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MAILING ADDRESS

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**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 08, 2013 10:27 PM  
**To:** waltestimony  
**Cc:** farmfreshhawaii@gmail.com  
**Subject:** Submitted testimony for HB593 on Feb 9, 2013 09:00AM

**HB593**

Submitted on: 2/8/2013

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

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

Comments: No Pilot projects, no PLDC.

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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**lowen1-Kyli**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 09, 2013 8:14 AM  
**To:** waltestimony  
**Cc:** tambry@hawaii.rr.com  
**Subject:** Submitted testimony for HB593 on Feb 9, 2013 09:00AM

**HB593**

Submitted on: 2/9/2013

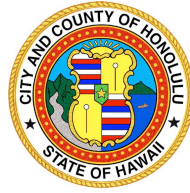
Testimony for WAL/FIN on Feb 9, 2013 09:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
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

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## HAWAII KAI NEIGHBORHOOD BOARD

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At-Large  
Chairperson

**ELIZABETH REILLY**

At-Large  
Vice Chairperson

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At-Large  
Secretary

**MAXINE RUTKOWSKI**

Subdistrict #4  
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Subdistrict #1

**MARIAN GREY**

Subdistrict #2

**CARL MAKINO**

Subdistrict #3

**JUDY NII**

Subdistrict #5

**HERB SCHREINER**

Subdistrict #6

**AMY MONK**

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**GENE TIERNEY**

Subdistrict #8

**DAVID TANABE**

Subdistrict #9

**ROBERTA MAYOR**

Subdistrict #10

**PAIGE ALTONN**

Subdistrict #11

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](http://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



**lowen1-Kyli**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 08, 2013 9:01 PM  
**To:** waltestimony  
**Cc:** barleigh2@yahoo.com  
**Subject:** \*Submitted testimony for HB593 on Feb 9, 2013 09:00AM\*

**HB593**

Submitted on: 2/8/2013

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Cooney	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 09, 2013 3:30 PM  
**To:** waltestimony  
**Cc:** inunyabus@gmail.com  
**Subject:** Submitted testimony for HB593 on Feb 9, 2013 09:00AM

**HB593**

Submitted on: 2/9/2013

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elaine D.	Individual	Oppose	No

Comments: FULL REPEAL OF PLDC ONLY.

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## lowen1-Kyli

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 08, 2013 8:37 PM  
**To:** waltestimony  
**Cc:** jeannine@hawaii.rr.com  
**Subject:** Submitted testimony for HB593 on Feb 9, 2013 09:00AM

### **HB593**

Submitted on: 2/8/2013

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
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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**lowen1-Kyli**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 08, 2013 9:22 PM  
**To:** waltestimony  
**Cc:** michaelbroady@gmail.com  
**Subject:** \*Submitted testimony for HB593 on Feb 9, 2013 09:00AM\*

**HB593**

Submitted on: 2/8/2013

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Broady Jr.	Individual	Oppose	Yes

Comments:

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**lowen1-Kyli**

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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

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**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

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