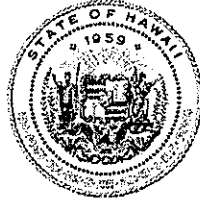


SB 57

RELATING TO IOLANI PALACE.

Transfers law enforcement jurisdiction over Iolani Palace from the department of land and natural resources to the department of public safety.

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 Senate Committees on
PUBLIC SAFETY, GOVERNMENT OPERATIONS, & MILITARY AFFAIRS
and
WATER, LAND & HOUSING**

**Thursday, February 3, 2011
3:30 PM
State Capitol, Conference Room 224**

**In consideration of
SENATE BILL 57
RELATING TO IOLANI PALACE**

Senate Bill 57 relating to Iolani Palace (Palace) seeks to transfer law enforcement jurisdiction over the Iolani Palace building and grounds from the Department of Land and Natural Resources (DLNR) to the Department of Public Safety. DLNR does not support this bill.

Law Enforcement Personnel from the Department of Public Safety, like all other state Law Enforcement Officers as well as County Police, have total and complete law enforcement jurisdiction and authority on all DLNR lands and facilities at all times. This authority, granted by the Legislature, is found in the Chapter 199, Hawaii Revised Statutes.

DLNR works closely with the Department of Public Safety, the Department of the Attorney General, and the Honolulu Police Department to respond to illegal activities within the Palace complex. This coordinated response ensures that we will be able to pool our limited resources to address evolving threats to the Palace, State Archives and other areas of the Iolani Palace complex.

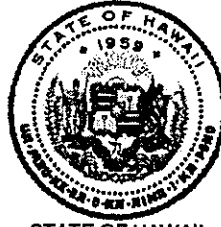
WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
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
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

NIEL AMBERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Blvd. 4th Floor
Honolulu, Hawaii 96813

JODIE MAESAKA-HIRATA
INTERIM DIRECTOR

Deputy Director of
Administration

Deputy Director
Corrections

KEITH KAMITA
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 57
A BILL FOR AN ACT RELATING TO IOLANI PALACE
by
Jodie Maesaka-Hirata, Interim Director
Department of Public Safety

Senate Committee on Public Safety, Government Operations, and Military Affairs
Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair

Senate Committee on Water, Land, and Housing
Senator Donovan M. Dela Cruz, Chair
Senator Malama Solomon, Vice Chair

Thursday, February 3, 2011; 3:30 PM
State Capitol, Conference Room 224

**Chair Espero, Vice Chair Kidani, Chair Dela Cruz, Vice Chair Solomon, and
Members of the Committee:**

Although Department of Public Safety (PSD) supports the intent of Senate Bill 57 Relating to Iolani Palace seeks to transfer law enforcement jurisdiction over Iolani Palace and the park grounds from the Department of Land and Natural Resources (DLNR) to the PSD, we are unable to support it as written.

The PSD Sheriff Division supports the DLNR Division of Conservation and Resources Enforcement (DOCARE) law enforcement division whenever they have enforcement and manpower issues, and augments the number of their law enforcement officers with our Deputies, with the decisions on how to proceed,

Senate Bill 57
February 3, 2011
Page 2

made by DLNR and DOCARE officers. The DOCARE officers are sworn police officers in every respect, and they know the unique concerns regarding the palace and its grounds. Our Deputies assists when requested by DOCARE with the amount of boot on the ground that we can put on the scene, and has worked very well up to this point.

The PSD Sheriff Division has undertaken additional duties, such as staffing the New Kapolei Court Complex as well as very near future duties of patrolling the Hawaii Community Development Authority (HCDA) Kakaako District in May 2011. To add Iolani Palace and the entire grounds, its unique problems, along with their specific rules and regulations, none of which our Deputies are conversant with, will add to additional costs and positions that PSD is unable to provide for at this time. In order to fulfill this task we would need additional time for planning and additional funding and manpower not available to PSD. Thus, PSD cannot support Senate Bill 57 as written.

Thank you for this opportunity to testify on this important matter.



