

Testimony on SB 1677

Hearing Date: Friday, March 13, 2009

Time: 2:00 p.m.

Room: House Conference Room 325

House Committee on Water, Land & Ocean Resources
House Committee on Judiciary

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har
and members of the Committee on Water, Land, & Ocean
Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and
members of the Committee on Judiciary,

My name is Keali'iōlo'uolu Gora and I am an administrator of
Pūko'iā and Kūali'i Councils at the University of Hawai'i at
Mānoa. I submit testimony in support of Senate Bill 1677 on
the condition that SB 1677 be amended to better reflect the
Hawai'i Legislature's policy as defined in Senate Concurrent
Resolution 40, passed by the Senate and adopted by the House
of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the
Legislature, you

urged the Governor to "withdraw the appeal to the United
States Supreme Court of the Hawai'i State Supreme Court
decision" in the "ceded" lands case, and

declared "the public policy of the State of Hawai'i is to
honor the decision of the Hawai'i Supreme Court."

**Passing SB 1677, in its current form, does not reflect the
public policy described in Senate Concurrent Resolution 40.**

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by
adding a new section to be appropriately designated and to
read as follows:

"§171- Limitation on sale and transfers. The State
shall not dispose of any lands in the public land trust, as
described in subsection 171-18(a), whether by lease with
option to purchase, sale, or exchange, except as provided in
subsection 171-18(d); provided that the State may dispose of
lands in the public land trust pursuant to subsection 171-
18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as
defined in the United States Apology Resolution, Pub. L. No.

103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

(1) The State establishes a compelling state interest for the disposition;

(2) There is no reasonable alternate means to accomplish the compelling state interest;

(3) The disposition is limited to accomplishing the compelling state interest; and

(4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

The conditions described in subsection (c) (1) to (4) shall not prevent the State from:

(1) Disposing of remnants, as defined in section 171-52;

(2) Providing easements to public utilities and government agencies pursuant to section 171-95; or

(3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above-proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085, which better reflects the public policy declared by our legislature.

Thank you for this opportunity to testify on this very important measure.

Keali'iōlū'ōlu Gora

protect hawaiian lands

Andrew Rosenthal [REDACTED]

Sent: Thursday, March 12, 2009 11:40 AM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

House Committee on Water, Land & Ocean Resources
House Committee on Judiciary
Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is [insert name]. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and

declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

- (1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;
- (2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or
- (3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or

0000 4

exchange occurs after December 31, 2014."

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- (1) The State establishes a compelling state interest for the disposition;
- (2) There is no reasonable alternate means to accomplish the compelling state interest;
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- (2) Providing easements to public utilities and government agencies pursuant to section 171-95; or
- (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.
Andrew Rosenthal

SB1677

Desiree Lee [REDACTED]

Sent: Thursday, March 12, 2009 2:02 PM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

House Committee on Water, Land & Ocean Resources
 House Committee on Judiciary
 Friday, March 13, 2009 at 2:00pm
 SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Desiree' Lee. I submitted testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to

purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

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(1) Disposing of remnants, as defined in section 171-52;

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The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB

1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Desiree' Lee

SB 1677 be amended to better reflect the Hawai'i Legislature's policy.

Dee Texidor [DeeTex123@hawaii.rr.com]

Sent: Thursday, March 12, 2009 8:54 AM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

Importance: High

Diane Texidor
House Committee on Water, Land & Ocean Resources
House Committee on Judiciary
Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Diane Texidor. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

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(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

____ (3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- ____ (1) The State establishes a compelling state interest for the disposition;
- ____ (2) There is no reasonable alternate means to accomplish the compelling state interest;
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I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.
Diane Texidor

Testimony

Amoriann L Laimana [amoriann@hawaii.edu]

Sent: Thursday, March 12, 2009 8:47 AM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

Cc: kupuaina@gmail.com

Ken Ito
House Committee on Water, Land & Ocean Resources
House Committee on Judiciary
Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Amoriann L Laimana. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

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I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

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(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

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I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Amoriann L Laimana

Testimony on SB 1677

Ka`ano`i Walk [kwalk@hawaii.edu]

Sent: Thursday, March 12, 2009 9:03 AM**To:** WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto**Attachments:** Card for Ka`ano`i Walk <kw~1.vcf (388 B)

Ka`ano`i Walk
 House Committee on Water, Land & Ocean Resources
 House Committee on Judiciary
 Friday, March 13, 2009 at 2:00pm
 SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Ka`ano`i Walk and I am an attorney from Kane`ohe. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai`i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai`i State Supreme Court decision" in the "ceded" lands case, and
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(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

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I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Aloha,
Ka'ano'i Walk

SB1677

Brandee Aukai [bkaukai@hawaii.edu]

Sent: Thursday, March 12, 2009 9:49 AM**To:** WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

House Committee on Water, Land & Ocean Resources

House Committee on Judiciary

Friday, March 13, 2009 at 2:00pm

SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Brandee Aukai. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

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(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds

majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

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or
- (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Brandee Aukai
(808) 620-9857

SB1677!

