

TESTIMONY
HB1552 HD2
LATE

Senate Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill Tokuda, Vice-Chair

Testimony of Laulani Teale, MPH
Native Hawaiian Bar Association/Native Hawaiian Legal Corporation
Peacemaking Project Coordinator

Supporting
HB 1552, HD2
Wednesday, March 18, 2009 at 3:00 p.m.
Room 229

LATE TESTIMONY

Aloha Kakou,

I am writing today to express my support for HB1552, which would authorize the department of Land and Natural Resources to issue long-term leases in Kahana to those who need them, and to establish a planning council for the development of a master plan.

My own family has roots in Kahana, and because of this, I have witnessed many of the challenges faced by those who live in the ahupua'a, since my childhood in the 1970's. Also because of this, I know well the great strength, knowledge and deep love of the people there. As a facilitator and community development professional, I have been working within the Kahana community to assist in strategic planning efforts, and have a very firm confidence in the ability of the people of Kahana to solidify an excellent plan that will not only resolve many of the difficulties currently faced by residents and State administrators alike, but will also allow the land and people of Kahana to flourish as completely as they did in generations long ago.

The NHBA/NHLC Peacemaking Project is committed to assisting the Kahana community in building its vision for the future. We have culturally grounded resources that can help with facilitation, conflict resolution, cooperative planning and related support, at very little cost to the community. We will assist in whatever is needed.

With the security of long-term leases and the common vision of a master plan created primarily by the people of Kahana, a healthy, well-organized, vibrant community is truly possible. Such a community would hold tremendous benefit for *all* of the people of Hawai'i.

I would sincerely like to thank the House of Representatives for your time and consideration of this matter. If there are any questions regarding the Peacemaking Project or any other inquiry, we can be reached at Native Hawaiian Legal Corporation's office at 521-2302. Please feel to call me at any time.

Mahalo nui loa,

Laulani Teale

Laulani Teale, Project Coordinator
NHBA/ NHLC Peacemaking Project

LATE TESTIMONY

HB 1552 relating to Public Lands

3:00PM in Conference Room 229

March 18, 2009

Senator Clayton Hee, Chair

Senator Jill Tokuda, Vice Chair

And Members of Committee on Water, Land, Agriculture, and Hawaiian Affairs

Aloha My name is Sharon L. Keweehu, I oppose certain issues on HB 1552. I lived in Kahana all my years. I grew up learning the value this valley possess. Kahana has never changed as far as values, it never felt so much Hatred as it feels today, why, because certain individuals wants changes. Dont get me wrong, I like changes to a certain point. When Kahana was condemed there was big changes in Kahana, we residents did not like the changes at that time, but! we learned not to fight but work with them. They taught us how to present our opinions to the state people, and we taught them the aloha and value the residents and valley had to offer, so changes are good. I feel other entity that wants to monitor the valley & residents should never be.

There is alot of issues that should be addressed, which majority not all lessees had any say in HB 1552 or its devlopment. Kahana valley (Cultural Living Park) was formed by our TuTus, it possess the value Ive been talking about, in this testimony. You would have to live it to know the value, and alot of state people in office knew it at that time, because they fell in love with Kahana. The state sent people to work with the adults and youths of Kahana. I would like my children, grand children to live in Kahana, and experience how we grew up, with the values we learned. These values include 1-Love, 2-Trust, 3-Help, 4-Honesty, 5-Understanding, and 6- The ability to work together. These combined, helps you to better understnd the values in Kahana that helped us to become one. The people from the state and the residents became one, at that time. Know! a whole lot of changes is being made and considered without the whole community input. I think this is wrong, it would be a watse of money and time. As for the leases, they should go through the same requirments as all the lessees, and if they qualify, I feel a few of them should get an oportunity. Over all I oppose this bill.

