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PO. Box 617
Honolulu
Hawai'i 96822

February 8, 2013

TO: Chair Cindy Evans, Vice Chair Nicole Lowen, Committee on Water and Land
Chair Roy Takumi, Vice Chair Takashi Ohno, Committee on Education
Chair Sylvia Luke, Vice Chairs Nishimoto and Johanson, Com. on Finance

FROM: Barbara Polk, Legislative Chair
Americans for Democratic Action/Hawaii

SUBJECT: **SUPPORT FOR HB 1133 and HB 589**
OPPOSITION TO HB 942, HB 219, HB 593, HB 1134, and HB 865

Americans for Democratic Action/Hawaii strongly objects to HRS 171C, under which control of public lands has been placed in the hands of an unelected five-person Public Lands Development Corporation, with the ability to exempt development from many of the rules and regulations that were designed to protect the environment, native Hawaiian rights, democratic process, health and safety, and consultative development planning. For that reason, we support HB 1133 and HB 589, both of which would abolish the Public Lands Development Corporation.

In a democratic representational system of governance, we elect representatives to whom we entrust major decisions for the benefit of the public. We do not expect or accept our representatives then passing that responsibility on to another body given broad authority with little accountability.

We are also amazed that legislators would so blithely ignore the work of their predecessors at the state and country levels in weighing issues and passing laws over the past half century! In our system of government, that which is not proscribed is legal. In recent years, there has been a sustained attack on "government regulation", as though regulations were put in place only to harass business and government agencies. In fact, each of the laws that regulate business and government has come into being because they have been violated at a time when that was not illegal. To ignore them now is to return to a free-for-all in which nepotism, corruption, environmental degradation, sloppy construction, dangerous work conditions, secrecy, bypassing of community input and random land use are all acceptable! Who would want that? Yet the PLDC was set up in such a way that all of these things would be legal.

It is not enough to tweak the statute here and there (HB 219 and HB 1134), nor is it enough to somewhat limit its scope and rename it (HB 942 and HB 1134). It is also not acceptable to pass certain of its responsibilities on to other existing entities (HB 865). In addition, a pilot project

(HB 593) would be equally subject to the abuses enumerated above. We are not opposed to public-private partnerships, but we believe that it is the legislature and the county councils who have the responsibility for final approval of such partnerships, not an unelected, private corporation.

HB 1134 remedies some of the issues in the current statute. However, it still supercedes “county land use plans, policies and ordinances,” requiring only “coordination” with the counties, but still exempting PLDC projects from county requirements and approval procedures. In addition, this bill retains the powers of the PLDC to:

“Acquire or contract to acquire by grant or purchase:

(A) All privately owned real property or any interest therein and the improvements thereon, if any, that are determined by the corporation to be necessary or appropriate for its purposes under this chapter, including real property together with improvements, if any, in excess of that needed for such use in cases where small remnants would otherwise be left or where other justifiable cause necessitates the acquisition to protect and preserve the contemplated improvements, or public policy demands the acquisition in connection with such improvements;”

And to:

Own, hold, improve, and rehabilitate any real, personal, or mixed property acquired; and sell, assign, exchange, transfer, convey, lease, or otherwise dispose of, or encumber the same;

Grant options to purchase any project or to renew any lease entered into by the corporation in connection with any of its projects, on the terms and conditions it deems advisable;

These are appropriate functions of government that cannot reasonably be delegated to another entity. Furthermore, HB 1134 proposes a pilot project, though it is unclear what the purpose of such a project is. The fact that a pilot project could be carried out in a reasonable manner does not in any way change the scope of the “Public-Private Development Corporation” and its potential for future abuses.

Finally, HB 865 simply sounds like a raid on our public parks and school playgrounds. Despite the fine words, what seems to be intended is to build old-fashioned multi-storied buildings to house children so that the land that is saved can be used for---well, who knows what? And once again, this bill attempts to put major decision-making responsibility into the hands of a private entity, in this case, the Hawaii Community Development Authority.

In summary, Americans for Democratic Action/Hawaii supports the deletion of HRS 171C and all statutory references to the Public Land Development Corporation, as spelled out in HB. 589 and 1133. We do not support renaming or revising the statute or a pilot project as advocated in the other bills before this committee today.