Kelly-Anne Beppu [buppu@hawaii.edu]

Sent: Thursday, March 12, 2009 10:07 AM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Kelly Anne Beppu and I am a Graduate Student at the Myron B. Thompson School of Social Work. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as

described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- _____ (1) The State establishes a compelling state interest for the disposition;
- _____ (2) There is no reasonable alternate means to accomplish the compelling state interest;
- _____ (3) The disposition is limited to accomplishing the compelling state interest; and
- _____ (4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

_____ The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

- _____ (1) Disposing of remnants, as defined in section 171-52;
- _____ (2) Providing easements to public utilities and government agencies pursuant to section 171-95; or
- _____ (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Kelly Anne Beppu

ADDITION OF LANGUAGE TO SB 1677 - SB 1085 IS A BETTER BILL FOR PROTECTION OF CEDED LANDS!!!!

Dee Texidor [REDACTED]

Sent: Thursday, March 12, 2009 11:26 AM

To: Rep. Barbara Marumoto; Rep. Glenn Wakai; Rep. Clifton K. Tsuji; Rep. Joseph Souki; Rep. Blake Oshiro; Rep. John Mizuno; Rep. Angus McKelvey; Rep. Mele Carroll; Rep. Della Belatti; Rep. Jon Karamatsu; Rep. Cynthia Thielen; Rep. Corinne Ching; Rep. Roland Sagum; Rep. Hermina Morita; Rep. Sylvia Luke; Rep. Chris Kalani Lee; Rep. Robert Herkes; Rep. Denny Coffman; Rep. Pono Chong; Rep. Jerry Chang; Rep. Rida Cabanilla; Rep. Sharon Har; Rep. Ken Ito; Mailing List; JUDtestimony; WLOtestimony

Importance: High

Hayley and Aloha Cerit
House Committee on Water, Land & Ocean Resources
House Committee on Judiciary
Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Hayley Cerit. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- ___ (1) The State establishes a compelling state interest for the disposition;
- ___ (2) There is no reasonable alternate means to accomplish the compelling state interest;
- ___ (3) The disposition is limited to accomplishing the compelling state interest; and
- ___ (4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

___ The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

- ___ (1) Disposing of remnants, as defined in section 171-52;
- ___ (2) Providing easements to public utilities and government agencies pursuant to section 171-95; or
- ___ (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony. We are confident that a hearing for SB 1085 will be scheduled and supported by the legislature.

Very truly yours, Hayley and Aloha Cerit

Fw: SUPPORT THE PASSING OF BILL 1677 ONLY WITH AMENDMENTS!

Dee Texidor [DeeTex123@hawaii.rr.com]

Sent: Thursday, March 12, 2009 10:48 AM

To: Rep. Barbara Marumoto; Rep. Glenn Wakai; Rep. Clifton K. Tsuji; Rep. Joseph Souki; Rep. Blake Oshiro; Rep. John Mizuno; Rep. Angus McKelvey; Rep. Mele Carroll; Rep. Della Belatti; Rep. Jon Karamatsu; Rep. Cynthia Thielen; Rep. Corinne Ching; Rep. Roland Sagum; Rep. Hermina Morita; Rep. Sylvia Luke; Rep. Chris Kalani Lee; Rep. Robert Herkes; Rep. Denny Coffman; Rep. Pono Chong; Rep. Jerry Chang; Rep. Rida Cabanilla; Rep. Sharon Har; Rep. Ken Ito; Mailing List; JUDtestimony; WLOtestimony

Importance: High

Noah and Chesare Texidor
House Committee on Water, Land & Ocean Resources
House Committee on Judiciary
Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

Our name is Noah and Chesare Texidor. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."
- **Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.**

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- _____ (1) The State establishes a compelling state interest for the disposition;
- _____ (2) There is no reasonable alternate means to accomplish the compelling state interest;
- _____ (3) The disposition is limited to accomplishing the compelling state interest; and
- _____ (4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

_____ The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

- _____ (1) Disposing of remnants, as defined in section 171-52;
- _____ (2) Providing easements to public utilities and government agencies pursuant to section 171-95;
or
- _____ (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony. We thank you for your support and are confident that SB 1085 is the public policy declared by our legislature.
Noah and Chesare Texidor

Request Support: SB 1677

Garid P Faria [garid@hawaii.edu]

