

LINDA LINGLE  
GOVERNOR

JAMES R. AIONA, JR.  
LT. GOVERNOR



KURT KAWAFUCHI  
DIRECTOR OF TAXATION

SANDRA L. YAHIRO  
DEPUTY DIRECTOR

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**SENATE COMMITTEE ON ECONOMIC DEVELOPMENT & TAXATION**

**TESTIMONY REGARDING SCR 162/SR 88**

**REQUESTING THE DEPARTMENT OF TAXATION TO REPORT THE FISCAL  
IMPACT AND RATE OF USAGE BY TAXPAYERS OF VARIOUS TAX  
CREDITS AND EXEMPTIONS UNDER CHAPTERS 235, 237, 239, AND 244D,  
HAWAII REVISED STATUTES.**

**\*\*\*WRITTEN TESTIMONY ONLY\*\*\***

**TESTIFIER: KURT KAWAFUCHI, DIRECTOR OF TAXATION (OR DESIGNEE)**

**DATE: MARCH 27, 2008**

**TIME: 1:15PM**

**ROOM: 224**

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The Department understands the importance of studying the fiscal impact and usage rates of various tax credits and exemptions throughout Title 14, Hawaii Revised Statutes.

However, without additional resources specifically provided to assist with this request, the Department is concerned that it may not be able to adequately comply with this request.



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The Twenty-Fourth Legislature, State of Hawaii  
Hawaii State Senate  
Committee on Economic Development and Taxation

Testimony by  
Hawaii Government Employees Association  
March 27, 2008

S.C.R. 162 – REQUESTING THE DEPARTMENT  
OF TAXATION TO REPORT ON THE FISCAL  
IMPACT AND RATE OF USAGE BY TAXPAYERS  
OF VARIOUS TAX CREDITS AND EXEMPTIONS  
UNDER CHAPTERS 235, 237, 239 AND 244D, HRS

The Hawaii Government Employees Association supports the purpose and intent of S.C.R. 162. The ability of government to make fiscally sound and effective spending decisions will be enhanced by requiring the evaluation of tax credits and exemptions.

Tax expenditures such as tax credits and exemptions are essentially government spending programs administered through the tax code. The primary difference between tax expenditures and regular government spending is that under the tax expenditure approach, the recipient pays less in taxes instead of the government sending out a check. In theory, it does not matter whether state government uses direct spending or a tax expenditure to achieve a policy goal. However, both options must compete with other government spending priorities in making important budget decisions.

Tax credits and exemptions are less visible than other types of public spending, which makes it harder to evaluate their effectiveness. Fiscal accountability necessitates a review of the fairness and efficiency of all tax credits and exemptions. An accurate and accountable state budget should reflect the true costs of tax expenditures and the Legislature should fund only those that are effective and efficient uses of limited tax dollars. Inefficient and ineffective tax expenditures should be eliminated.

Thank you for the opportunity to present testimony in support of S.C.R. 162.

Respectfully submitted,

Nora A. Nomura  
Deputy Executive Director



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March 27, 2008

**The Honorable Carol Fukunaga, Chair**

Senate Committee on Economic Development and Taxation

State Capitol, Room 224

Honolulu, Hawaii 96813

**RE: S.C.R. 162 and S.R. 88, Requesting The Department Of Taxation To Report The Fiscal Impact And Rate Of Usage By Taxpayers Of Various Tax Credits And Exemptions Under Chapters 235, 237, 239, And 244d, Hawaii Revised Statutes.**

**Hearing Date: March 27, 2008 @ 1:15 p.m., Room 224**

On behalf of our 10,000 members in Hawaii, the Hawaii Association of REALTORS® (HAR) offers the following comment on and proposed amendment to item (17) of S.C.R. 162 and S.R. 88, which requests a report on the fiscal impact and rate of usage of the General Excise Tax (“GET”) exemption for certified or approved housing projects under HRS §237-29.

We believe Smart Growth is our road map to sustaining and enhancing the quality of life in our communities and we believe that this bill aligns with our core principle of *providing housing opportunities*.

HAR has historically supported mechanisms to help increase the supply of low and moderate income affordable housing such as the Rental Housing Trust Fund Program which can help integrate the use of mixed-income and mixed-use projects, special purpose revenue bonds, low-interest loans, block grants, low-income housing tax credit programs and deferred loan programs to provide rental housing opportunities. **Rental Housing Trust Fund projects qualify for and benefit from the GET exemption under HRS §237-29.**

HAR is concerned that a mere tabulation of the Forms G-37, General Excise/Use Tax Exemption For Certified or Approved Housing Projects, issued could result in **an erroneous and major overstatement of the fiscal impact** of this exemption because these forms are typically issued to the general contractor and to subcontractors of a project for their full contract and subcontract amounts. If the projects were GET taxable projects, the general contractor would be entitled to a deduction for amounts paid to subcontractors under HRS §237-13(3)(B) in computing the amount of original contract that is ultimately subject to GET.

For example, if a general contractor for a certified or approved housing project has a \$10,000,000 contract of which \$8,000,000 is subcontracted, there will typically be one G-37 for \$10,000,000 and one or more G-37's for \$8,000,000. Applying a 4% GET to all of these G-37's would indicate a fiscal impact of \$720,000 (4% of \$18,000,000), but the true fiscal impact if this were a GET taxable project would only be \$400,000 (4% of the \$2,000,000 retained by the general contractor plus 4% of the \$8,000,000 paid to subcontractors) after applying the subcontract deduction under HRS §237-13(3)(B).



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HAR therefore respectfully requests that item (17) of S.C.R. 162 and S.R. 88 be amended to read as follows:

- (17) Section 237-29 (general excise tax; exemptions for certified or approved housing projects) after accounting for the effect of the subcontract deduction under section 237-13(3)(B);

HAR looks forward to working with our state lawmakers in building better communities by supporting quality growth, seeking sustainable economies and housing opportunities, embracing the cultural and environmental qualities we cherish, and protecting the rights of property owners.

Mahalo for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig K. Hirai".

Craig Hirai, Member  
Subcommittee on Taxation and Finance  
HAR Government Affairs Committee



## HAWAII BANKERS ASSOCIATION

1000 BISHOP ST., SUITE 301B • HONOLULU, HAWAII 96813-4203  
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### **Presentation to the Committee On Economic Development and Taxation**

**Thursday, March 27, 2008  
Conference Room 224**

**To:** The Honorable Carol Fukunaga, Chair  
The Honorable Will Espero, Vice Chair  
Members of the Senate Committee on Economic Development and Taxation

**Re:** Testimony in Support of SCR162 / SR88

My name is Stafford Kiguchi, Senior Vice President with Bank of Hawaii, testifying on behalf of the Hawaii Bankers Association and its member banks. Although we cannot speak to the resources of the Department of Taxation, HBA supports the concept of SCR162 / SR88. We agree with the intent of these resolutions to appropriately assess the effectiveness and efficiency of tax credits and exemptions. Properly applied, such credits and exemptions encourage economic activity and can have meaningful benefit to our state.

Thank you for the opportunity to testify.

Respectfully submitted,

Stafford Kiguchi  
Bank of Hawaii  
808-694-8580  
[Stafford.kiguchi@boh.com](mailto:Stafford.kiguchi@boh.com)

**SCR 162/SR 88  
REQUESTING THE DEPARTMENT OF TAXATION TO REPORT THE FISCAL  
IMPACT AND RATE OF USAGE BY TAXPAYERS OF VARIOUS TAX CREDITS AND  
EXEMPTIONS**

**KEN HIRAKI  
DIRECTOR – GOVERNMENT AFFAIRS  
HAWAIIAN TELCOM**

**March 27, 2008**

Chair Fukunaga, Vice Chair Espero and Members of the Economic Development and Taxation Committee:

I am Ken Hiraki, testifying on behalf of Hawaiian Telcom on SCR 162/SR 88. Hawaiian Telcom supports this measure.

The purpose of this measure is to request the Department of Taxation to examine the fiscal impact and usage by taxpayers of tax credits and exemptions set forth under Chapters 235, 237, 239 and 244D, Hawaii Revised Statutes. Hawaiian Telcom recognizes the importance of conducting periodic reviews of our state tax code as a necessary tool in assessing the efficiency and fairness of any tax credit or exemption.

Many tax credits and exemptions are used as strategic “carrots” to encourage businesses to increase investment in the state. These tax incentives have served as an important economic catalyst resulting in the local production of many new jobs, products, and services. Given the important role that tax credits and exemptions play on Hawaii’s economy, repeal of any tax credit or exemption must be approached very carefully. A thorough analysis by the Department of Taxation will help ensure that lawmakers are fully informed as to the financial and social consequences (both intended and unintended) that may occur as a result of any change to our state tax code.

Based on the aforementioned, we support the purpose and intent of SCR 162/SR  
88.

Thank you for the opportunity to testify on this measure.

