

**TESTIMONY**  
**SB 1315**  
**LATE**

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

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**LATE TESTIMONY**

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 1315  
RELATING TO CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM

by  
Clayton A. Frank, Director  
Department of Public Safety

Senate Committee on Water, Land, Agriculture & Hawaiian Affairs  
Senator Clayton Hee, Chair  
Senator Jill N. Tokuda, Vice Chair

Senate Committee on Public Safety & Military Affairs  
Senator Will Espero, Chair  
Senator Robert Bunda, Vice Chair

Friday, February 13, 2009; 2:45 p.m.  
State Capitol, Conference Room 229

Senator Hee, Senator Espero, and Members of the Committees:

Senate Bill 1315 seeks to transfer the Department of Land and Natural Resources' (DLNR), Division of Conservation and Resources Enforcement (DOCARE) to the Department of Public Safety (PSD). The Department of Public Safety strongly opposes this bill.

Primary among the reasons for opposition is that the mission of DOCARE is to uphold the laws that serve to protect, conserve and manage Hawaii's resources, to include natural, cultural and historic, all of which are held in public trust for current and future generations of visitors and the indigenous people of Hawaii. DOCARE focuses on the enforcement of statutes and rules that are separate and apart from violations of the penal and traffic codes. The federal law

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enforcement counterparts in the National Parks Service, United States Fish and Wildlife Service, and National Marine Fisheries Service offices of law enforcement, were never transferred to the Federal Department of Homeland Security. This is because these federal agencies, like DOCARE, perform a separate and unique law enforcement and educational function. In addition, DOCARE officers statewide have a specialized understanding and knowledge of the areas within their working districts. This knowledge gained over time is used on a daily basis by the DOCARE officer as they conduct patrols of their respective districts and interact with visitors and residents alike.

Another serious obstacle to PSD assuming the DOCARE function of DLNR is that at the current pay levels of the DOCARE officers, which are at the SR20 level, are two steps above the Deputy Sheriffs level. The question will be, do we upgrade all the Deputy Sheriffs to the SR20 level, or downgrade the DOCARE officers. The former will have a severe impact on the state's budgetary problems, and to downgrade the DOCARE officers is unthinkable, not to mention, unrealistic in implementation.

We are aware that DLNR has submitted testimony that are consistent with these premises. We agree with their position in this matter, and we join DLNR in asking that its DOCARE section remain under the auspices of DLNR and be allowed to continue protecting our natural, cultural and historic resources.

Thank you for the opportunity to provide testimony in this matter.



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

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**LATE TESTIMONY**

The Twenty-Fifth Legislature, State of Hawaii  
Hawaii State Senate  
Committee on Water, Land, Agriculture and Hawaiian Affairs  
Committee on Public Safety and Military Affairs

Testimony by  
Hawaii Government Employees Association  
February 13, 2009

S.B. 1315 – RELATING TO  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
PROGRAM

The Hawaii Government Employees Association opposes S.B. 1315, which would transfer the Conservation and Resources Enforcement program from the Department of Land and Natural Resources (DLNR) to the Department of Public Safety. Our opposition to this bill is based on the fact that these two departments perform very different functions. In addition, our members within the Division of Conservation and Resources Enforcement (DOCARE) are opposed to the proposed transfer.

The DLNR and DOCARE are charged with protecting, conserving and managing Hawaii's unique natural and cultural resources for the people of Hawaii. This requires that the department's officers perform a highly specialized law enforcement function that is separate from the PSD Deputy Sheriffs who are primarily concerned with violations of the penal and traffic codes and protecting state buildings.

DOCARE officers must be familiar with the various environments, species and habitats within their jurisdiction and the programs which govern their use. This specialized work experience can only be obtained through DOCARE remaining as a part of DLNR.

Thank you for the opportunity to testify in opposition to S.B. 1315.

Respectfully submitted,

Nora A. Nomura  
Deputy Executive Director



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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 12, 2009 8:13 PM  
**To:** WTLTestimony  
**Cc:** mahiai@sandwichisles.net  
**Subject:** Testimony for SB1315 on 2/13/2009 2:45:00 PM

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Testimony for WTL/PSM 2/13/2009 2:45:00 PM SB1315

Conference room: 229  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Randy Awo  
Organization: Individual  
Address:  
Phone: 808 264-1127  
E-mail: [mahiai@sandwichisles.net](mailto:mahiai@sandwichisles.net)  
Submitted on: 2/12/2009

**Comments:**

A proposal to transfer the Division of Conservation and Resources Enforcement to the Department of Public Safety poses a monumental disservice towards Hawaii's efforts to manage and protect it's unique cultural, historical and natural resources. While DLNR as well as PSD personnel are granted police powers, the application of these powers are distinctly different. The skills and experience required for the enforcement of laws that promote responsible and ethical behavior occurring within our oceans, forests, rivers and parks, while no less important than the skills required to promote lawful behavior within our courtrooms, prisons and airports, are clearly dissimilar.

Therefore, I strongly oppose the transfer of DOCARE to a Department whose mission is vastly distinct from that of the Department of Land and Natural Resources.