Sent: Thursday, March 12, 2009 9:20 AM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

House Committee on Water, Land & Ocean Resources
 House Committee on Judiciary
 Friday, March 13, 2009 at 2:00pm
 SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is [insert name]. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- ____ (1) The State establishes a compelling state interest for the disposition;
- ____ (2) There is no reasonable alternate means to accomplish the compelling state interest;
- ____ (3) The disposition is limited to accomplishing the compelling state interest; and
- ____ (4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

____ The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

- ____ (1) Disposing of remnants, as defined in section 171-52;
- ____ (2) Providing easements to public utilities and government agencies pursuant to section 171-95; or
- ____ (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Garid P. Faria

Garid P. Faria

SB 1677 - PLEASE AMEND

Anuheia Reimann-Giegerl [REDACTED]

Sent: Thursday, March 12, 2009 9:07 AM**To:** WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto**Cc:** Kupu'aina Coalition [kupuaina@gmail.com]

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Anuheia Reimann-Giegerl. I submit this testimony as a Native Hawaiian on behalf of myself, my kupuna and other 'ohana unable to articulate and deliver their strong opposition to the current form of Senate Bill 1677 by tomorrow's hearing on the matter. We urge you to revise SB 1677 as suggested below.

It is our understanding that the current language of SB 1677 falls short of fulfilling the Hawai'i Legislature's policy defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month. We believe that by adding the following language to SB 1677 you will be providing the implements necessary to achieve the public policy defined and intended in Senate Concurrent Resolution 40.

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

Additionally, we urge you to add the following language:

25

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- (1) The State establishes a compelling state interest for the disposition;
- (2) There is no reasonable alternate means to accomplish the compelling state interest;
- (3) The disposition is limited to accomplishing the compelling state interest; and
- (4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

- (1) Disposing of remnants, as defined in section 171-52;
- (2) Providing easements to public utilities and government agencies pursuant to section 171-95; or
- (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

Any and all text in the current form of SB 1677 which contradicts the language proposed above should be omitted/stricken so as to recognize that the language proposed herein is the language recognized in the Bill.

Please pass SB 1677 with the proposed amendments. We also urge you to schedule a hearing for SB 1085 because we feel it better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

With deepest sincerity and gratitude,
Anuheia Reimann-Giegerl and 'Ohana

House Committee on Water, Land & Ocean Resources
House Committee on Judiciary
Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Yvonne Geesey. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

(1) The State establishes a compelling state interest for the disposition;

(2) There is no reasonable alternate means to accomplish the compelling state interest;

(3) The disposition is limited to accomplishing the compelling state interest; and

(4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

(1) Disposing of remnants, as defined in section 171-52;

(2) Providing easements to public utilities and government agencies pursuant to section 171-95; or

(3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing

for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Yvonne Geesey

Kupu'āina Coalition: SB 1677 is scheduled for a hearing

POHAKU HULI [pohakuhuli@live.com]

Sent: Thursday, March 12, 2009 10:13 AM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

Rocky R. Gilding
House Committee on Water, Land & Ocean Resources
House Committee on Judiciary
Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Rocky R. Gilding. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or

exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- _____ (1) The State establishes a compelling state interest for the disposition;
- _____ (2) There is no reasonable alternate means to accomplish the compelling state interest;
- _____ (3) The disposition is limited to accomplishing the compelling state interest; and
- _____ (4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

_____ The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

- _____ (1) Disposing of remnants, as defined in section 171-52;
- _____ (2) Providing easements to public utilities and government agencies pursuant to section 171-95; or
- _____ (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony

Rocky R.Gilding, Mahalo & Aloha

Windows LiveT: Keep your life in sync. Check it out.

SB 1677

Pomaika`i Akiona [p.akiona@yahoo.com]

Sent: Thursday, March 12, 2009 10:01 AM**To:** WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

House Committee on Water, Land & Ocean Resources

House Committee on Judiciary

Friday, March 13, 2009 at 2:00pm

SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Pomaikai Akiona. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to

purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

(1) The State establishes a compelling state interest for the disposition;

(2) There is no reasonable alternate means to accomplish the compelling state interest;

(3) The disposition is limited to accomplishing the compelling state interest; and

(4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

(1) Disposing of remnants, as defined in section 171-52;

(2) Providing easements to public utilities and government agencies pursuant to section 171-95; or

(3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Pomaika`i Akiona
p.akiona@yahoo.com

SUPPORT THE PASSING OF BILL 1677 ONLY WITH AMENDMENTS!