**SENATE COMMITTEE ON  
ECONOMIC DEVELOPMENT AND TAXATION**

March 27, 2008

SCR 162/SR 88 Requesting the Department of Taxation to Report the Fiscal Impact and Rate of Usage by Taxpayers of Various Tax Credits and Exemptions Under Chapters 235, 237, 239, and 244D, Hawaii Revised Statutes

Chair Fukunaga and members of the Senate Committee on Economic Development and Taxation, I am Rick Tsujimura, representing State Farm Insurance Companies, a mutual company owned by its policyholders.

State Farm supports the intent of SCR 162/SR 88 and believe that a review of existing tax credits and exemptions under Chapters 235, 237, 239, and 244D, Hawaii Revised Statutes, is preferable to the House proposals, which would eliminate certain exemptions subject to a review for reinstatement of those exemptions. We believe that this resolution is the preferable approach.

Thank you for the opportunity to present this testimony.



**SENATE COMMITTEE ON  
ECONOMIC DEVELOPMENT AND TAXATION**

March 27, 2008

SCR 162/SR 88 Requesting the Department of Taxation to Report the Fiscal Impact and Rate of Usage by Taxpayers of Various Tax Credits and Exemptions Under Chapters 235, 237, 239, and 244D, Hawaii Revised Statutes

Chair Fukunaga and members of the Senate Committee on Economic Development and Taxation, I am Rick Tsujimura, representing Marriott International, Inc. ("Marriott").

Marriott supports the intent of SCR 162/SR 88 and believes that a review of existing tax credits and exemptions under Chapters 235, 237, 239, and 244D, Hawaii Revised Statutes, is preferable to the House proposals, which would eliminate certain exemptions subject to a review for reinstatement of those exemptions. We believe that this resolution is the preferable approach.

Thank you for the opportunity to present this testimony.



**LINDA LINGLE**  
GOVERNOR

**JAMES R. AIONA, JR.**  
LT. GOVERNOR



**KURT KAWAFUCHI**  
DIRECTOR OF TAXATION

**SANDRA L. YAHIRO**  
DEPUTY DIRECTOR

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**SENATE COMMITTEE ON ECONOMIC DEVELOPMENT & TAXATION**

**TESTIMONY REGARDING SCR 163/SR 89**

**REQUESTING THE DEPARTMENT OF TAXATION TO EXAMINE THE PAYMENT  
OF GENERAL EXCISE TAXES ON ALL COMMISSIONS EARNED FROM  
SALES BY A MANUFACTURER'S SALES REPRESENTATIVE OF IMPORTED  
TANGIBLE PERSONAL PROPERTY THAT IS PURCHASED BY A  
CONSUMER DIRECTLY FROM THE MANUFACTURER.**

**\*\*\*WRITTEN TESTIMONY ONLY\*\*\***

**TESTIFIER: KURT KAWAFUCHI, DIRECTOR OF TAXATION (OR DESIGNEE)**

**DATE: MARCH 27, 2008**

**TIME: 1:15PM**

**ROOM: 224**

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The Department understands the legislative interest in analyzing and investigating the payment of general excise tax on commissions earned by sales representatives of imported tangible personal property that is purchased by a consumer directly from the manufacturer.

However, without additional resources specifically provided to assist with this request, the Department is concerned that it may not be able to adequately comply with this request.



Statement of  
**YUKA NAGASHIMA**  
Executive Director & CEO  
High Technology Development Corporation  
President  
High Technology Innovation Corporation  
before the  
**SENATE COMMITTEE ON ECONOMIC DEVELOPMENT & TAXATION**  
Thursday March 27, 2008  
1:15 PM  
State Capitol, Conference Room 224

In consideration of  
**SCR 212 REQUESTING THE OFFICE OF THE AUDITOR TO PERFORM A  
MANAGEMENT AND FINANCIAL AUDIT OF THE HIGH TECHNOLOGY  
DEVELOPMENT CORPORATION, THE HAWAII STRATEGIC DEVELOPMENT  
CORPORATION, AND THE PROGRAMS AND ENTITIES UNDER THEIR  
RESPECTIVE PURVIEWS.**

Chair Fukunaga, Vice Chair Espero, and Members of the Senate Committee on Economic Development and Taxation.

The High Technology Development Corporation (HTDC) believes in transparency and accountability of its programs and services, and therefore, welcomes this audit. We respectfully offer comments on parts of Senate Concurrent Resolution 212 that relate to HTDC and the High Technology Innovation Corporation (HTIC) to provide some background the Committee may find useful:

(1) The last full audit and report performed by the State Office of the Auditor has been over ten years and another audit of the agency's programs and financial oversight is over due. We again look forward to working with Marion Higa, State Auditor, and her staff. Our federal programs, however, are audited annually in compliance with OMB Circular A-133 by an independent CPA firm as part of the financial audit done on DBEDT, thus request that the scope of this audit not replicate the CPA firm's review of the federal programs.

(2) This last audit focused on the HTDC's contracting policies and procedures and primarily reviewed our Contracting Manual and the agreement between HTDC and the Maui Economic Development Board, then manager and operator of the Maui Research & Technology Center. If there is an opportunity to focus the scope of the audit and because our staff time is maximized due to major budget cuts and reductions since 1996 and 1997, we would appreciate the consideration, to ensure that everyone, including the auditors, can focus their efforts to provide relevant information.

(3) HTIC established by the legislature in 2005 (HRS 206M PART IV) as a non-profit state entity with a complete Board of Directors appointment since November of 2007 and created to service and support HTDC's mission of facilitating the commercial high tech industry is a new organization learning to operate within the state's system. This proposed audit could assist by identifying appropriate scopes or oversights of each agency that HTIC is required to consult with or obtain approvals from.

Thank you for the opportunity to offer comments on SCR 212.



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Statement of  
**JOHN A. CHOCK**  
President

Hawaii Strategic Development Corporation

Before the  
**SENATE COMMITTEE ON ECONOMIC DEVELOPMENT & TAXATION**

Thursday, March 27, 2008  
1:15 PM  
State Capitol, Conference Room 224

In consideration of

**SCR 212**

**REQUESTING THE OFFICE OF THE AUDITOR TO PERFORM A MANAGEMENT AND FINANCIAL AUDIT OF THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION, THE HAWAII STRATEGIC DEVELOPMENT CORPORATION, AND THE PROGRAMS AND ENTITIES UNDER THEIR RESPECTIVE PURVIEWS**

Chair Fukunaga, Vice Chair Espero, and Committee Members:

HSDC welcomes any review of its venture capital programs. However we would just like to point out that HSDC's revolving fund is audited annually along with all funds within DBEDT and its attached agencies.

Further, the State Private Investment Fund, established by the Legislature in 2004 and referenced in SCR 212, was never provided with any funding, so there is nothing to audit.

Thank you for the opportunity to offer these comments.





**Keahole Point Association**  
*Tenants at NELHA*

**MEMBERS:**

Big Island Abalone Corp.  
Kona Blue Water Farms  
Cyanotech Corp.  
Deep Seawater International Inc.  
Hawaii Deep Marine Inc.  
High Health Aquaculture Inc.  
Indo-Pacific Sea Farms  
Kona Bay Marine Resources Inc.  
Kona Cold Lobsters Ltd.  
Koyo USA Corp  
Mera Pharmaceuticals Inc.  
  
Moana Technologies LLC  
Ocean Rider Inc.  
Pacific Ocean Ventures LLC  
Pacific Planktonics  
Royal Hawaiian Sea Farms Inc.  
Savers Holdings Ltd  
Taylor Shellfish – Kona  
Unlimited Aquaculture LLC  
West Hawaii Explorations Academy

To: Committee on Economic Development and Taxation  
Chair Senator Fukunaga  
Vice Chair Senator Espero

Hearing date: 3/27/08  
Time: 1:15 pm  
Place: Conference Room 224, State Capital

Dear Chair Fukunaga, Vice Chair Espero and Members of the Committee:

The Keahole Point Association (KPA) is an association of tenants at the Natural Energy Laboratory of Hawaii Authority (NELHA). The KPA strongly supports SCR 96 which requests an audit of NELHA.

Tenants at NELHA are responsible for the majority of commercial aquaculture products produced in the State of Hawaii. Critical to all operations at NELHA is a steady supply of reasonably priced seawater. Tenants are concerned that NELHA is under no pressure to increase pumping efficiency, economize on labor, and lower seawater pumping cost. Rather, NELHA is free to increase seawater pumping costs, without any accountability and pass these costs on to tenants. If this continues, Aquaculture tenants will go out of business, NELHA will lose revenue, seawater rates will be further increased because fixed and labor pumping costs will be spread over fewer gallons pumped. Indeed a downward spiral could start which would drive Aquaculture tenants from NELHA to the detriment of Aquaculture tenants NELHA, and the local and State economy.

The KPA therefore urges passage of SCR 96

Thank you for consideration of this testimony.