LATE TESTIMONY

Thank You,

Sharon L. Keaweehu
Kahana Resident & Lessee

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 18, 2009 10:31 AM
To: WTLTestimony
Cc: sugajo@mail2honey.com
Subject: Testimony for HB1552 on 3/18/2009 3:00:00 PM

LATE TESTIMONY

Testimony for WTL 3/18/2009 3:00:00 PM HB1552

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Jolene Peapealalo
Organization: Individual
Address: 52-260 Kamehameha Hwy Hauula, Hi 96717
Phone: 808-237-1062
E-mail: sugajo@mail2honey.com
Submitted on: 3/18/2009

Comments:

My name is Jolene Peapealalo. A resident that was born and raised in the Ahupua'a 'O Kahana. I'm very much in support of HB1552, which would authorize the Department of Land and Natural Resources to issue long-term leases in Kahana and Establisha planning council for the development of a master plan, which has been long over due.

I believe with a master plan in place and a security of long term leases; it will give everyone invovle a clear and common vision of where and how things need to get done. Things will be more organized.

Thank you for the oppotunity to testify.

Mahalo, Jolene Peapealalo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 18, 2009 10:32 AM
To: WTLTestimony
Cc: sugajo@mail2honey.com
Subject: Testimony for HB1552 on 3/18/2009 3:00:00 PM

LATE TESTIMONY

Testimony for WTL 3/18/2009 3:00:00 PM HB1552

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Jorge-Duane Peapealalo
Organization: Individual
Address: 52-260 Kamehameha Hwy Hauula, Hi 96717
Phone: 808-237-1062
E-mail: sugajo@mail2honey.com
Submitted on: 3/18/2009

Comments:

My name is Jorge-Duane Peapealalo. A resident that was born and raised in the Ahupua'a 'O Kahana. I'm very much in support of HB1552, which would authorize the Department of Land and Natural Resources to issue long-term leases in Kahana and Establisha planning council for the development of a master plan.

Thank you for the oppotunity to testify.

Mahalo, Jorge-Duan Peapealalo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 18, 2009 10:43 AM
To: WTLTestimony
Cc: sugajo@mail2honey.com
Subject: Testimony for HB1552 on 3/18/2009 3:00:00 PM

Testimony for WTL 3/18/2009 3:00:00 PM HB1552

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Jordan Levi Peapealalo
Organization: Individual
Address: 52-260 Kamehameha Hwy Hauula, Hi 96717
Phone: 808-237-1062
E-mail: sugajo@mail2honey.com
Submitted on: 3/18/2009

LATE TESTIMONY

Comments:

My name is Jordan Levi Peapealalo. I'm only 17 years old and look forward to my 18th birthday in a few weeks so that I may have a legal status to say what I need to say to help my mother, Jolene Peapealalo, and aunties and uncles who are trying to get things done in Kahana and trying move thing forward.

But for now I just like to testify to you that I'm in full support of HB1552. I too believe that with a mater plan in place a clear vision of my future in Kahana will be clear and visiable.

I also wanted to say that I'm totally against the evictions of my families in Kahana and encourage you to authorize DLNR to issue long term leases,

Mahalo for letting me testify.

Jorday Levi Peapealalo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 18, 2009 11:22 AM
To: WTLTestimony
Cc: Kawaihapai@hawaii.rr.com
Subject: Testimony for HB1552 on 3/18/2009 3:00:00 PM

Testimony for WTL 3/18/2009 3:00:00 PM HB1552

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Thomas T Shirai Jr
Organization: Individual
Address:
Phone:
E-mail: Kawaihapai@hawaii.rr.com
Submitted on: 3/18/2009

LATE TESTIMONY

Comments:

LATE

ululani

From: "wooley1-Christopher" <wooley1@capitol.hawaii.gov>
Cc: "Laulani Teale" <lateale@nhichi.org>; <mawendt@nhichi.org>
Sent: Monday, March 16, 2009 4:39 PM
Attach: HB1552_HD2_.pdf
Subject: Hearing on HB 1552 HD2

Aloha everyone,

HB 1552 HD 2 (see attached) has been scheduled before the Senate Committee on Water, Land, Agriculture, and Hawaiian Affairs on **Wednesday, March 18, 2009** at **3:00 p.m.** in Room 329. Please try to submit your testimony at least 24 hours prior to the hearing.