IOLANI PALACE

PH (808) 522-0822 FAX (808) 532-1051

TESTIMONY OF KIPPEN DE ALBA CHU

COMMITTEE ON WATER, LAND, AND HOUSING
Senator Donovan M. Dela Cruz, Chair
Senator Malama Solomon, Vice Chair

COMMITTEE ON PUBLIC SAFETY, GOV'T OPERATIONS AND MILITARY AFFAIRS
Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair

Thursday, February 3, 2011
3:30 pm

SB 57

Chairs Dela Cruz and Espero, Vice Chairs Solomon and Kidani, and members of the joint Committee, thank you for this opportunity to comment on Senate Bill 57, which is similar to S.B. 218 introduced two years ago.

The Friends of Iolani Palace neither supports nor opposes this measure due to the overlapping jurisdictions of various law enforcement agencies for the 11-acre Iolani Palace complex. The Friends has worked with DOCARE, State Sheriffs, AG Investigations Division, the U.S. Attorney, and the Honolulu Police Department to varying degrees, because all of these agencies can and have responded to incidences at the Palace in the past. Currently, DOCARE is tasked as the lead law enforcement agency and acts as the central command in the event of a takeover attempt, as was the case on two occasions in 2008. If DOCARE cannot respond with sufficient manpower, and depending on the nature of the civil disturbance, all other agencies will step in and respond accordingly.

Thank you again for allowing us to comment on this measure.

HPACH
919 4th Street
Pearl City, Hawaii 96782

February 3, 2011

Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair
And Committee Members On Government Operations, And Military Affairs
Senator Donovan M. Dela Cruz, Chair
Senator Malama Solomon, Vice Chair
And Committee Members On Water, Land, And Housing

Subject: SB 57, Relating To Iolani Palace, OPPOSE

ALOHA Kakou,

My name is Richard Pomaikaiokalani Kinney. I am here today to testify as a Hawaiian National. I "OPPOSE" the passage of SB 57.

The grounds of Iolani Palace are a Burial Site. The Burial Site of the Iwi of Hawaiian Nationals. It is said that these Hawaiian National's Iwi are so old that they are like Dust.

Surrounding the Mount area where these Hawaiian National's Iwi are also many Hawaiian Nationals buried there on the ground of Iolani Palace.

Presently I am one of many who have been involved with the access to the grounds of Iolani Palace by Hawaiian Nationals.

I am one of many who are working with DLNR with their Rules concerning the grounds of Iolani Palace.

It is for this reason that I OPPOSE the intent and passage of SB 57.

Mahalo Nui for the opportunity to present testimony on this Bill.

FREE HAWAII



Richard Pomaikaiokalani Kinney, Hawaiian National Royalist 1993

Email: Hiahawaii@aol.com

Phone: 668-4394

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Michelle Kidani, Vice Chair

Thursday, February 3, 2011

3:30 p.m.

Room 224

SB 57

TESTIMONY IN OPPOSITION

Aloha Senators Espero and Kidani, and members of the Committee on Public Safety, Government Operations, and Military Affairs.

Mahalo for this opportunity to testify in opposition to SB 57 Relating to Iolani Palace.

My name is Lynette Cruz. I am the president of Ka Lei Maile Alii Hawaiian Civic Club. We frequently sponsor events at Iolani Palace. We also attend many other events that are sponsored by other groups, some of which seek independence of Hawaii from the United States and are not always willing to ask permission for the right to practice culture on grounds that are considered sacred to Hawaiians. Gatherings on the Palace grounds are mostly harmonious, despite the unequal level of understanding each group possesses with regard to Hawaii's history and how Hawaii became part of the United States minus a Treaty of Annexation. This is a key point in why there has been resistance to the idea of asking permission to be on the Palace grounds. Nevertheless, all groups using the Palace grounds have tried to maintain appropriate behaviors and protocol (from their point of view) while on the grounds, in deference to the history of our islands, as well as to the iwi buried there, more than to the state agency charged with regulating use.

Since 2008, following the Dept. of Land and Natural Resources-instituted rule changes, a number of Hawaiian organizations that use the Palace grounds have had a fairly contentious relationship with DLNR regarding use of the area. Those rule changes created a non-permitted area out of one part of the Palace grounds, where the burial mound and stone ahu are located (Diamond-Head Makai Quadrant). The area has since become a site of contention for those who wish to continue to gather there minus a permit. While no gatherings have escalated to the point of violence, there was some concern about that possibility in January 2010.