Gerald R. Cysewski  
President Keahole Point Association  
President and CEO Cyanotech Corporation

To: Senate Committee On Economic Development and Taxation  
3/27/08, 1:15 pm, room 224  
Hawaii State Legislature

3/27/08

From: John Corbin  
47-215 Iiua Street  
Kaneohe, Hawaii 96744  
Phone- 239-8316

Subject: Testimony on SCR 96, Requesting the State Auditor to Conduct a Program, Performance, and Financial Audit of the Natural Energy Laboratory of Hawaii Authority

Chair Fukunaga, Vice Chair Espero, and Committee Members

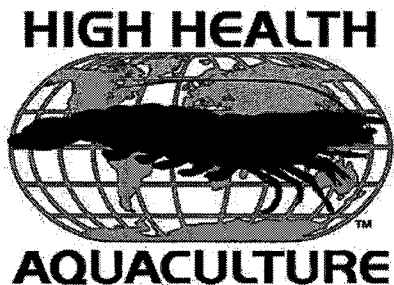
My name is John Corbin. I formerly was the manager of the State Aquaculture Development Program. In that capacity I served on the Board of Directors (BOD) of the Natural Energy Laboratory of Hawaii, later the Natural Energy Laboratory of Hawaii Authority (NELHA), from 1981 to 2006. I served in positions of Chair and Vice Chair of the BOD and Chair or Secretary of the Research Advisory Committee. Over that period NELHA became an internationally respected facility for Ocean Thermal Energy Conversion (OTEC) research and development and warm and deep sea water aquaculture. Currently the majority of the State annual aquaculture production value comes from companies at NELHA, though 2006 statistics saw a decline. I wish to express my strong support of SCR 96.

Presently the long standing companies at NELHA are struggling and curtailing growth under large and relatively rapid increases in costs, particularly rates for sea water. These major rate increases to address greater self sufficiency began in fiscal year 2003-2004 and have resulted in large part from recent BOD policies to eliminate General Fund contributions for operating support and address unprecedented increases in electrical costs for pumping sea water due to escalating oil prices (recently \$110 a barrel). I believe these BOD actions have contributed to NELHA moving substantially away from its stated purposes found in Chapter 227D HRS.

According to the NELHA statute, "The purpose of the natural energy laboratory of Hawaii authority shall be to facilitate research, development and commercialization of natural energy resources and ocean-related research, technology, and industry in Hawaii and to engage in retail, commercial, or tourism activities that will financially support that research, development, and commercialization at a research and technology park in Hawaii."

Further under the powers of NELHA in Chapter 227D, the Authority may: "20) Create an environment that supports appropriate natural resource utilization and results in economic development, including: supporting research projects and facilitating the transition from research and development to pilot scale and then full commercial operation of companies utilizing the natural resources available at the research and technology park, ... 21) Develop programs that support projects and companies which locate at research and technology parks;"

In conclusion, it is timely for a third party to conduct a financial and management audit of NELHA to determine if current policies and management actions are fulfilling NELHA's purpose of business facilitation and economic development according to Chapter 227 D HRS. Such a review could include interviewing existing tenants concerning the impacts of current sea water rate increases. In addition, Chapter 227D HRS states the Authority may: "(5) Adopt rules under Chapter 91 necessary to effectuate this chapter in connection with its operation, facilities, parks, properties, and projects," and consideration of promulgating rules for more clarity and predictability of BOD decision-making processes could be part of the audit. All stakeholders in the continued success of NELHA to diversify and expand the State economy could benefit from this comprehensive audit. Thank you for the opportunity to testify.



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THE SENATE  
THE TWENTY-FOURTH LEGISLATURE  
REGULAR SESSION OF 2008

COMMITTEE ON ECONOMIC DEVELOPMENT AND TAXATION

HEARING

DATE: Thursday, March 27, 2008  
TIME: 1:15 p.m.  
PLACE: Conference Room 224  
State Capitol  
415 South Beretania Street

A G E N D A

SCR 96

REQUESTING THE STATE AUDITOR TO CONDUCT A  
PROGRAM, PERFORMANCE, AND FINANCIAL AUDIT OF THE  
NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY

To: Senator Carol Fukunaga, Chair  
Senator Will Espero, Vice Chair

From: Jim Wyban , President, High Health Aquaculture  
Cell: 938-2840, Email: [jim.wyban@gmail.com](mailto:jim.wyban@gmail.com)

High Health Aquaculture is a tenant in good standing at NELHA and has been there for 14 years. HHA strongly supports the intent of SCR 96 requesting the State auditor to conduct a financial and management audit of the Natural Energy Laboratory of Hawaii Authority and its deep sea water pumping system.

The largest portion of statewide aquaculture production is generated by the aquaculture tenants at NELHA, who in turn provide the vast majority of NELHA's revenues.

Over the years, the State of Hawaii has advertised and solicited for aquaculture tenants from around the world, and more recently water bottling companies, to come to NELHA to build their companies and in the process to help further Hawaii's economic development efforts. Attractive lease and water rates were offered to prospective businesses to attract them to come and invest at NELHA. Many companies responded and private investment has now far exceeded State investment. Unfortunately, in recent years, the NELHA BOD has chosen to

impose a series of substantial water rate increases seriously undermining the profitability of existing aquaculture businesses at NELHA and deterring further planned investment at NELHA.

HAA strongly supports SCR 96 requesting the auditor to conduct a financial and management audit of NELHA and its deep sea water pumping system, and to establish a reasonable water rate structure.

HHA also strongly supports the addition of 2 commercial tenants to NELHA's board to watch over tenants' interest.

Thank you for the opportunity to testify.

Best regards,

Jim Wyban PhD  
High Health Aquaculture Inc.  
Kona Hawaii USA



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The Twenty-Fourth Legislature, State of Hawaii  
Hawaii State Senate  
Committee on Economic Development and Taxation

Testimony by  
Hawaii Government Employees Association  
March 27, 2008

S.C.R. 217/S.R. 128 – RENAMING THE NATURAL  
ENERGY LABORATORY OF HAWAII AUTHORITY  
AS THE GEORGE R. ARIYOSHI NATURAL  
ENERGY LAB.

The Hawaii Government Employees Association supports the purpose and intent of S.C.R. 217 and S.R. 128 that would rename the Natural Energy Laboratory of Hawaii Authority as the George R. Ariyoshi Natural Energy Lab. Governor Ariyoshi understood the importance of preserving the state's fragile environment by developing renewable sources of power. It was his vision that was instrumental in developing, along with the Legislature, the Natural Energy Laboratory of Hawaii (NELH) in 1974 to research ocean thermal energy conversion.

Later in 1990, NELH and the Hawaii Ocean Science and Technology Park were merged into the Natural Energy Laboratory of Hawaii Authority (NELHA). Today, NELHA is attracting international interest in its technological advances, such as the use of cold, nutrient-rich seawater that is being used for a variety of purposes, including air conditioning and growing marine plants and animals. NELHA is using seawater, sunshine and ingenuity to bring sustainable economic development and diversity to the State of Hawaii.

NEHLA would not have been as successful without the visionary support of Governor Ariyoshi. Therefore, it is entirely appropriate that NELHA be renamed the George R. Ariyoshi Natural Energy Laboratory in recognition of his efforts to diversify the economy, protect the environment and provide advanced technology jobs for the local economy.

Thank you for the opportunity to present testimony in support of S.C.R. 217 and S.R. 128.

Respectfully submitted,

Nora A. Nomura  
Deputy Executive Director



LAW OFFICES  
OF  
**MARVIN S. C. DANG**  
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March 27, 2008

Senator Carol Fukunaga, Chair,  
and members of the Senate Committee on Economic Development & Technology  
Hawaii State Capitol  
Honolulu, Hawaii 96813

Re: **Senate Concurrent Resolution 177 / Senate Resolution 100**  
**Hearing Date/Time: Thursday, March 27, 2008, 1:15 P.M.**

I am submitting this testimony on behalf of my law firm the **Law Offices of Marvin S.C. Dang, LLLC.**

**We support these Resolutions with an amendment.**

The purposes of these Resolutions are to request the Attorney General to examine cybercrime in Hawaii.

My law practice emphasizes, among other things, collections law, foreclosures, and creditors rights. Since April, 2007, a number of my Hawaii attorney colleagues and I have received thousands of scam e-mails from an anonymous sender. These e-mails are also being sent to people outside the legal community. The messages in these e-mails are false, derogatory, and defamatory about me, about specific attorneys in my law office, about other Hawaii attorneys, about politicians, and about others. The sender (perpetrator) has actually pretended that the messages in the e-mails are written by me, by certain Hawaii attorneys, and by others. This type of identity theft is ironic because I was the Vice Chair of the Hawaii Identity Theft Task Force. It has been suggested that the perpetrator is a disgruntled debtor who might be the subject of a pending collection or foreclosure action by my law firm.