Dee Texidor [DeeTex123@hawaii.rr.com]

Sent: Thursday, March 12, 2009 10:35 AM**To:** WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto**Importance:** High

Hank George
 House Committee on Water, Land & Ocean Resources
 House Committee on Judiciary
 Friday, March 13, 2009 at 2:00pm
 SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Hank George. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

•

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

35

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- _____ (1) The State establishes a compelling state interest for the disposition;
- _____ (2) There is no reasonable alternate means to accomplish the compelling state interest;
- _____ (3) The disposition is limited to accomplishing the compelling state interest; and
- _____ (4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

_____ The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

- _____ (1) Disposing of remnants, as defined in section 171-52;
- _____ (2) Providing easements to public utilities and government agencies pursuant to section 171-95;
or
- _____ (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.
Hank George and Family

PLEASE SUPPORT BILL 1667 WITH AMENDMENTS

Dee Texidor [DeeTex123@hawaii.rr.com]

Sent: Thursday, March 12, 2009 10:40 AM**To:** Rep. Barbara Marumoto; Rep. Glenn Wakai; Rep. Clifton K. Tsuji; Rep. Joseph Souki; Rep. Blake Oshiro; Rep. John Mizuno; Rep. Angus McKelvey; Rep. Mele Carroll; Rep. Della Belatti; Rep. Jon Karamatsu; Rep. Cynthia Thielen; Rep. Corinne Ching; Rep. Roland Sagum; Rep. Hermina Morita; Rep. Sylvia Luke; Rep. Chris Kalani Lee; Rep. Robert Herkes; Rep. Denny Coffman; Rep. Pono Chong; Rep. Jerry Chang; Rep. Rida Cabanilla; Rep. Sharon Har; Rep. Ken Ito; Mailing List; JUDtestimony; WLOtestimony

Henry George, Jr. and Evonne George
House Committee on Water, Land & Ocean Resources
House Committee on Judiciary
Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

Our name is Henry and Evonne George. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

(1) The State establishes a compelling state interest for the disposition;

(2) There is no reasonable alternate means to accomplish the compelling state interest;

(3) The disposition is limited to accomplishing the compelling state interest; and

(4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

(1) Disposing of remnants, as defined in section 171-52;

(2) Providing easements to public utilities and government agencies pursuant to section 171-95; or

(3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Sincerely,

Henry and Evonne George, Jr.

SB 1677

Wayne C Tanaka [REDACTED]

Sent: Thursday, March 12, 2009 10:27 AM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

House Committee on Water, Land & Ocean Resources
 House Committee on Judiciary
 Friday, March 13, 2009 at 2:00pm
 SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Wayne Tanaka. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or

exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- ____ (1) The State establishes a compelling state interest for the disposition;
- ____ (2) There is no reasonable alternate means to accomplish the compelling state interest;
- ____ (3) The disposition is limited to accomplishing the compelling state interest; and
- ____ (4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

____ The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

- ____ (1) Disposing of remnants, as defined in section 171-52;
- ____ (2) Providing easements to public utilities and government agencies pursuant to section 171-95; or
- ____ (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Wayne Tanaka
46-271 Kahuhipa St. #E107
Kaneohe, HI 96744
wctanaka@hawaii.edu

[REDACTED]

From: [REDACTED]
Sent: Thursday, March 12, 2009 1:01 PM
To: Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto
Subject: Friday, March 13, 2009 at 2:00pm SB 1677

Thursday, March 12, 2009, 9:27AM

House Committee on Water, Land & Ocean Resources:

Representatives Ito (Chair), Har (Vice-Chair), and Members Cabanilla, Chang, Chong, Coffman, Herkes, Lee, Luke, Morita, Sagum, Ching, and Thielen

House Committee on Judiciary:

Representatives Karamatsu (Chair), Ito (Vice-Chair), and Members Della Au Belatti, Cabanilla, Carroll, Herkes, Luke, Mc Kelvey, Mizuno, Morita, Oshiro, Souki, Tsuji, Wakai, Marumoto, Thielen

Friday, March 13, 2009 at 2:00pm
SB 1677

Aloha Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Aloha Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

I, Emmanuel Chen, submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

(1) The State establishes a compelling state interest for the disposition;

(2) There is no reasonable alternate means to accomplish the compelling state interest;

(3) The disposition is limited to accomplishing the compelling state interest; and

(4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

(1) Disposing of remnants, as defined in section 171-52;

(2) Providing easements to public utilities and government agencies pursuant to section 171-95;
or

(3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Mahalo nui loa,
Emmanuel Chen
2421 Ala Wai Blvd. #1704
Honolulu, HI. 96815
(808) 924-9522

GOD BLESS AMERICA

CONFIDENTIAL NOTE: The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any actions in reliance upon this information by persons or entities other than the intended recipient is prohibited and illegal. If you receive this in error, please contact the sender, forward the message back, and delete the material and information from any data base and computer memory. THIS IS A WARNING!

