



SB298 SD1
RELATING TO THE HAWAII EMERGENCY MANAGEMENT AGENCY
House Committee on Water & Land

March 14, 2023

9:30 AM

Room 430

The Office of Hawaiian Affairs (OHA) **OPPOSES** SB298 SD1, which would amend the definition of “public lands” to no longer include lands that the Hawai‘i Emergency Management Agency (HIEMA) owns. **OHA continues to have concerns that this measure would facilitate the permanent alienation of public land trust lands from which OHA receives a pro rata share for the betterment of conditions of Native Hawaiians.¹ Should the Legislature feel compelled to advance this measure, OHA offers amendments to mitigate its concerns.**

OHA wishes to emphasize that over the years, the public land trust has been gradually eroded to afford a ‘work-around’ for public entities to own lands outside of the jurisdiction of the Department of Land and Natural Resources (DLNR). The unintentional consequences of this erosion directly result in the undermining of the State’s trust obligations to the Native Hawaiian people – one of the most critical of these obligations being the appropriation of adequate funding to address, in significant part, the inequities and disparities faced by Native Hawaiians.

If HIEMA can acquire public lands and then those lands become alienated through this measure’s proposal, then it would be to the detriment of the Native Hawaiian people. Should the Legislature proceed with this measure, OHA offers the following amendment to Page 9, lines 11 and 12, which would mitigate OHA concerns:

(16) Lands to which the Hawaii Emergency Management Company hold title, except for crown and government lands commonly referred to as “ceded lands” that were conveyed to the State by virtue of section 5 of the Act of March 18, 1959 (Pub. L. 86-3, 73 Stat. 4, the Admission Act).

OHA appreciates this opportunity to provide comments on SB298 SD1 and respectfully asks the Legislature to uphold its obligations to the Native Hawaiian people. Mahalo nui loa.

¹ Pub. L. 86-3, 73 Stat. 4; Hawai‘i Admissions Act of 1959; Haw. Stat. Con. Article XII, Sec. 4-6 (1978).

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



KENNETH S. HARA
DIRECTOR OF EMERGENCY
MANAGEMENT

JAMES DS. BARROS
ADMINISTRATOR OF
EMERGENCY MANAGEMENT

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF DEFENSE
KA 'OIHANA PILI KAUA
HAWAI'I EMERGENCY MANAGEMENT AGENCY
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STATE OF HAWAI'I
DEPARTMENT OF DEFENSE
HAWAI'I EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON SENATE BILL 298 SD1
RELATING TO THE HAWAI'I EMERGENCY MANAGEMENT AGENCY

BEFORE THE HOUSE COMMITTEE ON **WATER AND LAND**

BY

JAMES DS. BARROS
ADMINISTRATOR
HAWAI'I EMERGENCY MANAGEMENT AGENCY

MARCH 10, 2023

Aloha Chair Ichiyama, Vice-Chair Poepoe, and members of the committee:

I am James Barros, Administrator of the Hawai'i Emergency Management Agency (HI-EMA).

HI-EMA provides written testimony to **OFFER COMMENTS** on Senate Bill 298 SD1.

SB298 SD1 authorizes HI-EMA to own, hold, improve and take a variety of other actions with respect to real, personal and mixed property, for current or future use, and amends the definition of public lands.

Although HI-EMA has no plans to exercise such authority absent all appropriate executive and legislative oversight and transparency, this authority would provide HI-EMA with additional flexibility to carry out its mission.

The existing headquarters complex for HI-EMA at Diamond Head dates to World War I, which creates complications and costs that impact our ability to fulfill our mission. Work is continuing to explore new locations for the State Emergency Operation Center, to be situated out of the hurricane and tsunami inundation zone, that would enable a more flexible, resilient and modern approach to emergency management.

However, the timeline for development of any new facility remains uncertain. Battery Birkhimer remains an old facility with significant maintenance and upkeep challenges. Were any other

facility problem to impact HI-EMA's operational capacity, the flexibility afforded by SB298 SD1 could provide useful tools to speedily restore and augment operational capacity.

In addition, this authority could expand HI-EMA's ability to reduce hazards, whether during an emergency response or in the recovery phase. The State Department of Defense and HI-EMA have no mechanism or procedures currently in place for such an authority. The additional authority would offer the State more flexibility in the mechanisms it employs to protect the people and property of Hawai'i, and flexibility is a crucial element of effective emergency management.

We are in general support of this bill, provided that its passage does not replace or adversely impact priorities indicated in our Executive Budget.

Thank you for the opportunity to provide testimony.

James Barros: james.barros@hawaii.gov; 808-733-4300

SB-298-SD-1

Submitted on: 3/10/2023 4:09:47 PM

Testimony for WAL on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Bill.



Eric W. Gill, Financial Secretary-Treasurer

Gemma G. Weinstein, President

Cade Watanabe, Senior Vice-President

March 11, 2023

Committee on Water and Land
Rep. Linda Ichiyama, Chair
Rep. Mahina Poepoe, Vice Chair

Testimony in opposition to SB 298

Chair Ichiyama, Vice Chair Poepoe and Members of the Committee,

UNITE HERE Local 5 represents working people throughout Hawaii's hotel, food service and health care industries. **We oppose SB 298** because we believe that it is bad policy to expand the power of state agencies to sell or otherwise dispose of public land. This bill is nothing but a gift to developers and those who would make corrupt deals with them.

This bill would leave the public without adequate notice of land sale & lease transactions, without adequate methods to weigh in on such transactions, and without mandates to abide by public processes like those which are already provided for in detail in HRS 171.

Further, **this same power is being contemplated for DBEDT through SB 837**. It already applies to the School Facilities Authority, which now faces a bill, SB 832, that seeks to allow for commercial activities for the purpose of revenue generation on school land. Where are the guardrails? If the Legislature passes SB 837, SB 298 or any other such measures, the public would have to be constantly watching for the agendas of a hodgepodge of board meetings to stand a chance at even being able to testify about such transactions, assuming they even knew that these agencies had these powers in the first place. Even if they did overcome all of those hurdles, interested parties would still be left with no tools except testimony before unelected boards not directly accountable to the public.

Allowing public agencies to sell public land with minimal oversight opens the door for corruption and deals that are not in the public's best interest.

Please oppose SB 298.

Thank you for your consideration.