

lowen1-Kyli

From: Windward Ahupua`a Alliance [info@waa-hawaii.org]
Sent: Tuesday, March 26, 2013 7:51 PM
To: waltestimony; EDNtestimony; FINtestimony
Subject: SB 237 SD2 - RELATING TO PUBLIC SCHOOL LANDS

Submitted By:

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9 am
Wednesday, March 27, 2013
Conference Room 309

SB 237 SD2 - RELATING TO PUBLIC SCHOOL LANDS

Support With Comments

Establishes a three-year pilot program to generate revenue through the lease of public school lands for public purposes. Establishes the school facilities special fund within chapter 302A, HRS. Repeals the schools facilities special fund in chapter 171C, HRS. Requires the lieutenant governor to submit a report to the legislature. Makes an appropriation for the pilot program. Effective 07/01/2050. (SD2)

My name is Shannon Wood, the president and co-founder of the *Windward Ahupua`a Alliance*, a 501c3 Hawai`i non-profit corporation, which was established in July, 2002, to create the Ko`olau Greenbelt & Heritage Trails System in order to restore, protect & provide public access to the *mauka* lands on the Windward side of O`ahu along the base of *Na Ko`olau* as well as to support locally-owned sustainable economic activities in the more developed areas.

Its mandate, however, has expanded over the past ten years well beyond these important regional issues. *WAA* now works to educate & inform residents, visitors, businesses, policy-makers at all three levels of

government, and the media about using **SMART GROWTH** principles which promote sustainability through urban (re)development to protect agricultural and conservation lands forever.

Because the public schools (re)development concept which was incorporated into the **Public Land Development Corporation (ACT 55 - 2011)** is in the final stages of being repealed, it is in the process of being "reborn" as a stand-alone entity. At the same time, more than half a dozen other bills covering commercial redevelopment of public lands under the jurisdiction of at least nine state & county departments are still alive.

Each of these redevelopment boards, commissions or authorities will need administrative/operational expenses which can total well over \$2 million per entity each year. Can we afford to pay upwards of \$10 million per year to administer these laws?

Therefore, I strongly urge that as this bill - as well as the other ones - go into conference committee discussions, the committees revisit the positive components of the **PLDC** to see if reducing the costs of implementing these very worthwhile (re)development projects can be included in the proposed **Public-Private Partnership Authority** bill - **SB 215 SD3 HD1**

Mahalo for considering these comments.

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From: Lisa Kirbin [ggexcavations@hotmail.com]
Sent: Tuesday, March 26, 2013 11:08 PM
To: waltestimony; EDNtestimony; FINTestimony
Subject: Repeal PLDC, repeal HLDC

NOW!



SB237 SD2
House Committee on Water & Land, House Committee on Education, and
House Committee on Finance

March 27, 2013

9:00 a.m.

Room 309

The administration of the Office of Hawaiian Affairs (OHA) provides the following comments on SB237 SD2 which would establish “a three-year pilot program to generate revenue from uses for public purposes, such as workforce housing, to build and retrofit twenty-first century schools and create more school-centered communities.” The described intent of SB237 SD2 is to lay the groundwork to move towards improvement of public school facilities and infrastructure and ultimately the overall quality of education in Hawai‘i. OHA’s comments are narrowly focused on issues related to the “ceded” lands corpus and the public land trust.

The bulk of Hawai‘i’s public schools sit on former government or crown lands that were ceded by the Republic of Hawai‘i to the United States in 1898, “without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government[.]” P.L. 103-150 (1993). Much of the land is also subject to the public land trust created by the Admission Act section 5(f).

A review of the State Land Information Management System (SLIMS) shows that 79 schools under the state’s control, or at least 1,515 acres, are ceded land that are also part of the public land trust. Another 42 state schools are classified as 5(a) land; these are also likely ceded land, although they are not part of the public land trust. Notably, SLIMS only provides public land trust status for state lands, not county or federal land; therefore the number of schools on ceded and/or public trust land is likely higher.

OHA maintains that the state cannot diminish the ceded lands corpus until the Native Hawaiian people’s claim to ceded lands has been resolved. Accordingly, we request clarification that HRS section 171-64.7 will apply to any proposed fee simple disposition of public school land. OHA further notes that Admission Act section 5(f), Hawai‘i Constitution, article XII, Chapter 10, Hawai‘i Revised Statutes, Act 178, SLH (2006), and Executive Order 06-06 impose trust obligations on all state agencies with respect to public trust land. Restricting the use of revenues generated on public trust land would violate the state’s obligations, therefore we request clarification that the Department of Education will continue to be subject to Act 178, SLH 2006, Executive Order 06-06, and any other future law providing for OHA’s pro rata portion of the public land trust.

Mahalo for the opportunity to testify on this important measure.