We urge you to pass HB 589 or HB 1133.

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 09, 2013 8:15 AM
To: waltestimony
Cc: tambry@hawaii.rr.com
Subject: Submitted testimony for HB1134 on Feb 9, 2013 09:00AM

HB1134

Submitted on: 2/9/2013

Testimony for WAL/FIN on Feb 9, 2013 09:00AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
Tambry R. Young	Citizens For Equal Rights	Oppose	No

Comments: CITIZENS FOR EQUAL RIGHTS ONLY SUPPORTS THE FULL REPEAL OF THE PLDC, any other measure would NOT be in the best interest for the people of Hawaii. Thank You, Tambry R. Young President - Citizens For Equal Rights

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 08, 2013 10:28 PM
To: waltestimony
Cc: farmfreshhawaii@gmail.com
Subject: *Submitted testimony for HB1134 on Feb 9, 2013 09:00AM*

HB1134

Submitted on: 2/8/2013

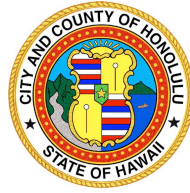
Testimony for WAL/FIN on Feb 9, 2013 09:00AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
Juanita Brown Kawamoto	Environmental Caucus of the Democratic Party of HI	Oppose	Yes

Comments:

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Hawaii Kai
Neighborhood Board No. 1
c/o Neighborhood Commission
530 So. King St., Rm. 406
Honolulu, Hawaii 96813
Phone: (808) 768-3710
Fax: (808) 768-3711

Web Page:
• www1.honolulu.gov/nco/nb1

*Hawaii Kai Neighborhood
Board meets the last Tuesday
of every month (except Dec.),
7 p.m., Hahaione Elementary
School cafeteria. The public is
welcome to attend.*

Motion to Repeal the Statute that Created the Public Land Development Corporation

The Hawaii Kai Neighborhood Board has approved a motion to support repeal of the State's Public Land Development Corporation.

While the Board recognizes that some parts of the PLDC law might be well intended, the majority of the Board feel it is best to support an outright repeal of the PLDC law as opposed to legislative attempts to amend it.

The vote to support repeal of the PLDC was taken at our January 29, 2013, meeting. The tally was 13 aye, 0 nay, 1 abstain, 1 absent.

This position is consistent with the Board's previous actions supporting good stewardship and protection of public lands, especially preservation and agricultural lands. The Board also consistently supports adherence to all land use and procurement procedures, as well as good government measures that advance transparency and public participation.

This statement of the Board's position is submitted as testimony in favor of legislative bills to repeal the PLDC law, and against bills that propose additions or amendments to the existing PLDC law.

Greg Knudsen
Chairperson

1205 Kaeleku Street
Honolulu, Hawaii 96825
(808) 395-3725, 224-0790
knudsen123@gmail.com



HAWAIIAN AFFAIRS CAUCUS

DEMOCRATIC PARTY OF HAWAII

1050 ALA MOANA BLVD D-2150, HONOLULU, HI 96814

LEGISLATIVE TESTIMONY

HOUSE COMMITTEE ON LAND AND WATER

HEARING: AUDITORIUM 02/09/2013 9:00 AM

HB 1134 – RELATING TO THE PUBLIC LAND DEVELOPMENT CORPORATION POSITION: COMMENT

The Hawaiian Affairs Caucus of the Democratic Party of Hawaii would like to offer comments on HB 1134.

While the caucus understands the need for the state and Department of Land and Natural Resources to improve and modernize facilities and to create viable long term income streams to support the agency, we request that the bill be amended to require naming the pilot project and including public notification and comment for its decision making.

The caucus would like to further note that it does not support any version of this bill that does not allow for protection of Native Hawaiian rights and cultural advising or consultation.

It is also noted that this will be moot should Act 55 be repealed.

‘O ia ihola nö me ke aloha.

Livable Hawaii Kai Hui

Sensible Growth, Respect for the land

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February 8, 2013

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Rep. Takashi Ohno, Vice Chair

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Scott Y. Nishimoto, Vice Chair

Rep. Aaron Ling Johanson, Vice Chair

Re: HB 1133 – Relating to Public Land.

Repeals the Public Land Development Corporation.

