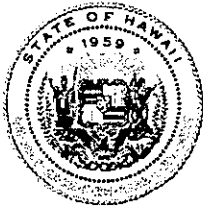
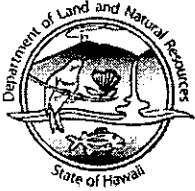


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
FINANCE**

**Wednesday, April 06, 2011
5:00 PM
State Capitol, Conference Room 308**

**In consideration of
SENATE BILL 2, SENATE DRAFT 2
RELATING TO THE PUBLIC LAND**

Senate Bill 2, Senate Draft 2, requires the Department of Land and Natural Resources (Department) to initiate and coordinate all efforts to establish a public lands information system; requires all state agencies to report to the Department each parcel of land to which it holds title, the disposition of each parcel to which the agency holds title or is acquiring title, and any inaccuracies in reports to the Department; requires the Department to submit a progress report to the legislature; and appropriates funds to create and maintain a comprehensive statewide public land trust inventory database and to provide funding for one staff position for a database and application developer.

The Department is in support of this measure as long as SECTION 6 is amended to add back the \$300,000 appropriation¹ that is necessary to implement this bill. The Department offers SECTION 6 to read in its entirety as follows:

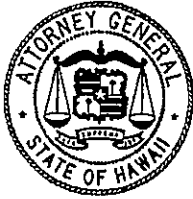
"There is appropriated out of the general revenues of the State of Hawaii the sum of \$ 300,000.00 or so much thereof as may be necessary for fiscal year 2011-2012 and the same sum or so much thereof as may be necessary for fiscal year 2012-2013 for the establishment and maintenance of a computerized, comprehensive statewide public land trust inventory database and funding for one staff position for a database and application developer; provided that no funds appropriated shall be expended unless matched on a dollar-for-dollar basis by the office of Hawaiian affairs and paid to the department. The

¹ The genesis of this section of the Land Inventory System proposal is from Senate Bill 2, Senate Draft 1, wherein the Senate Water, Land and Housing Committee worked with the Department in crafting language that, although ambitious, is doable by the Department with the minimum required \$300,000 appropriation.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
GUY H. KAHLUKUKUI
FIRST DEPUTY
WILLIAM M. TAM
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

sums appropriated shall be expended by the department of land and natural resources for the purposes of this part."

The Department believes the appropriation and the two year implementation timeline suggested in the bill is reasonable, but ambitious. It is likely that there will be some significant time required after this initial period to backfill specific data elements that may be missing from agency inventories and to fully develop a Geographic Information System interface to facilitate viewing and querying the data. The Department notes that continued funding for the one staff position beyond the biennium would be necessary, at least on a part-time basis, at a cost of about \$50,000 for salary and fringe benefits.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2011**

ON THE FOLLOWING MEASURE:

S.B. NO. 2, S.D. 2, RELATING TO THE PUBLIC LAND.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Wednesday, April 6, 2011 **TIME:** 5:00 p.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): David M. Louie, Attorney General, or
Charleen M. Aina, Deputy Attorney General

Chair Oshiro and Members of the Committee:

The Attorney General takes no position on whether this measure should be enacted.

We testify only to recommend that section 1 of the bill be revised, and to suggest that two years may not be sufficient time for the Department of Land and Natural Resources to establish the computerized information system the bill requires.

With respect to section 1 of the bill, we recommend that the Committee delete the first four paragraphs of section 1, because they could erroneously imply that the State is not presently fulfilling its responsibilities under section 5(f) of the Admission Act, and article XII, section 4, of the State Constitution. It could also erroneously imply that the Office of Hawaiian Affairs (OHA) has not received that portion of the receipts from the ceded lands that the Legislature has determined is to be provided to OHA to expend to better the conditions of native Hawaiians under article XII, section 6, of the State Constitution.¹

¹In addition, the second paragraph of section 1, on page 1, lines 12-16, is incorrect to the extent it asserts that "the State's trust obligation in regards to the land, and the office of Hawaiian affairs, as representative of

We also recommend that the references to "public lands" on page 1, line 8, and page 2, lines 4-5 and 6, and to "public land inventory" on page 1, line 17, be revised to read "public land trust lands" and "inventory of public land trust lands," respectively. Some, but not all public lands" are "public land trust lands."

native Hawaiian beneficiaries' right to receive twenty per cent of the income and proceeds from the public land trust."

In 2006, the Legislature enacted Act 178, which replaced section 10-13.5's "twenty per cent" with the requirement that OHA annually receive \$15,100,000 of the ceded lands receipts. Section 2 of the act provided:

Notwithstanding the provisions of chapter 10, Hawaii Revised Statutes, including section 10-13.5, Hawaii Revised Statutes, and until further action is taken by the Legislature for this purpose, the income and proceeds from the pro rata portion of the public land trust under article XII, section 6 of the state constitution for expenditure by the office of Hawaiian affairs for the betterment of the conditions of native Hawaiians for each fiscal year beginning with fiscal year 2005-2006 shall be \$15,100,000.