Mahalo

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 12, 2009 8:14 PM  
**To:** WTLTestimony  
**Cc:** mahiai@sandwichisles.net  
**Subject:** Testimony for SB1315 on 2/13/2009 2:45:00 PM

**LATE TESTIMONY**

Testimony for WTL/PSM 2/13/2009 2:45:00 PM SB1315

Conference room: 229  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Momi Awo  
Organization: Individual  
Address:  
Phone: 808 264-1127  
E-mail: [mahiai@sandwichisles.net](mailto:mahiai@sandwichisles.net)  
Submitted on: 2/12/2009

**Comments:**

A proposal to transfer the Division of Conservation and Resources Enforcement to the Department of Public Safety poses a monumental disservice towards Hawaii's efforts to manage and protect it's unique cultural, historical and natural resources. While DLNR as well as PSD personnel are granted police powers, the application of these powers are distinctly different. The skills and experience required for the enforcement of laws that promote responsible and ethical behavior occurring within our oceans, forests, rivers and parks, while no less important than the skills required to promote lawful behavior within our courtrooms, prisons and airports, are clearly dissimilar.

Therefore, I strongly oppose the transfer of DOCARE to a Department whose mission is vastly distinct from that of the Department of Land and Natural Resources.

Mahalo

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 13, 2009 8:39 AM  
**To:** WTLTestimony  
**Cc:** kennycass1@yahoo.com  
**Subject:** Testimony for SB1315 on 2/13/2009 2:45:00 PM

**LATE TESTIMONY**

Testimony for WTL/PSM 2/13/2009 2:45:00 PM SB1315

Conference room: 229  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Kenneth Kepler, MD  
Organization: Individual  
Address:  
Phone:  
E-mail: [kennycass1@yahoo.com](mailto:kennycass1@yahoo.com)  
Submitted on: 2/13/2009

**Comments:**

Please keep DOCARE separate from Public Safety. DOCARE is already UNDERfunded. To be effective DOCARE needs to be unencumbered by beuracracy.

I OPPOSE this bill.

thank you,  
Kenneth Kepler, MD.

Noa Napoleon

1750 Kalakaua Ave #103

Hon HI 96815

**LATE TESTIMONY**

Testimony in **Support** of SB 1315

Hearing Date: Feb 13, 2009

Time 2:45 pm

**Senate Committee on Water, Land, Agriculture and Hawaiian Affairs**

**Dear Chair and Committee members,**

I sit on the Ala Wai Ad hoc committee of stakeholders, and would like to express some concern about the way DLNR is seeking to generate funds for harbor improvements, though I do not speak today for the Ad Hoc committee. It would have been better in my opinion, if the House Committee on Water Land could have heard this bill before they heard testimony on HB 980 and HB 1766, which as you know is the DLNR Recreational Renaissance bill. These bills seek to privatize portions of DLNR harbors as a way of generating funds for harbor maintenance and infrastructure. It's disheartening to see how Cash shortfalls are driving legislators to push these bills through despite their not so obvious negative impact on public access. By granting to the Chairperson and or the Land Board what some are calling unilateral discretionary power to lease and or privatize portions of harbor parcels, I feel this places the recreational communities interest to these lands in great jeopardy.

DOCARE it seems has not only been ineffective in terms of its mandate to enforce conservation and natural resource laws, but it seems to me they have squandered large amounts of cash that could have gone to supporting boating infrastructure and harbor maintenance. If this bill were to pass and not be vetoed by the Governor as I fear it will, it would make moot the Renaissance bill in some ways because it would solve concerns about cash flow to harbors. In light of this I would suggest that Senators attempt to amend this bill to require that;

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- 1.) Harbor funds be allowed to stay within their respective harbors, and that each harbor be required to be self sufficient.

The Ala Wai Harbor is in fact a self sufficient harbor, but because of the BSF which directs cash to other harbors, the Ala Wai harbor has suffered neglect and disrepair.

- 2.) DOBOR create within its division a ORMA Officer of permitting and licensing, that way commercial contracts that fall under Boating would be managed exclusively and separately, freeing up Boating officials to focus on harbor issues with greater efficiency. By Creating an ORMA officer of permitting and licensing DOBOR would generate income from the myriads of roving industries like the surf, kite, and kayak businesses that are currently unregulated.

Regarding the renaissance bills moving through the House, we heard testimony from the commercial Catamaran owners who currently moor at the Ala Wai , that they have been grandfathered in there. Apparently the House committee on Water Land amended the Bill to ensure that the Recreational Renaissance project would not displace these companies. I feel the commercial Catamarans should be subject to permits and that they should be paying a fee to moor at the Ala Wai harbor otherwise be asked to move to Kewalo basin where commercial mooring is allowed.

- 3.)The boating division should be required to draft rules that cap the amount of commercial catamarans mooring at the Ala Wai harbor as a way to safeguard against over commercialization.

House committees hearing the now several Renaissance bills seem oblivious of its harmful and irreversible effects. I beg this committee to reject HB 980 and HB 1766, while passing SB 1315 with amendments.

Mahalo for your time,  
Noa Napoleon

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**(END)**