HB 589 – Relating to the Public Land Development Corporation.

Repeals chapter 171C, HRS, relating to PLDC.

HB 865 – Relating to Public School Redevelopment.

Establishes framework for ... redevelopment of public school lands

HB 942, HD1 – Relating to Harbors & Parks Development.

Establishes the Harbors & Parks Development Authority

HB 219 – Relating to the Public Land Development Corporation.

Subjects PLDC to laws regarding land exchanges, land use, zoning, & OHA's pro rata portion of the public land trust

HB 593 – Relating to the Public Land Development Corporation.

Requires the PLDC to initiate a pilot project after the adoption of rules

HB 1134 – Relating to the Public Land Development Corporation.

Changes references from the PLDC to the public private partnership corporation.

Aloha Honorable Chairs, Vice Chairs and Committee members,

Livable Hawaii Kai Hui (LHKH) is a non-profit, bipartisan community action group. We strive to promote sensible growth and respect for the land as well as upholding the integrity of the East Honolulu Sustainable Communities Plan.

In 2011, Senate Bill 1555 was enacted as Act 55, Session Laws of Hawai'i 2011, codified as Chapter 171C, Hawai'i Revised Statutes. Act 55 established the Public Land Development Corporation (PLDC) as a State development corporation attached to the Department of Land and Natural

A COMMUNITY DRIVEN, VOLUNTEER-BASED RESTORATION PROJECT.

*Hāwea Heiau Complex
& Keawānoa Wetland*

CELEBRATE THE CULTURAL AND NATURAL RESOURCES OF YOUR COMMUNITY!



Ka Iwi Coalition
SAVE SANDY BEACH

Livable Hawaii Kai Hui | P.O. Box 25493 | Honolulu, Hawaii 96825

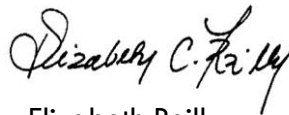
Email: hawaiiikaihui@aol.com | Website: www.hawaiiikaihui.org | Phone: (808) 864-8081

Resources (DLNR) to develop public lands placed under the PLDC jurisdiction, including but not limited to existing open shoreline areas, conservation lands, agricultural lands, ceded lands owned by the Hawaiian people and held in trust by the state government and small boat harbors, for commercial purposes to generate revenue for the Department of Land and Natural Resources and the State of Hawai'i.

Act 55 allows the PLDC to exempt development projects from regular oversight. The PLDC now has over-arching powers to make economic, environmental, and social use of Hawaii's public lands and facilities to exploit potential local, national, and international markets. The PLDC can also recommend to the DLNR the "purchase of any privately owned properties that may be appropriate for development." Private property owners will need to pay for infrastructure costs if they live near one of the PLDC's projects which places the development costs on property owners rather than on the developers. The PLDC is exempt from the government procurement process and is not required to pay state taxes of any kind. The PLDC commissioners are exclusively pro-development and do not contain a Hawaiian, environmentalist or public member.

We support HB 1133 and HB 589 which repeal the PLDC and oppose HB 865, HB 942, HD1, HB 219, HB 593, and HB 1134. We humbly ask that you do the same.

Kind Regards,



Elizabeth Reilly

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 08, 2013 9:02 PM
To: waltestimony
Cc: barleigh2@yahoo.com
Subject: *Submitted testimony for HB1134 on Feb 9, 2013 09:00AM*

HB1134

Submitted on: 2/8/2013

Testimony for WAL/FIN on Feb 9, 2013 09:00AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Cooney	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 08, 2013 10:31 PM
To: waltestimony
Cc: crystalkpaul@yahoo.com
Subject: *Submitted testimony for HB1134 on Feb 9, 2013 09:00AM*

HB1134

Submitted on: 2/8/2013

Testimony for WAL/FIN on Feb 9, 2013 09:00AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal Kia Paul	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 09, 2013 3:31 PM
To: waltestimony
Cc: inunyabus@gmail.com
Subject: Submitted testimony for HB1134 on Feb 9, 2013 09:00AM

HB1134

Submitted on: 2/9/2013

Testimony for WAL/FIN on Feb 9, 2013 09:00AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
Elaine D.	Individual	Oppose	No