SB2 SD2
RELATING TO THE PUBLIC LAND
House Committee on Finance

April 6, 2011

5:00 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) offers the following comments on SB2 SD2, which seeks to facilitate the establishment of a comprehensive information system for inventorying and maintaining information about the lands of the public land trust described in section 5(f) of the Admission Act and article XII, section 4 of the state constitution.

First, OHA values an accurate inventory of public lands and their disposition as a foundation for successful management of the public land trust. Current databases are useful but do not provide a complete and accurate picture.

Second, this bill would require the Department of Land and Natural Resources (DLNR) to conduct many tasks regarding the inventory that may already have been performed by the State Auditor pursuant to Act 125, Session Laws of Hawaii 2000. Although the State is far from having a comprehensive and accurate inventory, the Auditor took the first steps, including the issuance of her report entitled *Establishment of a Public Land Trust Information System, Phase One* (March 2001). That report concluded among other things that a geographic information system (GIS) is the preferred method to develop an information system.

Third, OHA appreciates that SB2 SD2 provides the opportunity for all state agencies, including OHA, to work with DLNR in the development of the proposed information system. We look forward to participating in this effort.

Fourth, however, we have grave concerns regarding the bill's funding mechanism, a mechanism that would bar any general fund appropriation made by the bill from being expended unless matched dollar-for-dollar by OHA. In light of recent deliberations and discussions among OHA Trustees, we must respectfully inform your committee that if this funding mechanism becomes law, OHA, exercising its lawful discretion, will not match all or any part of the appropriation. The State, as trustee of the public land trust, should be responsible for funding the public land trust database. We hope that your committee will not interpret our position on this matter as a lack of belief in the importance of a complete and accurate database, for such is not the case.

Mahalo for the opportunity to testify on this important measure.



Aha Kiole Advisory Committee

TESTIMONY IN SUPPORT OF SB 2 SD2

RELATING TO PUBLIC LANDS

Submitted to: Committee on Finance

April 6, 2011

5:00 p.m.

Room 308

Submitted by: The Aha Kiole Advisory Committee (AKAC): Vanda Hanakahi, Moloka'i (Chair), Leslie Kuloloio, Kahoolawe, (Vice-Chair); Timmy Bailey, Maui; Winifred Basques, Lana'i; Pi'ilani Ka'awaloa, (Po'o) Hawai'i; Charles Kapua, O'ahu; Sharon Pomroy, Kaua'i; Keith Robinson, (Konohiki) Ni'ihau.

Aloha Chair Oshiro, Vice-Chair Lee and Members of the Committee,

Thank you for the opportunity to testify in support of S.B. 2, SD 2, HD 2 the bill that relates to the public land trust inventory.

S.B. 2, SD2 provides the mechanism through which the identification of public and ceded lands can be processed. This is critical and long over-due. Included in this inventory must be an accounting of submerged public lands as well.

We support this measure and urge the passage of SB 2 SD 1.

Mahalo nui loa,

Vanda Hanakahi, Chair and Kiole of Moloka'i

Aha Kiole Advisory Committee

P.O. Box 507, Ho'olehua, HI 96729

Phone: 808-336-6184, Email: kaiwilauula@yahoo.com



RELATING TO THE PUBLIC LAND.

Sally Winkles

SB2 SD2

Requires the department of land and natural resources to initiate and coordinate all efforts to establish a public lands information system. Requires all state agencies to report to the department each parcel of land to which it holds title; the disposition of each parcel to which the agency holds title or is acquiring title; and any inaccuracies in reports to the department. Requires the department to submit a progress report to the legislature. Appropriates funds to create and maintain a comprehensive statewide public land trust inventory database and to provide funding for one staff position for a database and application developer. Effective 7/1/2050. (SD2) (\$)

I oppose this bill. I think it's wonderful to have the **STATE OF HAWAII LAND DIVISION OF DLNR lease and sub lease crown lands to crystal meth drug dealers**. I won't say names, but contact DLNR Land Division of the accusations that have been brought to their attention. Since these are accusations and no convictions or "hard" evidence has been presented, this remains to be accusations and ignored, and written off as "gossip."

Yes, continue to lease and sublease to crystal meth drug dealers and users. We have no problem for this, since "smoking crystal meth, 'ice'" has become a way of life here for Hawaiians. It has been socially accepted as the "thing to do". Give more control to STATE Officials who choose to continue to lease to Druggies and unqualified ex-inmates of Halawa Prison!! These people are managing and are maintaining our Hawaiian Crown Lands and maintain our Hawaiian Culture for us Hawaiians.



We thank the STATE of Hawaii, Land Division of DLNR and we hope that more
“Drug Dealers, cock-fighters, and ex-felons” will have the opportunity to expand
their business on State Agriculture lands in the Beautiful State of Hawaii Nei.
Mahalo!!

Aloha for supporting Drug Dealers, Cock-fighters, & promoting a culture of Hawaii
Nei.!

“This land is your land, this land is my land, . . . da da da da, la la la la la la.”

Thank you for reading my testimony.
Again I OPPOSE this bill.