Worried about job security? [Check out the 5 safest jobs in a recession.](#)

Tabitha Milian [REDACTED]

Sent: Thursday, March 12, 2009 6:09 AM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

Tabitha Milian
 House Committee on Water, Land & Ocean Resources
 House Committee on Judiciary
 Friday, March 13, 2009 at 2:00pm
 SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is [insert name]. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to

purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

(1) The State establishes a compelling state interest for the disposition;

(2) There is no reasonable alternate means to accomplish the compelling state interest;

(3) The disposition is limited to accomplishing the compelling state interest; and

(4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

(1) Disposing of remnants, as defined in section 171-52;

(2) Providing easements to public utilities and government agencies pursuant to section 171-95; or

(3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Tabitha Milian

"Let the beauty of what you truly love, be the beauty of what you do"

Rumi

Testimony of Senate Bill 1677

Cortney Silva [REDACTED]

Sent: Wednesday, March 11, 2009 9:15 PM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

House Committee on Water, Land & Ocean Resources
House Committee on Judiciary
Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Cortney Silva. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- _____ (1) The State establishes a compelling state interest for the disposition;
- _____ (2) There is no reasonable alternate means to accomplish the compelling state interest;
- _____ (3) The disposition is limited to accomplishing the compelling state interest; and
- _____ (4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

_____ The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

- _____ (1) Disposing of remnants, as defined in section 171-52;
- _____ (2) Providing easements to public utilities and government agencies pursuant to section 171-95; or
- _____ (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Cortney K. Silva

Testimony on ceded land issue

eb

Sent: Thursday, March 12, 2009 7:24 AM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

House Committee on Water, Land & Ocean Resources
House Committee on Judiciary
Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Darcy Jean Ebanez. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or

exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- ___ (1) The State establishes a compelling state interest for the disposition;
- ___ (2) There is no reasonable alternate means to accomplish the compelling state interest;
- ___ (3) The disposition is limited to accomplishing the compelling state interest; and
- ___ (4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

___ The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

- ___ (1) Disposing of remnants, as defined in section 171-52;
- ___ (2) Providing easements to public utilities and government agencies pursuant to section 171-95; or
- ___ (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Mahalo for this opportunity to submit testimony.

Darcy Jean Ebanez

" Ceded Lands "

Ikaika Kon [REDACTED]

Sent: Thursday, March 12, 2009 12:51 AM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

Ikaika Kon
House Committee on Water, Land & Ocean Resources
House Committee on Judiciary
Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Ikaika Kon. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the

public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

(1) The State establishes a compelling state interest for the disposition;

(2) There is no reasonable alternate means to accomplish the compelling state interest;

(3) The disposition is limited to accomplishing the compelling state interest; and

(4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

(1) Disposing of remnants, as defined in section 171-52;

(2) Providing easements to public utilities and government agencies pursuant to section 171-95; or

(3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language

recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Ikaika Kon

SB1677 SUPPORT WITH AMENDMENTS

stibbardm003@hawaii.rr.com [REDACTED]

Sent: Wednesday, March 11, 2009 9:53 PM**To:** WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

Margaret Primacio
House Committee on Water, Land & Ocean Resources
House Committee on Judiciary
Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Margaret Primacio. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and

declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- (1) The State establishes a compelling state interest for the disposition;
- (2) There is no reasonable alternate means to accomplish the compelling state interest;
- (3) The disposition is limited to accomplishing the compelling state interest; and
- (4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

- (1) Disposing of remnants, as defined in section 171-52;
- (2) Providing easements to public utilities and government agencies pursuant to section 171-95; or
- (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Margaret Primacio
Ahupua'a of Kahuku

Senate Bill 1677

Justin Dery [REDACTED]

Sent: Wednesday, March 11, 2009 9:17 PM**To:** WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

House Committee on Water, Land & Ocean Resources
House Committee on Judiciary
Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Justin Dery. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- _____ (1) The State establishes a compelling state interest for the disposition;
- _____ (2) There is no reasonable alternate means to accomplish the compelling state interest;
- _____ (3) The disposition is limited to accomplishing the compelling state interest; and
- _____ (4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

_____ The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

- _____ (1) Disposing of remnants, as defined in section 171-52;
- _____ (2) Providing easements to public utilities and government agencies pursuant to section 171-95; or
- _____ (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony

Justin Dery

*****SPAM***** RE: SB677



Sent: Wednesday, March 11, 2009 10:57 PM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

Representative Ken Ito, Chairman
House Committee on Water, Land & Ocean Resources