Comments: FULL REPEAL OF PLDC ONLY.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 08, 2013 8:39 PM
To: waltestimony
Cc: jeannine@hawaii.rr.com
Subject: Submitted testimony for HB1134 on Feb 9, 2013 09:00AM

HB1134

Submitted on: 2/8/2013

Testimony for WAL/FIN on Feb 9, 2013 09:00AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
Jeannine Johnson	Individual	Oppose	No

Comments: As a Hawaiian whose ancestors were lawai'a (fishermen) and kālai wa'a (canoe-builders) from Kapāilua since 1777, I strongly oppose HB 865, HB 942, HD1, HB 219, HB 593, and HB 1134. The Public Land Development Corporation (PLDC) should never have been given unlimited power to develop public lands placed under the PLDC jurisdiction, including but not limited to existing open shoreline areas, conservation lands, agricultural lands, ceded lands owned by the Hawaiian people and held in trust by the state government and small boat harbors, for commercial purposes to generate revenue for the DLNR/State of Hawai'i. The PLDC should never have been made, as it had been amended with only two hours before its hearing to allow it to be exempt from all statutes, ordinances, charter provisions, and rules of government agencies relating to special improvement district assessments or requirements; land use, zoning, and construction standards for subdivisions, development, and improvement of land; and the construction, improvement, and sale of homes thereon for development of public lands to generate revenues. This deception violated the Hawai'i State Constitution and angered the public so much that they came out in droves to testify against it at administrative rules hearings all over the State. Ke Akua pū me kākou, i pono ke ea o ka 'āina. (May God be with us always that the life of the land will be pono).

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 08, 2013 9:45 PM
To: waltestimony
Cc: OccupyHiloMedia@yahoo.com
Subject: Submitted testimony for HB1134 on Feb 9, 2013 09:00AM

HB1134

Submitted on: 2/8/2013

Testimony for WAL/FIN on Feb 9, 2013 09:00AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
Kerri Marks	Individual	Oppose	No

Comments: Repeal Act 55

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 08, 2013 9:24 PM
To: waltestimony
Cc: michaelbroady@gmail.com
Subject: *Submitted testimony for HB1134 on Feb 9, 2013 09:00AM*

HB1134

Submitted on: 2/8/2013

Testimony for WAL/FIN on Feb 9, 2013 09:00AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Broady Jr.	Individual	Oppose	No

Comments:

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From: pauline mac neil [dearpauline@hotmail.com]
Sent: Friday, February 08, 2013 10:04 PM
To: waltestimony; EDNtestimony; FINTestimony
Subject: Testimony in Opposition to HB942, HB219, HB593 and HB1134

I oppose HB942, HB219, HB593 and HB1134 because they muddy the waters by trying to fix the PLDC.

There is a lack of confidence in the process and I can not be certain these bill adaptations will have a beneficial effect on either our economy or our environment.

Please kill these bills and support HB1133 and HB589.

Mahalo,
Pauline Mac Neil
112 Haokea Drive
Kailua, HI 96734

lowen1-Kyli

From: Stephanie Chen [steph.m.chen@gmail.com]
Sent: Friday, February 08, 2013 10:49 PM
To: waltestimony
Subject: testimony in support of HB 1133 and HB 589 and in opposition to HB 942, HB 219, HB 593, and HB 1134

Aloha:

Please accept this email as testimony in support of HB 1113 and HB 589 which would repeal the PLDC. This testimony also serves as opposition to HB 942, HB 219, HB 593, and HB 1134, which would not repeal the PLDC.

The PLDC should be repealed for a multitude of reasons, namely that the PLDC is completely anachronistic to the purpose of public lands where our natural resources will be used to make a profit for private companies. In land-limited Hawai'i, we need to focus on protecting what little undeveloped land we have rather than figuring out ways to convert beaches and parks into development.

Another major point of concern is that the PLDC is exempt from all land use laws that protect agriculture and conservation lands. Development of these lands could have serious impacts on our watersheds.

Government accountability is extremely important and was completely overlooked with the creation of the PLDC. It makes no sense to give the PLDC control over millions of acres of public lands, especially where there are no regulations in place.

There is no way to "fix" the PLDC; a total repeal is necessary. We can then begin an honest discussion about the best ways to protect and provide for our communities.

