department of Native Hawaiian Health in the John A. Burns School of Medicine helps to develop a comprehensive program that addresses the healthcare status of Native Hawaiians and studies health disparities that disproportionately affect Native Hawaiians and other ethnicities. Numerous other colleges and schools have specific programs to benefit Native Hawaiians.

The University fully supports the intent of the Admissions Act, the Hawai'i State Constitution and previous legislation to advance the betterment of Native Hawaiians. It has embraced its mission, as formalized in 2009 to become a model indigenous-serving university and greatly appreciates its many partnerships with OHA (along with the Ali'i Trusts and other organizations) to advance Native Hawaiian people, language, and culture. The University believes this can best be done by directing its own available resources for the betterment of Native Hawaiians through its programs and without transferring funds from public higher education to OHA or any other agency responsible for another purpose of the public land trust.

Should the legislature believe it appropriate to continue the approach of ceded land payments between parts of government, an approach that has proven problematic and contentious since first introduced, the University respectfully and strongly urges that it be expressly excluded from any reporting requirements or financial obligations to OHA associated with the University's use of public land trust. The University strives to maximize the impact of all its resources as it works to provide public higher education across the islands to ensure that all of Hawai'i's students, including Native Hawaiians, have the knowledge, skills, capacity and tenacity to meet the challenges and opportunities facing Hawai'i's families and communities in today's dynamic environment.

Thank you for your time and consideration.