Representative Jon Karamatsu, Chairman
House Committee on Judiciary

Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Rev. Dennis D.K. Kamakahi. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- (1) The State establishes a compelling state interest for the disposition;
- (2) There is no reasonable alternate means to accomplish the compelling state interest;
- (3) The disposition is limited to accomplishing the compelling state interest; and
- (4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

- (1) Disposing of remnants, as defined in section 171-52;
- (2) Providing easements to public utilities and government agencies pursuant to section 171-95; or
- (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Rev. Dennis D.K. Kamakahi

DENNIS KAMAKAHI PRODUCTIONS / NAUKILO PUBLISHING / NA 'OIWI PRODUCTIONS



*** Multi Grammy Award Winner / Multi Na Hoku Hanohano Award Winner / 2006 Hawaii SFCA Music Fellowship Award Recipient / Member of ASCAP, SAG, MTNA (Music Teachers National Association) / Composer / Recording Artist / Hawaiian Slack Key Guitar Master ***

SB 1677

Kai Michaels [REDACTED]

Sent: Wednesday, March 11, 2009 9:56 PM

To: Rep. Barbara Marumoto; Rep. Glenn Wakai; Rep. Clifton K. Tsuji; Rep. Joseph Souki; Rep. Blake Oshiro; Rep. John Mizuno; Rep. Angus McKelvey; Rep. Mele Carroll; Rep. Della Belatti; Rep. Jon Karamatsu; Rep. Cynthia Thielen; Rep. Corinne Ching; Rep. Roland Sagum; Rep. Hermina Morita; Rep. Sylvia Luke; Rep. Chris Kalani Lee; Rep. Robert Herkes; Rep. Denny Coffman; Rep. Pono Chong; Rep. Jerry Chang; Rep. Rida Cabanilla; Rep. Sharon Har; Rep. Ken Ito; Mailing List; JUDtestimony; WLOtestimony

House Committee on Water, Land & Ocean Resources
 House Committee on Judiciary
 Friday, March 13, 2009 at 2:00pm
 SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Kailianu V. Michaels. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- ___ (1) The State establishes a compelling state interest for the disposition;
- ___ (2) There is no reasonable alternate means to accomplish the compelling state interest;
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- ___ (4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

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- ___ (1) Disposing of remnants, as defined in section 171-52;
- ___ (2) Providing easements to public utilities and government agencies pursuant to section 171-95; or
- ___ (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Kailianu V. Michaels

SB 1677

Mari Feiteira [REDACTED]

Sent: Wednesday, March 11, 2009 9:13 PM**To:** WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

Mari Feiteira
House Committee on Water, Land & Ocean Resources
House Committee on Judiciary
Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Mari Feiteira. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution

adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

(1) The State establishes a compelling state interest for the disposition;

(2) There is no reasonable alternate means to accomplish the compelling state interest;

(3) The disposition is limited to accomplishing the compelling state interest; and

(4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

(1) Disposing of remnants, as defined in section 171-52;

(2) Providing easements to public utilities and government agencies pursuant to section 171-95; or

(3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Mari Feiteira

SB 1677

Kalai Carey [REDACTED]

Sent: Wednesday, March 11, 2009 11:21 PM**To:** WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

K. Carey
House Committee on Water, Land & Ocean Resources
House Committee on Judiciary
Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Kalai Carey. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- ___ (1) The State establishes a compelling state interest for the disposition;
- ___ (2) There is no reasonable alternate means to accomplish the compelling state interest;
- ___ (3) The disposition is limited to accomplishing the compelling state interest; and
- ___ (4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

___ The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

- ___ (1) Disposing of remnants, as defined in section 171-52;
- ___ (2) Providing easements to public utilities and government agencies pursuant to section 171-95; or
- ___ (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Kalai Carey

SB 1677

Julia Estigoy [REDACTED]

Sent: Thursday, March 12, 2009 4:53 AM**To:** WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto**Cc:** kupuaina@gmail.com

Julia Estigoy

House Committee on Water, Land & Ocean Resources

House Committee on Judiciary

Friday, March 13, 2009 at 2:00pm

SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Julia Estigoy. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

(1) The State establishes a compelling state interest for the disposition;

(2) There is no reasonable alternate means to accomplish the compelling state interest;

(3) The disposition is limited to accomplishing the compelling state interest; and

(4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

(1) Disposing of remnants, as defined in section 171-52;

(2) Providing easements to public utilities and government agencies pursuant to section 171-95; or

(3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Julia Estigoy

Commentary on SB 1677

Ponce, Mikhail L. - OSHA [REDACTED]

Sent: Thursday, March 12, 2009 2:42 AM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

