

**Date:** 02/09/2009

**Committee:** House Education

**Department:** Education

**Person Testifying:** Patricia Hamamoto, Superintendent of Education

**Title of Bill:** HB 0650 RELATING TO DEPARTMENT OF EDUCATION.

**Purpose of Bill:** Directs DOE to transfer Keanae School over to DLNR; directs DLNR to work with community to assure maximum benefit of Keane School property for the community.

**Department's Position:** The Department of Education supports this bill. As noted in the bill, Keanae School has already ceased operations. The next step in the process would be the return of the property to the Department of Land and Natural Resources as this bill intends.

Thank you for the opportunity to testify.

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the House Committee on  
EDUCATION**

**Monday, February 09, 2009  
2:00 PM**

**State Capitol, Conference Room 309**

**In consideration of  
HOUSE BILL 650  
RELATING TO DEPARTMENT OF EDUCATION**

House Bill 650 directs the Department of Education (DOE) to transfer Keanae School over to the Department of Land and Natural Resources (Department), and directs the Department to work with the community to assure maximum benefit of Keanae School property for the community. The Department finds that this measure is unnecessary, as statutory and policy provisions are already in place to accomplish the same objective of the bill.

The 3.53 acre site in Pauwahu, Keanae, Koolau, Maui, was originally set aside on October 8, 1934 by Executive Order No. 621 of the Governor of the Territory of Hawaii, for Keanae School, to be under the control and management of the Department of Public Instruction. Section 5(a) of the 1959 Hawaii Admissions Act provided that the State of Hawaii and its political subdivisions succeeded to the title of the Territory of Hawaii and its subdivisions those lands and other properties in which the Territory and its subdivisions held title at the time of its admission into the Union. Additionally, section 171-11, Hawaii Revised Statutes (HRS), provides that public lands set aside by the governor of the Territory of Hawaii shall be subject to the same provisions as public lands set aside by the governor of the State of Hawaii. Further, the same statute requires that whenever lands set aside for a public purpose are not being utilized or required for the public purpose stated, the order setting aside the lands shall be withdrawn and the lands shall be returned to the Department, or withdrawn and set aside to another agency. Therefore, pursuant to section 171-11, HRS, since DOE closed Keanae School in 2005, Executive Order No. 621 can be withdrawn by the current state governor and the land returned to the Department for appropriate action.

On June 2, 1992, Keanae School was added to the Hawaii Register of Historic Places (site number 50-07-1630) and on June 30, 2000, to the National Register of Historic Places. Section 6E-3, HRS, establishes the State historic preservation program within the Department to administer a comprehensive historic preservation program, whose functions include acquisition

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of historic or cultural properties and other functions to support said historic preservation program, and review of nominations for historic site designation. Section 6E-7, HRS, further provides that all historic property located on lands controlled by the State shall be the property of the State, and the control and management of the historic property shall be vested in the Department. Therefore, the Department is already bound to manage and preserve the plantation-style Keanae School as an historic site.

The DOE need only submit a letter to DLNR requesting withdrawal of the Executive Order No. 621 to accomplish the transfer contemplated by this measure. In keeping with its mission to manage State-owned lands in ways that will promote the social, environmental and economic well-being of Hawaii's people and to ensure that these lands are used in accordance with the goals, policies and plans of the State of Hawaii, DLNR can then request a new executive order to set aside the Keanae School property to the County of Maui or other appropriate agency for its long term use to benefit the community.