In 2009, with the formation of a new group of Hawaiian organizations of numerous political perspectives (the Aha O Iolani), which includes both 'mainstream' and 'independence' as members, we have met with the heads of DLNR from both the former and present administration. As a result of those meetings, the Aha O Iolani, which formed as the over-arching group, has developed a relationship with the present head of DLNR, as well as enforcement officers, that allows for respectful and honest dialogue and exchange. It has taken us awhile to get there. Having the Dept. of Public Safety

1288 Kapiolani Blvd, Apt 1905
Honolulu, Hawaii 96814

February 2, 2011

Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair
Committee on Public Safety, Government Operations, and Military Affairs

Senator Donovan M. Dela Cruz, Chair
Senator Malama Solomon, Vice Chair

Aloha mai kakou

Regarding Senate Bill 57, Relating to 'Iolani Palace, which proposes to transfer law enforcement jurisdiction over 'Iolani Palace from the Department of Land and Natural Resources to the Department of Public Safety. I am here to speak against Senate Bill 57.

The rationale for such proposal is that the DLNR law enforcement officers are stretched thin by the vast array of land and natural resources under the department's jurisdiction, including public parks, forests, beaches, oceans, and other public lands. The bill also provides that the legislature further finds that the Department of Public Safety, Sheriffs' division, which has jurisdiction over the adjacent State Capitol, is the more appropriate law enforcement agency to have jurisdiction over the 'Iolani Palace buildings and grounds, but does not state why it believes this.

Unfortunately, given the short notice for this proposal, I was not able to secure information as to the scope of cases that has faced DLNR law enforcement officers regarding 'Iolani Palace over the past five years, nor to review the current staffing of the Department of Public Safety Sheriff's Division to enable a sound decision as to the basis for the proposal.

The mission of the Department of Public Safety is to preserve the peace by protecting all persons and properties within premises under the control of the judiciary and all state facilities. 'Iolani palace is not a "state facility" per se; its grounds have been classified as a park. Further, the Dept of Public Safety is the lead agency of the State Law Enforcement Coalition, formed to meet the mandates of the federal Homeland Security Act. Thus, it appears their scope of responsibility concerns itself with major threats to the peace of the community.

In 2009, the Friends of 'Iolani Palace expressed their sentiment that they wanted Native Hawaiians to take the lead regarding appropriate protocols/policies for the 'Iolani Palace grounds and to have DLNR adopt/enforce policies based on what Native Hawaiians feel is appropriate. As a result, the 'Aha O 'Iolani, comprised of over 40 Native Hawaiian organizations has been formed and have been working with DLNR on its Hawaii Administrative Rules, with the first possible change to be addressed soon in a public

hearing. Membership ranges from Royal Societies to Independence groups. Further, DLNR as the author of rules that govern 'Iolani Palace brings a humanitarian approach to its law enforcement at 'Iolani Palace, especially when approaching and dealing with Native Hawaiian activist groups, something that will be missing from the approach that would be used by the Department of Public Safety Sheriff's Division. Enforcement of laws at 'Iolani Palace isn't always clearly defined, and requires sensitive, caring, informed law officers, else, situations may escalate into unnecessary confrontations. Further, inference of moving law enforcement to the Department of Public Safety is that there is some sense of need to protect it and all persons within its premises from some large scale threat to the population.

I fear that this proposal is not so much about DLNR's shortage of staffing, but rather is directed to the Native Hawaiian community, since it is predominantly that community who uses 'Iolani Palace for functions and protests. Thus, if this is the underlying unspoken heart of this bill, recommend the legislature seek some guidance from leaders in the Native Hawaiian community, such as the 'Aha O 'Iolani.

Further, if the basis is shortage of staffing, would the movement of work associated with 'Iolani Palace address that shortage or is their caseload much larger that perhaps other sites should be considered to transfer to the Department of Public Safety?

Mahalo for this opportunity to testify against passage of SB 57.

LEIMOMI KHAN