Attached is a Honolulu Advertiser article dated August 27, 2007 and entitled "Hawaii attorney target of online harassment." The article describes the harassing, defamatory e-mails in which the perpetrator is impersonating me.

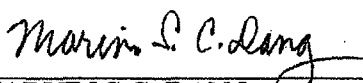
To ensure that the Attorney General's examination addresses incidents similar to my own experiences, we offer an amendment that adds another paragraph to the "Be It Resolved" clause that reads as follows:

"(6) Cyberstalking involving e-mails containing false, derogatory, harassing and/or defamatory messages, or those in which the sender pretends the messages are written by a person other than the sender."

With this amendment, these Resolutions will help to assess and better address illicit "cyber" activities such as scam e-mails to defame, harass, and intimidate people.

Thank you for considering this testimony.

LAW OFFICES OF MARVIN S.C. DANG, LLLC

By:   
MARVIN S.C. DANG  
Member Manager

Enclosure / (MSCD)

Posted on: Monday, August 27, 2007

## Hawaii attorney target of online harassment

By Greg Wiles  
Advertiser Staff Writer

As vice chairman of the state Identity Theft Task Force, attorney Marvin Dang is well aware of ways to fend off cyber thieves.

But for the past four months Dang's encountered an unusual offshoot of identity theft: use of his name in offensive e-mails in an attempt to harass him and sully his reputation.

Dang has been unable to stop or find out who is sending the messages, which now total more than 1,000 and have been sent to him, attorneys he knows, prominent lawmakers, family members and others.

The messages range from crude attempts to paint Dang as a racist, to others that try to link him to drug use and pornography.

There have been e-mails that smack of threats and intimidation, such as one noting Dang unknowingly walked by the sender four times in two weeks or that Dang should change where he eats lunch. He's been asked how he got such a good parking space or where he purchased a shirt he wore for a picture in a local publication.

"It's a situation where you're wondering how someone would do something like this," Dang said. Each time he comes across an e-mail, he makes a copy. They fill two 3 1/2-inch-thick black binders.

"I've never seen anything along these lines," Dang said.

Unfortunately for Dang and others, use of e-mail and Web postings to libel and create problems for people appears to be spreading.

Cases are cropping up in other states, and the California State Assembly is considering including the offenses under its identity-theft statutes, said Jay Foley, executive director of the Identity Theft Resource Center in San Diego.

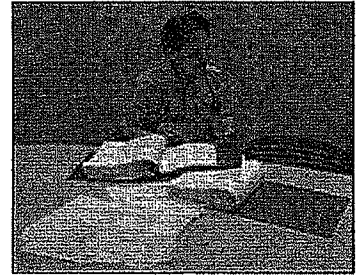
"We're hearing about more and more of it," Foley said. "Every day we wake up and there's more and more you can do with a computer."

Foley's experienced the problem firsthand. Someone got hold of his personal e-mail account's password and posted an online personal want ad talking about his supposed sexual preferences. Foley has since closed that e-mail account.

He knows of cases where derogatory e-mails led to a Sacramento resident losing her car and having to install a home security system. Foley said in another case, someone manipulated a nude photo to place a teacher's face on it and began circulating the bogus picture around the Internet.

"It was detrimental to her career," he said.

Foley said one of the worst cases involved a stolen password and an online posting supposedly from the person listing their address and some of their unusual sexual fantasies.



Attorney Marvin Dang looks over his collection of e-mails circulated anonymously to defame or threaten him. The vice chairman of the state Identity Theft Task Force has spent months dealing with the attacks.

JEFF WIDENER | The Honolulu Advertiser

### PROTECT YOURSELF

Here are some steps to take if you find yourself the subject of Internet harassment and scam e-mails.

- If someone is using your personal e-mail after stealing your password, consider closing down the e-mail account.
- Contact your Internet service provider to see if they can help find the offender.
- File a police report.
- Make copies of all the e-mails and document your time and expenses in dealing with problems. You can use this record to seek



## FACELESS SENDER

Dang's problems began in April, when an attorney acquaintance queried him about a questionable e-mail that was circulating. The message read:

"Dear Voter,

"We don't need a (racist slur) from Hawaii to be the president so help my cause in stopping this injustice.

"Friend of Marvin Dang"

Dang recoiled and remembers thinking that someone was attempting to steal his name or perhaps ruin his reputation.

In weeks that followed, it became more apparent that both were the case.

He started to get odd e-mails himself while more friends reported receiving e-mails defaming him. Dang said it appears the sender has harvested information about him on the Internet, pulling down names of lawyers he volunteers with and researching his political relationships and business clients. Some of these people are now receiving the electronic messages.

After learning of about a dozen e-mails, Dang contacted the state attorney general's office, the Federal Bureau of Investigation and the Honolulu Police Department. Dang said the origin of the e-mails has been difficult to trace because the sender uses Web services in other countries that guarantee the sender's identity will be protected.

The services allow the sender to be listed as "anonymous" or to use whatever name they want to be listed as sending the message.

Dang has been listed as the originator on some of the e-mails, while others have listed prominent local politicians, Dang's workers and family members as the sender.

In some cases, the names appear to have been grabbed from other sources. One supposedly was sent by George Orwell, perhaps an allusion to the deceased author whose novel "1984" included the line "Big Brother is watching you."

## E-MAILS GET NASTIER

While the initial e-mails were subtle in libeling Dang, some of them have become more distasteful and ugly. One e-mail supposedly from Dang to another attorney noted, "got a new shipment of nose candy. Contact me."

Others have mentioned kiddie porn, gay Web sites or have made derogatory statements about people close to him. They've listed Dang, a former state legislator, as head of a dubious political committee. That message makes disagreeable references about certain Hawai'i ethnic groups and asking for money so he can help them.

Included in the messages are Dang's mailing address and telephone and fax numbers.

The state attorney general's office confirmed it is looking into the incidents but would not say more because the matter is under investigation.

Dang's work includes collecting debts for credit card companies and pursuing foreclosures for mortgage lenders. He suspects the culprit is an unhappy debtor whom he sued and now holds a grudge against him.

## WARNING TO OTHERS

Meanwhile, Dang said he continues to receive up to a dozen of the e-mails a day, while other people he knows can receive multiple messages. He's taken steps to notify acquaintances about ignoring the derogatory missives.

restitution when the person is caught, said Jay Foley, executive director of the Identity Theft Resource Center.

- Consider reaching out to people you know to explain the situation, just in case they've received the e-mails.

- In the most serious of cases, take steps to ensure your personal safety.

## RELATED NEWS FROM THE WEB

Latest headlines by topic:

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- [Faceless](#)
- [US Federal Bureau of Investigation](#)
- [Electronic](#)
- [Personal Finance](#)
- [Internet Service Providers](#)

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"You always wonder who is getting these things," Dang said. "Credibility is very important and you want to make sure what is said about you is not scum lies like these."

Dang said he decided to make his story public to help educate people.

"Anyone can be the victim of e-mail harassment," he said. "Unfortunately, it's just too easy for a nameless, faceless perpetrator to fake the name of a sender."

"Don't accept at face value every e-mail you receive."

*Reach Greg Wiles at [gwiles@honoluluadvertiser.com](mailto:gwiles@honoluluadvertiser.com).*

**Back**

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MAR 25 2008

THE  
STATE  
FOUNDATION  
ON  
CULTURE  
AND  
THE ARTS

TESTIMONY  
OF  
STATE FOUNDATION ON CULTURE AND THE ARTS  
TO THE  
SENATE COMMITTEE ON ECONOMIC DEVELOPMENT  
AND TAXATION

March 27, 2008

SCR 225



LINDA LINGLE  
Governor

RUSS K. SAITO  
Comptroller

LORI V. THOMAS  
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PETER ROSEGG  
GEORJA SKINNER

RONALD K. YAMAKAWA  
Executive Director

Chair Fukunaga and members of the Committee, thank you for the opportunity to testify before you on SCR 225.

If funding priorities would allow, HiSAM would continue to develop beyond the founding vision for the museum. Additional requirements include space for ongoing workshops, docent training, and completion of the Visitor's Center. Storage areas for the café and gift shop would also be secured and staffing needed for more programming and facilities management would be added.

The museum itself is limited to two galleries that feature rotating exhibitions of modest size and scope in keeping with available space. Ideally, HiSAM would house displays of stellar works of art primarily by local artists that would serve to symbolize the State Collection's public image, identity and importance. These displays would in turn be complimented by exhibits designed to feature themes, master artists, cultural works, and displays pertinent to community development.