Please address your testimony as follows:

The Committee on Water, Land, Agriculture, and Hawaiian Affairs
 Senator Clayton Hee, Chair
 Senator Jill N. Tokuda, Vice-Chair

Testimony may be submitted online at <http://www.capitol.hawaii.gov/emailtestimony/>. You can also email your testimony directly to the Committee at WTLTestimony@Capitol.hawaii.gov. Or you can send your testimony by fax to the Senate Sergeant-At-Arms Office at 586-6659. When faxing, please indicate to which committee the testimony is being submitted and the date and time of the hearing.

Please feel free to call me if you have any questions.

Mahalo,

Chris Rothfus
 Committee Clerk
 Representative Jessica Wooley
 586-8540 (tel)
 586-8544 (fax)

From: D. Ululani Beirne
 To: State Capitol -
 - AX: Sgt at Arms
 Phone: - 586-6659
 Committee Water, Land, Ag.
 Hawaiian Affairs
 Re: H.B. 1552 HD2

3/18/2009

Ko'olauloa Hawaiian Civic Club

March 18th, 2009

**Ko'olauloa Hawaiian Civic Club****P.O. Box 532****Hau'ula, HI. 96717**P.O. BOX 532
HAU'ULA, HI 96717**LATE**

**Committee on Water, Land, Agricultural and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice-Chair and
Members of the Committee**

RE: Support of H.B. 1552 HD2 Relating to Public Land

The Ko'olauloa Hawaiian Civic Club would like to submit strong support for H.B. HD2 Relating to Public Land, which would authorize the Department of Land and Natural Resources to issue long-term residential leases in living parks such as Kahana valley state park and also establish a planning council to develop a master plan for the park and residential community.

Any planning cannot be done without the input and participation of those residents living in the park and propose that the Department of Land and Natural Resources work with the residents to accomplish a master plan that has been lacking for the last forty years. This plan would clarify many of the important issues that have been left unresolved which include the issuance of leases to those residents on revocable permits for the the last fifteen years, funding for the construction of new housing, the clarification of interpretive service requirements of residents and lessees, and the re-issuance of new leases upon expiration in 2058.

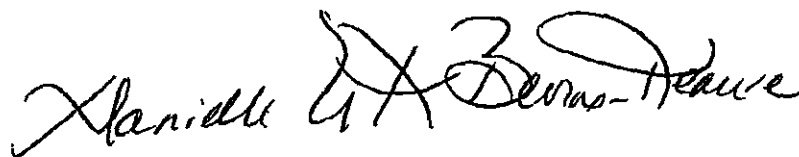
KHCC support a housing fund which can be accomplish with the Office of Hawaiian Affairs to provide a housing fund for those residents who are beneficiaries of the Trust and working in partnership with Habitat, Inc. their subsidiary. KHCC also propose the tools of the Department of Hawaiian Home Lands in home ownership classes for residents in the state park as well as funding for the building of communities. This fund should be extended to other native Hawaiians that are not able to receive DHHL lands. Those is the living state park are beneficiaries of the Trust.

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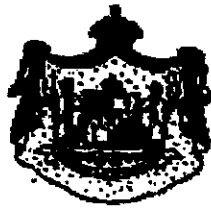
KHCC is against all evictions of residents allowed to remain on these state park lands on revocable permits for the last fifteen years and contribute to the community as a public benefit. We also would ask for a friendly amendment for the effective date of this Act to 2010 and ask your continued support.

KHCC believes a "park manager" working with the park coordinator of park programs may be a solution for issues relating to a functioning living park. Again, mahalo for the opportunity to testify in support of H.B. 1552 HD2, and thank you Senator Hee and Representative Jessica Wooley for your support to address the issues long over due.

Mahalo

A handwritten signature in black ink that reads "Danielle U.K. Beirne-Keawe". The signature is written in a cursive, flowing style.