Name: Mikhail L. Ponce
 House Committee on Water, Land & Ocean Resources
 House Committee on Judiciary
 Friday, March 13, 2009 at 2:00pm
 SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Mikhail L. Ponce. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

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"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State

and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

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I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Mikhail L. Ponce



*****SPAM***** SB 1677

Pam Rivas

Sent: Wednesday, March 11, 2009 9:53 PM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; WLOtestimony@capitol.hawaii.gov JUDtestimony@capitol.hawaii.gov mailinglist@capitol.hawaii.gov repito@capitol.hawaii.gov rephar@capitol.hawaii.gov repcabanilla@capitol.hawaii.gov re pchang@capitol.hawaii.gov repchong@capitol.hawaii.gov repcoffman@capitol.hawaii.gov repherkes@capitol.hawaii.gov repclee@capitol.hawaii.gov repluke@capitol.hawaii.gov repmorita@capitol.hawaii.gov repsagum@capitol.hawaii.gov repching@capitol.hawaii.gov repthielen@capitol.hawaii.gov repkaramatsu@capitol.hawaii.gov repbelatti@capitol.hawaii.gov repcarroll@capitol.hawaii.gov repmckelvey@capitol.hawaii.gov repmizuno@capitol.hawaii.gov repboshiro@capitol.hawaii.gov repsouki@capitol.hawaii.gov reptsuji@capitol.hawaii.gov repwakai@capitol.hawaii.gov repmarumoto@capitol.hawaii.gov

Attachments: ATT00001.txt (4 KB) ; ATT00002.htm (7 KB)

House Committee on Water, Land & Ocean Resources
House Committee on Judiciary
Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Pamela Rivas. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- Urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- Declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

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(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and

71

entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entit may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

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___ The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

- ___ (1) Disposing of remnants, as defined in section 171-52;
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The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Pamela Rivas

SB 1677

Paul Gabriel [REDACTED]

Sent: Thursday, March 12, 2009 8:04 AM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

Paul Gabriel
 House Committee on Water, Land & Ocean Resources
 House Committee on Judiciary
 Friday, March 13, 2009 at 2:00pm
 SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is Paul Gabriel. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

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I urge you to add the language below to SB 1677:

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(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

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I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Paul Gabriel

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.557 / Virus Database: 270.11.10/1996 - Release Date: 3/11/2009 8:42 PM

yes to SB1085, no to SB1677

Sarah Dean [REDACTED]

Sent: Thursday, March 12, 2009 8:32 AM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

House Committee on Water, Land & Ocean Resources
House Committee on Judiciary
Friday, March 13, 2009 at 2:00pm
SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is [insert name]. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

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- (1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;
- (2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or
- (3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or

exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- _____ (1) The State establishes a compelling state interest for the disposition;
- _____ (2) There is no reasonable alternate means to accomplish the compelling state interest;
- _____ (3) The disposition is limited to accomplishing the compelling state interest; and
- _____ (4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

_____ The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

- _____ (1) Disposing of remnants, as defined in section 171-52;
- _____ (2) Providing easements to public utilities and government agencies pursuant to section 171-95; or
- _____ (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Sarah Dean

Express your personality in color! Preview and select themes for Hotmail®. See how.

SB 1677

Kira Lee [REDACTED]

Sent: Thursday, March 12, 2009 8:32 AM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

House Committee on Water, Land & Ocean Resources

House Committee on Judiciary

Friday, March 13, 2009 at 2:00pm

SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is [insert name]. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

77

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

- _____ (1) The State establishes a compelling state interest for the disposition;
- _____ (2) There is no reasonable alternate means to accomplish the compelling state interest;
- _____ (3) The disposition is limited to accomplishing the compelling state interest; and
- _____ (4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

_____ The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

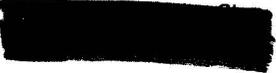
- _____ (1) Disposing of remnants, as defined in section 171-52;
- _____ (2) Providing easements to public utilities and government agencies pursuant to section 171-95; or
- _____ (3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Kira Lee



[REDACTED]
tree guardian [REDACTED]

Sent: Thursday, March 12, 2009 10:55 PM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsujii; Rep. Glenn Wakai; Rep. Barbara Marumoto

House Committee on Water, Land & Ocean Resources

House Committee on Judiciary

Friday, March 13, 2009 at 2:00pm

SB 1677

Dear Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Dear Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

My name is [insert name]. I submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to

purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

(1) The claims of the native Hawaiian people, as defined in the United States Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993), have been resolved;

(2) The legislature finds pursuant to a concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled that the State no longer supports reconciliation between the State and the native Hawaiian people; or