No. 1 Capitol District Building  
250 South Hotel Street, 2nd Floor  
Honolulu, Hawaii 96813  
Administration: (808) 586-0300  
Art in Public Places: (808) 586-0304  
Contracts: (808) 586-0302  
FAX: (808) 586-0308  
TT: (808) 586-0740  
E-mail: [sfca@sfca.state.hi.us](mailto:sfca@sfca.state.hi.us)  
Web Page: [www.hawaii.gov/sfca](http://www.hawaii.gov/sfca)

This was the intent of the Warnecke Plan, also referred to as the “Hawaii State Capitol Civic Center Master Plan,” approved by Governor Burns and Mayor Blaisdell. The plan envisioned the Capitol District as a cultural center for residents and visitors, as well as the seat of State government. Extending the breadth of the museum’s programming, as well as its physical presence beside the State Capitol, will further enhance the Capitol District as a cultural tourism destination for visitors and a historical and educational center for residents, particularly Hawaii’s youth. This objective is prioritized in our agency’s current strategic plan and will continue to be prominent in our next strategic plan that takes effect in July 2008.

We agree with the intent of SCR 225 in that an assessment of and plan for the growth of the museum is in order. Due to the State’s economic condition, however, there is concern as to whether the work of the task force can be conducted without an appropriation and the SFCA does not have available funds in its budget to finance an entity established for this purpose. Therefore, the SFCA suggests that a revised resolution be considered that simply recommends allocating space to the museum and the SFCA as other agencies vacate the No. 1 Capitol District Building.

Thank you for the opportunity to testify on this matter.

THE SENATE  
TWENTY-FOURTH LEGISLATURE,  
2008

STATE OF HAWAII

S.C.R. NO.

225

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# SENATE CONCURRENT RESOLUTION

RELATING TO A PLAN FOR THE GROWTH AND EXPANSION  
OF THE HAWAII STATE ART MUSEUM IN THE HAWAII  
CAPITAL CULTURAL DISTRICT

WHEREAS, the Hawai'i State Foundation on Culture and the Arts (SFCA) was established in 1965 as the official state arts agency of Hawai'i to receive federal funds appropriated by the U. S. Congress through the National Endowment for the Arts, to support culture and the arts; and

WHEREAS, the SFCA's Art in Public Places Program, founded in 1967 with the passage of the Percent for Art Law, the first such law in the nation, is an exemplary model and serves thousands of government employees, the general public and visitors throughout the state by enhancing the built environment with site-specific commissioned works of art and relocatable works of art of its *museum without walls* program; and

WHEREAS, the Hawaii State Art Museum was established in 2004 in Chapter 9, HRS to create, display and maintain the Hawai'i state art collection as envisioned in the Warnecke Plan, or the Hawai'i State Capitol Civic Center Master Plan that was approved by Governor Burns and Mayor Blaisdell in

1968 to develop the Capitol District as a cultural center as well as the seat of State government; and

WHEREAS, the museum's amenities include a visitor's center to further cultural tourism in the Hawai'i Capital Cultural District and the museum itself is growing increasingly important as a cultural destination for visitors; and

WHEREAS, the museum's programs educate Hawaii's youth and promote the Hawai'i Capital Cultural District as being vital to Hawaii's historical and cultural legacy; and

WHEREAS, staffing and programming for the museum in 2008 have reached capacity in the current space available in the No. 1 Capitol District Building; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fourth Legislature of the State of Hawai'i, Regular Session of 2008, the House of Representatives concurring, that this body hereby acknowledges that the work of the Hawai'i State Foundation on Culture and the Arts in supporting arts and culture has been vital to the quality of life of the people of Hawai'i; and that the Hawai'i State Art Museum furthers the work of the foundation through its programs, services, and vibrant exhibitions of the Hawai'i State Art Collection. And, in recognition of the need to ensure the future growth and development of the Hawai'i State Art Museum and the proliferation of arts and culture for the people of Hawai'i; be it resolved that as agencies move from the No. 1 Capitol District Building, the vacated space shall be assigned to the State Foundation on Culture and the Arts and the Hawai'i State Art Museum for the future growth and development of these entities. And, that the building will be renamed "The Hawai'i State Art Museum" at such time when the foundation and museum occupy the majority of square footage in the building.

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor of the State of Hawai'i, the Department of Accounting and General Services, and the Hawai'i State Foundation on Culture and the Arts.

OFFERED

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# HAWAI'I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 • HONOLULU, HI 96813-5095 • PHONE: (808) 586-8636 • FAX: (808) 586-8655 • TDD: (808) 586-8692

March 27, 2008

Rm. 224, 1:15 p.m.

**To:** The Honorable Carole Fukunaga, Chair, and Members of the Senate Committee on Economic Development and Taxation

**From:** Sara Banks, Acting Chair and Commissioners of the Hawai'i Civil Rights Commission

Re: H.B. No. 3343, H.D.1

The Hawai'i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai'i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

The HCRC supports H.B. No. 3343, H.D.1, which designates the month of October as Filipino-American History Month to annually commemorate the contributions of Filipino-Americans to Hawaii and the United States.

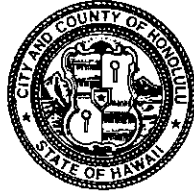
From the sakadas who first arrived here in 1906, to labor leaders like Pablo Manlapit and Carl Damaso who collaborated with other ethnic unions against oppressive conditions, Filipinos have made a positive and lasting impact upon these islands. For example, Filipino community advocates played a crucial role as part of a diverse coalition of organizations who came together to for the purpose of drafting legislation and lobbying for the establishment of a state civil rights commission. Many of the strategies successfully implemented in this effort were derived from the lessons learned during earlier civil rights struggles undertaken by Filipinos.

Our nation has also benefited from important contributions by Filipinos across the country, which are far too numerous to mention here.

The HCRC supports H.B. No. 3343, H.D.1.

OFFICE OF THE MAYOR  
**CITY AND COUNTY OF HONOLULU**  
530 SOUTH KING STREET, ROOM 208 • HONOLULU, HAWAII 96813  
PHONE: (808) 523-4616 • FAX: (808) 523-4771 • INTERNET: www.honolulu.gov

MUFI HANNEMANN  
MAYOR



Testimony of  
Ann H. Chung

COMMITTEE ON ECONOMIC DEVELOPMENT AND TAXATION

March 27, 2008

The Honorable Senator Carol Fukunaga, Chair  
The Honorable Senator Will Espero, Vice Chair and  
Members of the Committee on Economic Development and Taxation  
The Twenty-Fourth Legislature  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Fukunaga, Vice Chair Espero and Members of the Committee on Economic Development and Taxation:

SUBJECT: RELATING TO FILIPINO-AMERICAN HISTORY MONTH (HB3343 HD1)

The Administration recognizes the importance of the Filipino community, both in Hawaii and the United States, and the history of economic, cultural, and social contributions they have made and support HB3343 HD1 designating the month of October as Filipino-American History Month.

The City and County of Honolulu has sister-city relationships with six cities in the Philippines: Vigan, Puerto Princesa, Manila, Baguio, Cebu, and Laoag City. The oldest relationship is with Laoag City which was established in 1969. These relationships were established to support the many historical and cultural ties that are shared between our cities. As many of the Filipino community in Honolulu originated from the Philippines, commemorating the history and heritage of Filipino-Americans with this designation would also reinforce the cultural diversity that is Honolulu.

Mahalo for the opportunity to testify.

Sincerely,

Ann H. Chung  
Director of Economic Development  
Office of Mayor Mufi Hannemann



*Knowledge of history and culture for respect and understanding.*

**TESTIMONY IN SUPPORT OF HOUSE BILL 3343, HD 1  
A BILL RELATING TO FILIPINO-AMERICAN HISTORY MONTH**

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**Senate Committee on Economic Development and Taxation  
Senator Carol Fukunaga, Chair  
Senator Will Espero, Vice Chair**

**Thursday, March 27, 2008, 1:15 pm  
State Capitol, Conference Room 224**

**Senator Fukunaga, Senator Espero and  
Members of the Committee:**

As President of the **Filipino-American Historical Society of Hawaii (FAHSOH)**, we support House Bill 3343, HD 1, which designates the month of October as Filipino-American History Month to annually commemorate the contributions of Filipino-Americans to Hawaii and the United States.

Our non-profit group, the **Filipino-American Historical Society of Hawaii**, was organized in 1980 to bring together individuals who were interested in learning more about Filipino heritage. Our mission is to "foster an appreciation of the heritage and experiences of Filipino-Americans in Hawaii. We believe that knowledge of the history and culture of all peoples affirms individual dignity and teaches respect and understanding."

During the 2006 Filipino Centennial Celebration, FAHSOH hosted the 11<sup>th</sup> Biennial Filipino-American National Historical Society (FANHS) Conference here in Honolulu, Hawaii. The theme was "Sakadas and beyond: connecting our past to inspire the future." We had the privilege of offering the hundreds of conference participants an opportunity to visit Hawaii's Plantation Village and Waialua so they could experience a unique living history museum and gain an appreciation of the struggles and contributions of Filipino workers as they lived with other ethnic groups in the plantation.

Our group continues to actively collaborate with other organizations and individuals in the community who seek to promote an understanding and respect for the Filipino-American experience and that of other ethnic groups in Hawaii.