**Danielle U.K. Beirne-Keawe, President
Ko'olauloa Hawaiian Civic Club**

**LATE****OAHU COUNCIL****Association of Hawaiian Civic Clubs****March 18th, 2009**

**The Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice-Chair and
Members of the Committee**

RE: Support of H.B. 1552 HD 2 Relating to Public Lands

Aloha Kakou,

The O'ahu Council of the Association of Hawaiian Civic Clubs is comprised of 24 Hawaiian Civic Clubs on O'ahu, Hawai'i. The O'ahu Council was formed in 1959 after the first Convention of the Association of Hawaiian Civic Clubs held at the Princess Kaiulani Hotel in the same year. The Association of Hawaiian Civic Clubs is the oldest community-based grassroots native Hawaiian organization in Hawai'i, having been formed in 1918 by the then Delegate to the United States Congress, Prince Jonah Kuhio Kalaniana'ole.

The purpose of this organization is to provide guidance and to assist in the activities of all Hawaiian Civic Clubs on the Island of O'ahu. Another purpose is to advocate positions adopted by the Association of Hawaiian Civic clubs at their Annual Convention or as approved by the Council. Lastly, we promote the self-determination and self-governance of the native Hawaiian people.

On behalf of the O'ahu Council of the Association of Hawaiian Civic Clubs, I am submitting testimony to support H.B.1552 HD 2 to authorize the Department of Land and Natural Resources to issue long-term residential

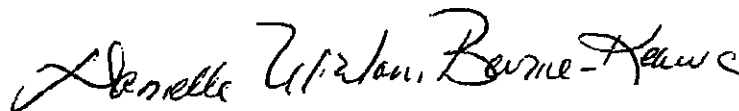
LATE

leases to qualified persons in state living parks and establishes the living park planning council to develop state living park master plans to ensure the living park achieves its purposes and goals.

DLNR's authority with Act 5 expired in 1993; therefore, legislation is needed at this time. This legislation also provides for the development of a Master Plan with a Planning council that will take into consideration the People's Plan of 1979 and the Development Plan of 1985 and other plans pertinent to the process.

Please take into consideration and amendment for the effective date of this Act to 2010. Also please consider the Office of Hawaiian Affairs working in partnership with the DLNR for providing housing opportunities through Habitat, Inc. and the Department of Hawaiian Home Lands providing benefits through assistance with community building for the benefit of native Hawaiians.

Mahalo for all consideration to pass H.B. 1552 HD 2 with amendments.



Danielle Ululani Beirne-Keawe, Government Relations Chair

LATE

March 18th, 2009

Testimony to Support H.B.1552 HD2
From Kahiau Wallace
Resident Kahana State

The Committee on Water, Land, Agriculture and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice-Chair and
Members of the Committee

Mahalo for the opportunity to testify in strong support of H.B.1552 HD2 to authorize the Department of Land and Natural Resources to issue long-term residential leases to qualified persons in state living parks and establishes the living park planning council to develop state living park master plans to ensure the living park achieves its purposes and goals.

Since 1965, no master plan has been approved by DLNR and the residents need to participate in the planning process. A master plan would help to understand the role of the residents as well as the State Parks, It has been fifteen long years since the leases have been signed and those 31 lessees as well as those on revocable permits have yet to realize the importance of a master plan.

I do not support any evictions of residents, and this legislation will help those residents that want to continue to live in Kahana and do interpretive programs to benefit the public. DLNR should invite OHA and DHHL to the negotiation process to provide funds and services to assist native Hawaiians in Kahana as their beneficiaries. Both state agencies can be a strong advocate for the betterment of native Hawaiians living in state parks.

This legislation would lay the foundation for the future of residents of the living state park and work towards its full potential. Again, mahalo for the opportunity to testify in support of H.B.1552 HD2 with a friendly amendment for the effective date to 2010 and thank you Senator Hee and Representative Jessica Wooley for your service to our district. Mahalo



LATE

March 18th, 2009

Clyde Troy M. Thompson
52-236 Lot # B10 Kamehameha Hwy.
Kahana Valley, Hawai'i 96717

The Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice-Chair and
Committee Members

RE: Support of H.B. 1552 HD2 Relating to Public Lands

My name is Troy and I am a resident of Kahana Valley State living park. I am here to support H.B. 1552 HD 2 relating to Public Lands. This legislation authorizes the Department of Land Natural Resources to issues long-term residential leases to qualified persons in state living parks and establishes the living park planning council to develop state living park master plans to ensure the living park achieves its purposes and goals.