Mahalo,

Stephanie Chen

--

Stephanie M. Chen, Esq.
Adjunct Professor, Research Fellow
A'o Aku A'o Mai Initiative

Ka Huli Ao Center for Excellence in Native Hawaiian Law

William S. Richardson School of Law
University of Hawai'i at Mānoa
2515 Dole Street
Honolulu, Hawai'i 96822
phone: (808) 956-8411
email: aoakuaomai@gmail.com

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 09, 2013 9:00 AM
To: waltestimony
Cc: waynetakamine@hawaii.rr.com
Subject: Submitted testimony for HB1134 on Feb 9, 2013 09:00AM

HB1134

Submitted on: 2/9/2013

Testimony for WAL/FIN on Feb 9, 2013 09:00AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Takamine	Individual	Oppose	No

Comments: HOUSE OF REPRESENTATIVES THE TWENTY-SEVENTH LEGISLATURE REGULAR SESSION OF 2013 COMMITTEE ON WATER & LAND Rep. Cindy Evans, Chair Rep. Nicole E. Lowen, Vice Chair Rep. Denny Coffman, Rep. Chris Lee, Rep. Ty J.K. Cullen, Rep. Richard Lee Fale, Rep. Faye P. Hanohano, Rep. Cynthia Thielen, Rep. Derek S.K. Kawakami COMMITTEE ON EDUCATION Rep. Roy M. Takumi, Chair Rep. Takashi Ohno, Vice Chair Rep. Henry J.C. Aquino, Rep. Mark M. Nakashima, Rep. Isaac W. Choy, Rep. K. Mark Takai, Rep. Faye P. Hanohano, Rep. Lauren Kealohilani Cheape, Rep. Linda Ichiyama, Rep. Richard Lee Fale COMMITTEE ON FINANCE Rep. Sylvia Luke, Chair Rep. Scott Y. Nishimoto, Vice Chair Rep. Aaron Ling Johanson, Vice Chair Rep. Ty J.K. Cullen, Rep. Richard H.K. Onishi, Rep. Mark J. Hashem, Rep. Gregg Takayama, Rep. Kaniela Ing, Rep. James Kunane Tokioka, Rep. Jo Jordan, Rep. Justin H. Woodson, Rep. Bertrand Kobayashi, Rep. Kyle T. Yamashita, Rep. Nicole E. Lowen,, Rep. Beth Fukumoto, Rep. Dee Morikawa, Rep. Gene Ward NOTICE OF HEARING DATE: Saturday, February 09, 2013 TIME: 9:00 AM PLACE: Auditorium State Capitol 415 South Beretania Street Aloha House Committee on Water and Land, Chair Cindy Evans, Vice Chair Nicole E. Lowen and Members, House Committee on Finance, Chair Sylvia Luke, Vice Chair Scott Y. Nishimoto, Vice Chair Aaron Ling Johanson and Members, Please accept this testimony in opposition to HB 1134 RELATING TO THE PUBLIC LAND DEVELOPMENT CORPORATION. Changes references from the public land development corporation to the public private partnership corporation. Adds two non-voting members to the board of directors. Amends the process and requirements for the development and implementation of development plans. Revises the corporation's investment and financing authority. Requires the corporation to comply with chapters 6E, 92, 104, 343, and 444, HRS; sections 10-3.5 and 171-64.7, HRS; and native Hawaiian gathering rights. Requires coordination with the Hawaii Community Development Authority and the Land Use Commission where appropriate. Revises the corporation's reporting requirements. Requires the Public Land Development Corporation to initiate a pilot project after the adoption of rules. Prohibits the Public Land Development Corporation from planning, developing or implementing any projects other than the pilot project until the pilot project has been completed. Requires the Public Land Development Corporation to include a report on the status of the pilot project in its annual report and requires the Public Land Development Corporation to provide a report to the governor and legislature evaluating the pilot project upon its completion. Pilot project repeals on 1/1/16. The PLCD that has created too much public opposition. The PLDC Board has failed to create its rules and I believe it they have lost the public's trust. Sorry but for me there has been too much controversy and I feel the PLCD title should be scrapped for all its bad press. Please hold this HB 1134 Respectfully, Wayne Takamine Honolulu

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