Thank you for the opportunity to testify in support of House Bill 3343, HD 1, and for helping us to continue to foster cultural awareness and celebrate the contributions of all Filipinos.

**Dr. Patricia Brown, President  
Filipino-American Historical Society of Hawaii**



## CONGRESS OF VISAYAN ORGANIZATIONS

Senate Committee on Economic Development and Taxation

RELATING TO FILIPINO-AMERICAN HISTORY MONTH

To: Hon. Sen. Carol Fukunaga, Chair  
Hon. Sen. Will Espero, Vice-Chair;  
Hon. Members of the Senate Committee on Economic Development and Taxation

From: Margarita Hopkins, President  
Serafin Colmenares, Executive Vice President  
Congress of Visayan Organizations

Date: March 27, 2008, 1:15 p.m.  
Place: Hawai'i State Capitol House Conference Room 224  
Subject: **Testimony in Strong Support of HB 3343 HD 1**

Honorable Chair, Vice Chair, and members of the Senate Economic Development and Taxation Committee:

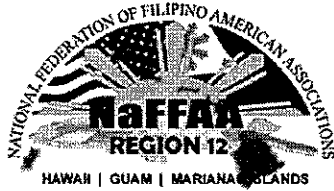
My name is Margarita Hopkins, President of the Congress of Visayan Organizations, which is a statewide umbrella organization that represents 22 unit organizations of Visayan ancestry.

I testify in strong support of this proposed legislation to designate the month of October as Filipino-American History Month, and to annually commemorate the contributions of Filipino-Americans to Hawai'i and the United States. One out of four of Hawai'i's diverse population of 1.2 million people are of Filipino or part-Filipino ancestry. Nationally, Filipinos are ranked the second largest Asian immigrant group. Even in the Philippines, there is great diversity among Filipinos. The American public, as well as Filipino Americans, will benefit from learning about our history and contributions. This is especially important, since the outcome of national and local legislation related to Filipino World War II veterans equity, immigration reform, and many other issues hinges on knowledge of Filipino American history by policy makers and the general public.

Thank you for hearing this important bill, and for this opportunity to testify. We appreciate your consideration to vote yes.

For the President:

Serafin Colmenares Jr.  
Executive Vice President



## **TESTIMONY IN STRONG SUPPORT OF HB 3343 HD 1**

Senate Committee on Economic Development and Taxation

March 27, 2008, 1:15 p.m. | Hawai'i State Capitol | Conference Room 224

### **RELATING TO FILIPINO-AMERICAN HISTORY MONTH**

Description: Designates the month of October as Filipino-American History Month to annually commemorate the contributions of Filipino-Americans to Hawaii and the United States

To: Hon. Sen. Carol Fukunaga, Chair; Hon. Sen. Will Espero, Vice-Chair;  
Hon. Members of the Senate Committee on Economic Development and Taxation

From: Amy Agbayani, Assistant Vice Chair, National Federation of Filipino American Associations Region XII

My name is Amy Agbayani. I serve as Vice Chair of the National Federation of Filipino American Associations Region XII, which represents the interests of Filipinos in Hawai'i, Guam, and the Commonwealth of Northern Marianas Islands. NaFFAA Region XII is an affiliate of the National NaFFAA. Washington policy-makers, private industry and national advocacy groups recognize NaFFAA as the Voice of Filipinos and Filipino Americans throughout the United States. We are a non-partisan, non-profit national affiliation of more than five hundred Filipino-American institutions and umbrella organizations that span twelve regions throughout the continental United States and U.S. Pacific territories.

NaFFAA is happy to provide our strong support for designating October as Filipino American History Month. Hawai'i's public schools can play a vital role to develop an informed generation of students who are committed to social justice in order to achieve the vision laid out in the State's 2050 Summit Initiative. History Month is a strategic tool for enriching our public school's curricula to build the capacity of critical thinking and diversity competency skills that will position Hawai'i's labor force to take on cutting edge opportunities in the global arena that will benefit all people. It starts with knowing the history and struggles of classmates. It starts with self knowledge. It starts with a deeper understanding of friends. This is what Filipino American History Month can offer all students and the community. As Nohealani Cypriano, who is part Filipino, says, it is about "sharing a little aloha"(from the diverse lens of the Filipino people).

Thank you for this opportunity to provide testimony to support Filipino American History Month.

Sincerely,

Amy Agbayani, Ph.D., Assistant Vice Chair, NaFFAA Region XII



Tessie Oculito, RN, President  
Philippine Nurses Association-Hawaii  
92-1269 Umana St. | Kapolei, HI 96707  
E-Mail: [toculto@hawaii.rr.com](mailto:toculto@hawaii.rr.com) | Phone: (808) 457-1066

## TESTIMONY IN STRONG SUPPORT OF HB 3343 HD 1

Senate Committee on Economic Development and Taxation

March 27, 2008, 1:15 p.m. | Hawai'i State Capitol | Conference Room 224

RELATING TO FILIPINO-AMERICAN HISTORY MONTH

Description: Designates the month of October as Filipino-American History Month to annually commemorate the contributions of Filipino-Americans to Hawaii and the United States

To: Hon. Sen. Carol Fukunaga, Chair; Hon. Sen. Will Espero, Vice-Chair;  
Hon. Members of the Senate Committee on Economic Development and Taxation  
From: Tessie Oculito, President, Philippine Nurses Association Hawaii

My name is Tessie Oculito. I am the president of the Philippine Nurses Association-Hawaii (PNAH). We are in strong support of this bill. As a national affiliate of the Philippine Nurses Association of America, our shared mission is to uphold and foster the positive image and welfare of our constituent members; to promote professional excellence and contribute to significant outcomes to healthcare and society. Our vision is to be an organization responsive to its constituent needs, and to be a force in the world arena of nursing.

Most of our members are first generation Filipinos, who immigrated to the United States because of the global nursing shortage. We were shocked to see and experience racism as a result of the harmful effects of Filipinos and Hawai'i's multi-ethnic groups who do not know their heritage languages nor their history and the relationship of their motherland to the United States. American families and the U.S. labor force are at an economic disadvantage because of insufficient cultural and linguistic competencies for critical transactions ranging from inter-generation family discord, to patients with health care providers, to brokering and closing socially responsible and mutually prosperous business deals.

We support this bill because students from diverse backgrounds in public schools and higher education will become informed of each other's historical lessons and worldview through Filipino-American History Month. This type of cutting edge education provides a strategic vantage point for an enlightened society to champion global challenges. Thank you for the opportunity to provide this testimony. Your consideration to pass this bill is appreciated.

Sincerely,

Tessie Oculito, RN  
President, Philippine Nurses Association-Hawaii

# Filipino American Citizens League

Jake Manegdeg, President  
P. O. Box 270126 \* Honolulu, Hawai'i 96827

## TESTIMONY IN STRONG SUPPORT OF HB 3343 HD 1

Senate Committee on Economic Development and Taxation

March 27, 2008, 1:15 p.m.  
Hawai'i State Capitol  
Conference Room 224

### RELATING TO FILIPINO-AMERICAN HISTORY MONTH

Designates the month of October as Filipino-American History Month to annually commemorate the contributions of Filipino-Americans to Hawaii and the United States

To: Hon. Sen. Carol Fukunaga, Chair;  
Hon. Sen. Will Espero, Vice-Chair  
Hon. Members of the Senate Committee on Economic Development and Taxation

From: Jake Maegdeg, President, Filipino American Citizens League

My name is Jake Manegdeg. As president of the Filipino American Citizens League, I am proud to submit our full support of this bill. The Filipino American Citizens League was formed over ten years ago to contribute to the advancement of civil rights and social justice for minority groups, underserved populations, and vulnerable communities through education, advocacy, and social action.

I served as Chair of the 75<sup>th</sup> Anniversary Commission of Filipinos in Hawai'i, as well as a commissioner on the Filipino Centennial Celebration Commission. The achievements and contributions of Filipinos in Hawai'i since 1906 have been well documented. But after a hundred years of Filipinos in Hawai'i, it is time to make Hawai'i's history more relevant and accessible to Hawai'i's people. Filipino-American History Month will provide Hawai'i's multi-ethnic students and society knowledge that can help to transform ignorance, fear, and racial strife into universal truths to inspire people to be patient, compassionate, cooperative, and thoughtful in how we come to understand and resolve conflict within ourselves and with others. Provisions of this bill can foster the spirit of inquiry, self awareness, sense of belonging, empathy, unity and reciprocity for the greater good. As Sen. Barack Obama says, "Diversity defines us, not divides."

Thank you for the opportunity to support this bill. Your help in its passage will bring about the type of profound change that is needed to improve the lives of people and our planet. Hawai'i cannot afford not to.