I have been living in Kahana with my family since 1987 and have been one of those with a revocable permit for many years. The relocation of my parents in 1998 to the mauka area off Trout Farm Road gave me the responsibility to "malama" the areas that really belonged to my grandfather, Daniel Beirne, known as the "banana patch" who is now deceased since 1986. Mom felt I had it all together and gave me a job to take care of the area designated now as the canoe halau or hale wa'a. I was also involved in canoe racing as my other siblings and cousins. I also spent my youth in taro patches with Grandpa, and in the banana and ulu patches, cleaning, raking, rubbish, and more rubbish, for the benefit of the public.

I share this with this Committee because that is what Kahana is about, it's about the work of the people. Sometimes its okay and sometimes it is not something we can deal with, but the bottom line is, it is home to all of us in Kahana. Why is this important? Well, I was one of the applicants that did not qualify because I was not born in Kahana. No one was either, most were born in hospitals. Well, today my eldest sister has come home, Sherri

LATE

Lynn Johnson and her husband Eric and their two sons Kaimi and Kamalani and of course my niece Kahiau. Under Papa Kawika and Grams teachings, they have contributed to Kahana from the time credit hours were due and today will be able to extend their work in the loi, at the Huilua fishpond, in canoe races and even la'au lapaau, the program shared by Grams, my mother.

I have had Mom's shack cleared out so many times because of eviction notices, that I now camp out at the mauka lot. I have been so blessed to call Kahana my home. Why? Because it's a generation thing, now from, great grandmother Nancy Lokalia Kaaukai Nuhi, to grandfather Daniel Beirne, to mother Ululani Beirne, to me, to my neices and nephews and now my grand neice and nephew.

I know our families are all connected in Kahana by how they treat each other, some time good, some time not, but the end run is we all need each other. As much as we want to fly on our own, just know that we all need to kokua each other. Anyways, that's what my Mom always stresses and sometimes it can stress me out.

Why do I share these things? I do because they are the 'ohana values and cultural identities we all have, its in the genes!!! I know that if we all help each other, the Lord will bless us too.

Again, I support H.B. 1552 HD 2 and ask that you pass this legislation out as soon as possible with an amendment for the effective date of July 2010 and not 2020 and by all means lets get other state agencies to help provide some support to put our residents in homes.

Mahalo

Clyde Troy M. Thompson

LATE

March 3, 2009

Testimony to Support H.B.1552 HD2
From David . Keawe
Resident Kahana State Park

The Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice-Chair and
Members of the Committee

Mahalo for the opportunity to testify in strong support of H.B.1552 HD2 to authorize the Department of Land and Natural Resources to issue long-term residential leases to qualified persons in state living parks and establishes the living park planning council to develop state living park master plans to ensure the living park achieves its purposes and goals.

Since 1965, no master plan has been approved by DLNR and the residents need to participate in the planning process. A master plan would help to understand the role of the residents as well as the State Parks. It has been fifteen long years since the leases have been signed and those 31 lessees as well as those on revocable permits have yet to realize the importance of a master plan.

I also would like to see DLNR Chair Laura Thielen to work in partnership with the Office of Hawaiian Affairs and their support for Habitat, Inc. in providing the housing needs for our residents that are affected by evictions. Other state agencies should be invited by DLNR as most residents have not realized these agencies are also responsible to them as beneficiaries of the trust, "for the betterment of Hawaiians."

I do not support any evictions of residents, and this legislation will help those residents that want to continue to live in Kahana and do interpretive programs to benefit the public.