(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

Notwithstanding any law to the contrary, the State, its political subdivisions, boards, agencies, departments, and entities created pursuant to state law, may hold or manage public land trust lands, as described in subsection (a), by lease, permit, license, easement, exchange, or set aside. In addition, upon the occurrence of an event as described in section 171- (1), (2), or (3), the State, its political subdivisions, boards, agencies, departments, and any other state entity may dispose of public land trust lands, whether by lease with option to purchase, sale, or exchange, provided that all of the following conditions are met:

(1) The State establishes a compelling state interest for the disposition;

(2) There is no reasonable alternate means to accomplish the compelling state interest;

(3) The disposition is limited to accomplishing the compelling state interest; and

(4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

The conditions described in subsection (c)(1) to (4) shall not prevent the State from:

(1) Disposing of remnants, as defined in section 171-52;

(2) Providing easements to public utilities and government agencies pursuant to section 171-95; or

(3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Sincerely, TLG Board,
Mark Hull
TLG Pres.

SB 1677

Dawn Gohara [REDACTED]

Sent: Thursday, March 12, 2009 10:58 PM

To: WLOtestimony; JUDtestimony; Mailing List; Rep. Ken Ito; Rep. Sharon Har; Rep. Rida Cabanilla; Rep. Jerry Chang; Rep. Pono Chong; Rep. Denny Coffman; Rep. Robert Herkes; Rep. Chris Kalani Lee; Rep. Sylvia Luke; Rep. Hermina Morita; Rep. Roland Sagum; Rep. Corinne Ching; Rep. Cynthia Thielen; Rep. Jon Karamatsu; Rep. Della Belatti; Rep. Mele Carroll; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; Rep. Joseph Souki; Rep. Clifton K. Tsuji; Rep. Glenn Wakai; Rep. Barbara Marumoto

Thursday, March 12, 2009, 10:46 PM

House Committee on Water, Land & Ocean Resources:

Representatives Ito (Chair), Har (Vice-Chair), and Members Cabanilla, Chang, Chong, Coffman, Herkes, Lee, Luke, Morita, Sagum, Ching, and Thielen

House Committee on Judiciary:

Representatives Karamatsu (Chair), Ito (Vice-Chair), and Members Della Au Belatti, Cabanilla, Carroll, Herkes, Luke, Mc Kelvey, Mizuno, Morita, Oshiro, Souki, Tsuji, Wakai, Marumoto, Thielen

Friday, March 13, 2009 at 2:00pm

SB 1677

Aloha Committee Chair Ken Ito, Madame Vice-Chair Sharon Har and members of the Committee on Water, Land, & Ocean Resources,

Aloha Committee Chair Jon Karamatsu, Vice-Chair Ken Ito, and members of the Committee on Judiciary,

I, Dawn Gohara, submit testimony in support of Senate Bill 1677 on the condition that SB 1677 be amended to better reflect the Hawai'i Legislature's policy as defined in Senate Concurrent Resolution 40, passed by the Senate and adopted by the House of Representatives last month.

Through Senate Concurrent Resolution 40, as members of the Legislature, you

- urged the Governor to "withdraw the appeal to the United States Supreme Court of the Hawai'i State Supreme Court decision" in the "ceded" lands case, and
- declared "the public policy of the State of Hawai'i is to honor the decision of the Hawai'i Supreme Court."

Passing SB 1677, in its current form, does not reflect the public policy described in Senate Concurrent Resolution 40.

82

I urge you to add the language below to SB 1677:

Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§171- Limitation on sale and transfers. The State shall not dispose of any lands in the public land trust, as described in subsection 171-18(a), whether by lease with option to purchase, sale, or exchange, except as provided in subsection 171-18(d); provided that the State may dispose of lands in the public land trust pursuant to subsection 171-18(c), if one of the following conditions is met:

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(3) The approval of the disposition of the public lands trust land by lease with option to purchase, sale, or exchange occurs after December 31, 2014."

In addition to the above language, I also urge you to add the language below:

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(2) There is no reasonable alternate means to accomplish the compelling state interest;

(3) The disposition is limited to accomplishing the compelling state interest; and

(4) The disposition is approved by the legislature by concurrent resolution adopted by at least two-thirds majority vote of the members to which each house is entitled.

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171-95; or

(3) Engaging in land exchanges pursuant to sections 171-50 and 171-51."

The above proposed language better reflects the public policy of our Legislature. Any and all text in the current form of SB 1677 that contradicts this proposed language should be omitted/stricken so as to recognize that the proposed language above is the language recognized in the Bill.

I urge you to pass 1677 only with amendments. I also urge you to schedule a hearing for SB 1085 which better reflects the public policy declared by our legislature.

Thank you for this opportunity to submit testimony.

Mahalo nui loa,
Dawn Gohara