Very Sincerely,

Jake Manegdeg,  
President, Filipino American Citizens League





# Nursing Advocates & Mentors, Inc.

*a non-profit organization with a mission to address the global nursing shortage by providing guidance and assistance for nursing colleagues to obtain their professional license in nursing.*

P.O. Box 2034 Aiea, HI 96701  
E-mail: [namihonolulu@yahoo.com](mailto:namihonolulu@yahoo.com)

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*Oscar Querido, RN*

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*Tina Salvador, RN, BSN, CNN*

*Linnette Takenaka, RN, DON*

## TESTIMONY IN STRONG SUPPORT OF HB 3343 HD 1

Senate Committee on Economic Development and Taxation  
March 27, 2008, 1:15 p.m.  
Hawai'i State Capitol ∞ Conference Room 224

### RELATING TO FILIPINO-AMERICAN HISTORY MONTH

Description: Designates the month of October as Filipino-American History Month to annually commemorate the contributions of Filipino-Americans to Hawaii and the United States

To: Hon. Sen. Carol Fukunaga, Chair  
Hon. Sen. Will Espero, Vice-Chair; Hon. Members of the Senate Committee on Economic Development and Taxation

From: Beatrice Ramos-Razon, President  
Nursing, Advocates & Mentors, Inc. (NAMI)

My name is Beatrice Ramos Razon. I am in strong support of this bill. As the founder and president of NAMI (Nursing, Advocates & Mentors, Inc.). NAMI's membership is comprised of over 75 nurses, allied health care professionals, and Filipino leaders, who are dedicated to improve the health of Hawai'i's people by addressing the global issues of a worldwide nursing shortage through the training and mentoring of foreign medical graduate nurses to pass Hawai'i's nurses board exams.

Filipino-American History Month is of great importance to Hawai'i's diverse immigrant groups. Filipinos comprise 61 percent of immigrants, which is larger than all the other immigrant groups combined. Designating a month to promote knowledge of Filipino Americans will perpetuate and promote the building of allies among Hawai'i's multi-ethnic communities. We cannot underestimate the commitments to social justice made in Hawai'i schools that will carry on through adulthood, just as we see today in Sen. Barack Obama's quest to become the first U.S. president from Hawai'i. Even more, it is very important that all people know who they are, where they come from, and the struggles for equal treatment of minorities in the interpretation and enforcement of the U.S. Constitution. Thank you for the opportunity to provide support for this bill. NAMI appreciates your consideration of its passage.

Sincerely,

Beatrice Ramos Razon, RN, FACDA

President, Nursing Advocates  
and Mentors, Inc.



# UNITED FILIPINO COUNCIL OF HAWAII

P.O. BOX 498, Honolulu, Hawaii 96809-0498

## TESTIMONY IN STRONG SUPPORT OF HB 3343 HD 1

Senate Committee on Economic Development and Taxation

March 27, 2008, 1:15 p.m. | Hawai'i State Capitol | Conference Room 224

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RELATING TO FILIPINO-AMERICAN HISTORY MONTH

Description: Designates the month of October as Filipino-American History Month to annually commemorate the contributions of Filipino-Americans to Hawaii and the United States

To:

Hon. Sen. Carol Fukunaga, Chair

Hon. Sen. Will Espero, Vice-Chair

Hon. Members of the Senate Committee on Economic Development and Taxation

From:

Bryan Andaya, President, United Filipino Council of Hawaii

My name is Bryan Andaya. I am the president of the United Filipino Council of Hawaii (UFCH). I submit this testimony to support HB 3343 HD 1 on behalf of UFCH, an umbrella organization with member organizations from six islands. Current membership includes a total of 5,000 individual members.

At our annual convention in July 2007, our delegates passed a resolution to offer Philippine language and history in Hawai'i's community colleges and high schools, especially in communities with large Filipino populations. We are pleased to do all we can to support your leadership to also advance Filipino American History Month in October. Knowledge of Filipino American history will add to the diversity competency skills of Hawai'i's multi-ethnic people. This is necessary to foster respect, understanding, and appreciation of differences among groups as assets that will empower communities to safeguard civil rights for all.

Filipinos in Hawai'i want to contribute to the successful progress toward prosperity, peace, and health in the 21<sup>st</sup> century. Please help us make this possible for all of Hawai'i's emerging youth leaders and children by passing this bill.

Thank you for the opportunity to present our testimony.

Respectfully submitted,

Bryan P. Andaya, President

\*2006-07

\*\*2007-08

# Filipino Coalition for Solidarity

A HAWAII RIGHTS ADVOCACY GROUP • FOUNDED IN 1990

c/o 728 Nunu St. • Kailua, HI 96734 • <http://www.philippinesonline.org/thecoalition/>

## TESTIMONY IN STRONG SUPPORT OF HB 3343 HD 1

Senate Committee on Economic Development and Taxation

March 27, 2008, 1:15 p.m.

Hawai'i State Capitol • Conference Room 224

### RELATING TO FILIPINO-AMERICAN HISTORY MONTH

Description: Designates the month of October as Filipino-American History Month to annually commemorate the contributions of Filipino-Americans to Hawaii and the United States

To: Senator Carol Fukunaga, Chair  
Senator Will Espero, Vice-Chair;  
Members of the Senate Committee on Economic Development and Taxation

From: Charlene Cuaresma, President, Filipino Coalition For Solidarity

My name is Charlene Cuaresma. As president of the Filipino Coalition for Solidarity, I am submitting testimony in strong support of HB 3343. Since its inception in 1990, the Coalition has represented more than 50 Filipino community leaders whose aim is to work for social justice issues to empower Filipinos to make socially responsible contributions to Hawai'i and our global neighbors through education, advocacy, and social action.

We strongly believe that Filipino-American History Month will foster goodwill and critical thinking among Hawai'i's citizens at all levels of society. Research shows that building the capacity for ethnic pride and diversity competency fosters improved school performance and a productive, versatile labor force. Making education relevant to a child's life is key to developing a positive identity, an ethical and compassionate character, and a foundation for civic engagement to uphold civil rights for all. The Filipino Coalition For Solidarity has passed resolutions to address disparities affecting our State related to health, education, labor, immigrants, Filipino WWII veterans equity, and many more. Through one group at a time, History Month is an important initiative to harness the assets of diversity to build the capacity of a healthy, productive, and progressive State that can collaborate locally and globally to meet the challenges and opportunities of the 21<sup>st</sup> century. Filipino American Month is about contributing lessons learned from Filipino history for the benefit of all.

Thank you for this opportunity to present our support from the community. Your consideration for its passage is greatly appreciated.

Respectfully,

Charlene Cuaresma  
President, Filipino Coalition for Solidarity



# OAHU FILIPINO COMMUNITY COUNCIL

P.O. Box 17531 • Honolulu • Hawaii 96817

## Unit Organizations

Alliance of Residential  
Carehome Administrators  
Aloha Saguibsib Cultural  
Foundation, Inc.  
Annac ti Bado iti Hawaii  
Annac ti Batac  
Annac ti Caoayan 2002  
Annak ti Kailokuan iti  
America  
Annak ti Sinait iti Hawaii  
Asingan Organization of  
Hawaii  
Badoc-Pinili Aid  
Association of Hawaii  
Banna Association of  
Hawaii  
Bannatiran Association of  
Hawaii  
Batangas Association of  
Hawaii  
Bulacan Circle of Hawaii  
Caballeros de Dimasalang  
Cabugao Sons & Daughters  
of Hawaii  
Candonians of Hawaii  
Caoayan ISAH  
Cavitenians of Hawaii  
Dingras Association of  
Hawaii  
Divine Word College  
Alumni Association  
FilAm Sports USA  
Fil American Citizens  
League  
Filipino Business Women's  
Club  
Filipino Nurses Organization  
of Hawaii  
Filipino Women's Civic  
Club  
GUMIL Hawaii  
GUMIL Oahu  
Hawaii Filipino Women's  
Club  
Hawaii Council of Bilingual  
Educators  
ILAH  
Ilocos Norteniens of  
America  
INCAT Alumni Association  
of Hawaii  
International Filipino  
Society of Hawaii  
Kalayaan Phil.-Hi. Int.  
La Union Circle of  
Hawaii  
Lingayen Gulf Club of  
Hawaii

## TESTIMONY IN STRONG SUPPORT OF HB 3343 HD 1

Senate Committee on Economic Development and Taxation

March 27, 2008, 1:15 p.m.  
Hawai'i State Capitol, Conference Room 224

### RELATING TO FILIPINO-AMERICAN HISTORY MONTH

Description: Designates the month of October as Filipino-American History Month to annually commemorate the contributions of Filipino-Americans to Hawaii and the United States

To: Hon. Sen. Carol Fukunaga, Chair  
Hon. Sen. Will Espero, Vice-Chair  
Hon. Members of the Senate Committee on Economic  
Development and Taxation

From: Franklin Borromeo, President  
Oahu Filipino Community Council

My name is Franklin Borromeo. I am very proud to provide strong support of HB 3343 HD 1. I serve as President of the Oahu Filipino Community Council (OFCC). Our Council is an umbrella organization comprised of sixty-two members (62) that represent a network of non-profit civic groups with a unified vision to improve the lives of our Filipino communities.