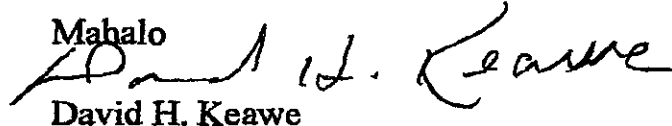
This legislation would lay the foundation for the future of residents of the living state park to work towards its full potential. Please amend the date this Act would take effect to July 2010 from 2020. The residents do

LATE

not need to wait another ten years. We need to have all working for a better and more viable community.

Again, mahalo for the opportunity to testify in support of H.B.1552 HD2 and thank you Senator Hee and Representative Jessica Wooley for service to your district.

Mahalo

A handwritten signature in black ink that reads "David H. Keawe". The signature is written in a cursive style with a large, sweeping "D" and "K".

David H. Keawe

March 18th, 2009

Testimony from D. Ululani Beirne-Keawe
P.O. 653 Kane'ohe, HI. 96744
Email: ululani2006@hawaiiantel.com

The Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice-Chair and
Committee Members

Re: Support of H.B. 1552 HD2 Relating to Public Land

I am submitting testimony in support of H.B.1552 HD2, which would authorize the Department of Land and Natural Resources to issue long-term residential leases to qualified persons in state living parks. The Act also establishes the living park planning council to develop state living park master plans to ensure the living park achieves its purposes and goals.

It has been over nearly forty years since the condemnation in 1965, and no master plan has ever been adopted by the Department of Land and Natural Resources. I believe that a master plan will help to clarify many of the important issues that are unresolved. Those issues include the re-authorization of lease to those left on revocable permits for the last fifteen years, funding for the construction of new housing, the clarification of the interpretive service requirements, and other pertinent matters needed to realize a functioning cultural living park. This planning of a master plan cannot be done without the participation and input of park residents. DLNR will need to work with the park residents in the review of the "People's Plan" of 1979, the 1985 Development Plan and many other documents already on hand as resources, in order to propose a master plan that is feasible.

In Section 3 (1) of this bill which addresses the responsibility of persons residing in a state living park, only lessees were required to contribute twenty-five hours of service each month to benefit the state living

LATE

park and with this stipulation in the law, all those continuously residing in a state living park can be recognized for their work to benefit the public. Also in the same section (2) in reference to other qualified persons who may be identified, I feel that this section will take into consideration those others as I.e. Kupuna "Nana" Gorai who also has been allowed to plant his kalo and farm his 'ohana kuleana lands for the last twelve years and receive many volunteer groups to malama the 'aina. This section will in fact consider others that make the difference for Kahana.

I am against evictions of any persons currently residing in Kahana valley state park. I believe this legislation will authorize DLNR to issue leases in Kahana to those residents currently residing in Kahana and renew residential leases after 2058. I also support a "land manager" to work with the park coordinator who has the knowledge of land management and planning and the ability to work with the State, residents, the public on interpretive programs and is a "traditional practitioner" of Hawaiian values and culture.

It is however important that this legislation consider the Office of Hawaiian Affairs work in partnership with DLNR, State Parks Division and their subsidiary Habitat, Inc. to provide housing funds for those being considered for leases. The planning council has this responsibility, however working in partnership with other state agencies may be the key to realizing homeownership sooner. Also, I believe that the Department of Hawaiian Home Lands have a great responsibility as OHA for our native Hawaiians living in state living parks as well. The majority of the residents in Kahana are beneficiaries of the trust and the goals and objectives are for the betterment of our Hawaiians.

One last concern with HB 1552 HD2 was Section 9 effective date of July 1st, 2020. Is that an error? It should be 2010!! Can you imagine holding up all that's good to correct the situation in Kahana and then wait ten years? Lets do it correctly. I cannot see punishing those that have been allowed to reside in Kahana on revocable permits for the last fifteen years and now make them wait another ten years, so I humbly request this be amended to 2010.

LATE

Again, I thank you for scheduling H.B.1552 HD2 for hearing today. Please pass this legislation out as soon as possible. We thank you Senator Hee for scheduling this legislation for hearing today and support its passage. We also would like to thank Representative Jessica Wooley for her support to take care of the issues in the state park.

Mahalo



D. Ululani Beirne-Keawe

LATE TESTIMONY

COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Public Hearing on HB 1552, Wednesday, March 18 at 3 p.m.

