

Date: 03/25/2009

Committee: House Education

Department: Education

Person Testifying: Patricia Hamamoto, Superintendent of Education

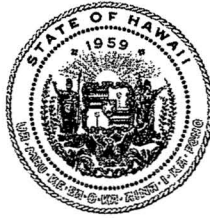
Title of Resolution: HR 142(HCR178) REQUESTING THE DEPARTMENT OF EDUCATION TO TRANSFER THE OLD KEANAE SCHOOL TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES

Purpose of Resolution: Requesting the department of education to transfer the old keanae school to the department of land and natural resources

Department's Position: The Department of Education does not feel this resolution is necessary. As noted in the resolution, Keanae School has already ceased operations, and the next step in the process would be the return of the property to the Department of Land and Natural Resources (DLNR). Once the property is returned to DLNR, plans for future use of the property will be developed by DLNR.

Thank you for the opportunity to testify.

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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DEPUTY DIRECTOR - WATER

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LAND
STATE PARKS

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

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**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
EDUCATION**

**Wednesday, March 25, 2009
2:00 PM
State Capitol, Conference Room 309**

**In consideration of
HOUSE CONCURRENT RESOLUTION 178/HOUSE RESOLUTION 142
REQUESTING THE DEPARTMENT OF EDUCATION TO TRANSFER THE OLD
KEANAE SCHOOL TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES**

House Concurrent Resolution and House Resolution 142 requests the Department of Education (DOE) to transfer Keanae School over to the Department of Land and Natural Resources (Department), and requests the Department to work with the community to assure maximum benefit of Keanae School property for the community. The Department finds that these resolutions are not necessary.

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

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

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

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