During tumultuous times that test the human condition, war, hate crimes, and anti-immigrant sentiments flourish from the halls of our U.S. Congress to the streets across America, and in the media. Filipino-American History Month can counter racism and social injustice with tools of historical facts and universal lessons learned for a civil society. Hawai'i's Filipino community is ready to do our share to be good stewards for the common good. Contributing to an informed and compassionate society through Filipino American History Month is imperative.

Thank you for the opportunity to present this testimony.  
Your support to enact HB 3343 HD 1 is greatly needed.

Sincerely,

Franklin Borromeo  
President, Oahu Filipino Community Council

## Unit Organizations

Magsingal Association of  
Hawaii  
Narvacan/San Antonio Club of  
Hawaii  
Nueva Vizcaya Association of  
Hawaii  
Pasuquinios Association of  
Hawaii  
Philippine Cultural Foundation  
Philippine Nurses  
Association of Hawaii  
Piddig Association of Hawaii  
Sanchez Mira Association of  
Hawaii  
San Manuel Pangasinan  
Association of Hawaii  
San Nicolaneos USA  
San Nicolas Goodwill  
Foundation  
San Nicolas Teachers of  
Hawaii  
Santa Lucia Association of  
Hawaii  
Sarrat Association of Hawaii  
Sarrat International Inc.  
Sinait Nt. High School Alumni  
of Hawaii  
Solsona of Hawaii  
Tarlac Mutual Club of Hawaii  
TPCP  
Kalih Ballroom, Inc.  
Sadiri ti San Nicolas iti Hawaii  
Samar Leyte Association of  
Hawaii  
Sampaguita/Sunflower Club of  
Hawaii  
San Juan Association of  
Hawaii  
San Nicolas Nat. High  
Santa Marians of Hawaii  
School Alumni  
Santa Nicolas Nat. High  
School Bingao Annex  
Tagalog Association of Oahu  
United Bacarreneos of Hawaii  
United Group of Home  
Operators  
United Pangasinan of Hawaii  
United Urdaneta Club of  
Hawaii  
United Vintarinians of Hawaii  
Vigan Association of Hawaii



Already in national circulation is a photo exhibit of the Filipino -American Experience for the past 100 years in Hawaii and America put together by Dr. Dean Alegado, former Dean of Ethnic Studies, U of H. through a Smithsonian Institution grant.

Another out growth of the centennial celebration is work on a curriculum guide of the Filipino – American Experience in Hawaii and U.S.A. also through a grant by the Smithsonian Institute has begun. When completed, this will be useful for all school districts in the nation. This effort is being led by Dr. Patricia Halagao of the College of Education, U of H.

The designation of October as Filipino-American Month encourages the use of these significant resources to the general public and especially to the students of all our educational institutions.

Will this designation idea lead to a Chinese- American History Month or Korean – American Month or a Portuguese -American Month---? Why not? It would certainly make our history classes exciting and real. And does this not promote pride in each of our ethnic heritage, a value which we learned from our elders in the plantation era.

There is value in diversity! This will make our multi-ethnic society with our “rainbow colored children” a unique Hawaii experience..

Hopefully, H.B. no 3343 HD 1 will encourage the our educational institutions to utilize the rich history of all the immigrants that came to Hawaii to live.





LINDA LINGLE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**TESTIMONY OF THE CHAIRPERSON  
OF THE BOARD OF LAND AND NATURAL RESOURCES**

**on House Bill 2486 – Relating To Historic Preservation**

**BEFORE THE SENATE COMMITTEE ON  
ECONOMIC DEVELOPMENT AND TAXATION**

**March 27, 2008**

House Bill 2486 proposes to create photographic standards for the documentation of historic buildings that are to be altered, demolished or impacted upon by a proposed project. While the Department of Land and Natural Resources (Department) acknowledges the intent of the bill, as it is consistent with the goals and objectives of our program, the Department is nonetheless concerned with the undo economic hardship that may be placed upon the individual owner.

The bill as would require the State, County or private property owners to submit archival quality photographs to the Department's State Historic Preservation Division prior to issuance of a permit or the commencement of an undertaking that will alter, construct or demolish a building over 50 years in age. The intent of this bill would be to produce a lasting record of many of Hawaii's historic buildings. However, this record would be incomplete without any supportive information such as a survey form. Additionally, this bill would place an unnecessary burden on the applicant since archival photographs are very costly. If the applicant is unable to afford the necessary documentation, they may be less likely to seek out permits for alteration, construction and demolition of historic buildings.

**testimony**

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**From:** Kiersten Faulkner [Kiersten@historichawaii.org]  
**Sent:** Monday, March 24, 2008 12:33 PM  
**To:** testimony  
**Subject:** Testimony in support of HB2486, EDT Committee 3/27/08, 1:15 pm, room 224

**VIA EMAIL:** [testimony@capitol.hawaii.gov](mailto:testimony@capitol.hawaii.gov)

**To:** Senator Carol Fukunaga, Chair  
 Senator Will Espero, Vice Chair  
 Committee on Economic Development and Taxation

**From:** Kiersten Faulkner  
 Executive Director, Historic Hawai'i Foundation

**Committee Date:** Thursday, March 27, 2008  
 1:15 p.m.  
 Conference Room 224

**Subject:** **Support of HB2486 Relating to Historic Preservation**

On behalf of Historic Hawai'i Foundation (HHF), I am writing in support of HB2486. Since 1974, Historic Hawai'i Foundation has been a statewide leader for historic preservation. HHF works to preserve Hawaii's unique architectural and cultural heritage and believes that historic preservation is an important element in the present and future quality of life and economic viability of the state.

Historic Hawai'i Foundation supports HB2486, which would require photo documentation of historic buildings prior to demolition or alteration.

Historic Hawai'i Foundation recognizes that not all historic buildings have the level of significance or integrity that would necessitate complete preservation or restoration. At times, demolition or substantial alteration may be unavoidable. In these cases, it is important to have archival-quality documentation for future study, understanding of the context of the site, historic analysis or architectural record. Best practices in preservation have established the technical specifications that should be used for the photo-documentation and many such photographs are housed with the State Historic Preservation Division.

Kiersten Faulkner, AICP  
 Executive Director  
 Historic Hawai'i Foundation  
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 808-523-2900 (tel)  
 808-523-0800 (fax)  
[Kiersten@historichawaii.org](mailto:Kiersten@historichawaii.org)  
[www.historichawaii.org](http://www.historichawaii.org)

**Testimony before the Committee on Economic Development and Taxation  
Senate, Regular Session of 2008**

**by Philip Hauret  
Senior Land Agent, Land & Rights of Way Department  
Hawaiian Electric Company, Inc.**

**March 27, 2008**

**House Bill 2486, Relating to Historic Preservation**

Chair Fukunaga and members of the committee:

My name is Phil Hauret and I am testifying on behalf of the Hawaiian Electric Company and its subsidiaries, Hawaii Electric Light Company and Maui Electric Company. We respectfully oppose House Bill 2486 because its broad implications could cause serious delays to improvements and maintenance of several of our facilities which are over 50 years old.

The ambiguity of this bill is also a concern. It amends, or adds to, three sections of the law regarding the preservation of historic properties. Essentially, it requires the owner of a historic property, or any building over 50 years in age apparently, to submit to the Department of Land and Natural Resources "archival quality black and white photographs" of the property as a condition of either demolishing, reconstructing or altering the property. Upon receipt of the photos, DLNR has 90 days to review the proposed action, and in the case of private property, has three options: 1) condemn the property; 2) allow the proposed action; or 3) in coordination with the owner, initiate a preservation program of any historic information or artifacts.

In section one of the bill, the counties are required to hold up construction permits for "historic buildings" until the archival photos are provided to DLNR, which would presumably, though the bill does not spell this out, activate the DLNR review process. Unfortunately, this section does not define historic buildings, and in HRS §6E, which addresses historic preservation, only the term "historic property" is defined. Are historic buildings the same as historic properties? HECO owns a number of buildings over 50 years in age, including two power plants and our original building at Ward Avenue, and we are concerned that this requirement would impose an unreasonable burden upon the most innocuous of alteration activities, not to mention its impact upon a large number of residential properties. And regarding the provision of photographs, would this include every aspect and angle of a property and every piece of equipment, or in the case of alterations, just the affected area? The bill does not clearly define this.

Section three of the bill appears to expand the affected class of properties to all buildings over 50 years in age, not just properties already on a historic register. This ambiguity would seem to include many of HECO's properties or any residential property over 50 years in age. If that is not the intent of the legislation, we ask this committee to please clarify that it should only apply to registered properties over 50 years in age.

Thank you for the opportunity to testify.