Conference Room 229, State Capitol, 415 South Beretania Street

Public Testimony by Dr. Jim Anthony, a resident of Kahana and a member of the Kahana Community Association.

Annotated comments as follows:

I.

1. The Bill as it stands is fatally flawed in as much as it is special legislation prohibited by Article XI, Section 5 of the State Constitution. The Committee is specifically referred to the Supreme Court of the State of Hawaii's decision handed down two days ago in *Sierra Club et al v. Department of Transportation et al* (No. 29035)—the "Superferry decision."
2. Some of the most pertinent language in the Court's decision is appended hereto.
3. No matter how it is disguised, HB 1552 is a single issue Bill—about six squatters that both Senator Hee and Representative Wooley have pledged to help.
4. The majority of lessees in Kahana do NOT support this Bill. As is to be expected the only people who support this Bill are the six squatters and those who offer them false hope.
5. The special legislation provisions of this Bill should be deleted in their entirety. Failure to do so imperils the whole Bill.
6. For the Legislature to have gambled on special legislation, as it did in the Superferry case, hoping that nobody would litigate the matter was both foolish and irresponsible. To attempt to gamble again over this matter would be even greater foolishness.

II.

- a. Page 5, lines 12-15: the word "families" (line 12) should be changed to "lessees"
- b. There are several park community associations—all of them in various states of disrepair. Three members of the proposed planning committee ought to be democratically elected by lessees living in Kahana—at a stretch by lessees and members of their households 18 years of age and above. What is called for is a supervised democratic election.
- c. Section 7 of the Bill, pp. 9-10, lines 21-22, 1-5 once again makes provision for a moratorium on evictions of the six long time squatters. What the Bill fails to take into account is that the six squatter families have long had a moratorium

LATE TESTIMONY

SPECIAL LEGISLATION

Your attention is drawn to the words of Associate Justice James Duffy in his 113 page opinion in the Superferry case reported in this morning's Honolulu Advertiser (March 17, 2009), at p. A-2:

The court "concluded unanimously that the law passed in special session by the State Legislature and signed by Lingle in November 2007 is unconstitutional because it was tailored solely for Superferry.

The court said the State constitution prevents the Legislature from enacting special laws designed to favor specific interests. The court determined that the law was conceived, drafted and enacted to allow Superferry alone to operate without satisfying the State's rigorous environmental review, known as Chapter 343."

"That our Constitution prohibits laws which provide disparate treatment intended to favor a specific individual, class or entity or to discriminate against a specific individual, class or entity is a fundamental principle of the democratic nature of our government: equal rights and treatment for all persons under the law," Duffy wrote. [Emphasis added]

"The Superferry law, the justices found, creates an illusory "class of one" because it is unlikely it would ever apply to another ferry company. [Emphasis added]

LATE TESTIMONY

March 18, 2009

**Gwen Kim
P.O. Box 300305
Ka'a'awa, HI 96730**

**Honorable Legislators
2009 Hawaii State Legislature**

**Re: HB 1552 HD1
State Living Parks; Living Park Planning Council**

I am writing in strong support of HB 1552 as a viable plan toward working out a solution for Kahana residents. It is clearly in the interests of all valley residents, the larger community & DLNR to secure residency for the six families who recently faced traumatic eviction.

As lineal descendants of the valley, their issue spoke deeply to residents of Hawaii nei around their own ability to continue living here.

At a time of increased housing costs and growing houselessness, I am convinced that with a desire to work things out with compassion and good interest, as reflected in HB 1552 HD1, that a fair solution can be worked on.

As a 35 year resident and professional social worker that has served both Kahana and the larger Ko'olau Loa Community, I would be happy to assist in any way possible to build on the finest qualities of the Kahana Valley I have come to know and love.

I'm confident with our mutual wills we can rise above small mindedness and bureaucratic blocks to address this issue together.

Mahalo Nui Loa,



Gwen E. Kim, ACSW, MSW

TESTIMONY
HB1552 HD2
LATE
(END)