

# HB 1142

## RELATING TO CRIMINAL TRESPASS.

Adds the offense of criminal trespass onto State Department of Transportation lands to the penal code.

DAVID Y. IGE  
GOVERNOR



**Testimony by:**  
FORD N. FUCHIGAMI  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN  
DARRELL T. YOUNG

IN REPLY REFER TO:

**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

March 15, 2017  
1:15 p.m.  
State Capitol, Room 225

**H.B. 1142**  
**RELATING TO CRIMINAL TRESPASS**

Senate Committee on Transportation and Energy

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The Department of Transportation (DOT) strongly **supports** this Administration bill to add a new criminal trespass section to Part II of Chapter 708, Hawaii Revised Statutes, to protect against people remaining on improved state department of transportation land when it is closed or otherwise restricted and on or under state highways.

This bill aims to clarify an important statute that will assist the DOT in protecting its lands, property, and facilities under its jurisdiction in providing a safe, efficient, accessible, and sustainable inter-modal transportation system that ensures the mobility of people and goods, and enhances and/or preserves economic prosperity and the quality of life.

Thank you for the opportunity to provide testimony.

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



KIRK CALDWELL  
MAYOR

LOUIS M. KEALOHA  
CHIEF

CARY OKIMOTO  
JERRY INOUE  
DEPUTY CHIEFS

OUR REFERENCE **DI-KP**

March 15, 2017

The Honorable Lorraine R. Inouye, Chair  
and Members  
Committee on Transportation and Energy  
The Senate  
State Capitol, Room 210  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Inouye and Members:

Subject: House Bill 1142, Relating to Criminal Trespass

I am Darren Izumo, Major of the Wahiawa Police Station, District 2, Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill 1142, which adds the offense of criminal trespass onto State Department of Transportation lands to the penal code.

The HPD believes that the passage of this bill will assist in efforts to improve public safety and health by clarifying that persons who ignore posted signage and enter or remain on Department of Transportation lands without permission would be trespassing.

The HPD requests that your committee support the passage of House Bill 1142, Relating to Criminal Trespass.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to be "Darren Izumo", written in a cursive style.

Darren Izumo, Major  
District 2

APPROVED BY:

A handwritten signature in black ink, appearing to be "Cary Okimoto", written in a cursive style.

Cary Okimoto  
Acting Chief of Police



**HB1142**  
**RELATING TO CRIMINAL TRESPASS**  
Senate Committee on Transportation and Energy

March 15, 2017

1:15 p.m.

Room 225

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB1142. HB1142 would further criminalize the homeless community, many of whom may be OHA beneficiaries, without providing any substantive relief to the homelessness crisis. HB1142 raises additional concerns regarding the potential impacts to Native Hawaiians' ability to exercise their constitutionally protected traditional and customary access and gathering rights.

OHA appreciates the bill's sentiment to remove unauthorized individuals from improved state Department of Transportation (DOT) land or DOT land on or under any highway, however, OHA believes that this measure would only serve to further criminalize the state's homeless population, who often seek shelter and safety on state lands. While OHA understands the difficulty of balancing the integrity of state property with the mental and physical integrity of members of our most vulnerable population, this measure is unlikely to provide any lasting or meaningful relief to the homelessness issues facing our state, and would at most simply displace homeless individuals from DOT lands to other areas. **In addition to requiring substantial funds for enforcement, this measure may in fact further exacerbate the homelessness crisis, by subjecting homeless individuals to criminal liability, thereby reducing their ability to obtain or maintain gainful employment.** Numerous laws already exist with regard to protecting state property and the public welfare, including vandalism and disorderly conduct laws; including another layer of criminal trespass liability is unnecessary to address these legitimate state concerns.

OHA notes that our beneficiaries may be at particular risk of being or becoming homeless, and therefore may be disproportionately affected and effectively criminalized by this measure. According to the *2015 Homeless Service Utilization Report*,<sup>1</sup> Native Hawaiians account for almost one-third of those utilizing homeless services. In addition to high homeless service utilization, 14.1% of Native Hawaiian households include a "hidden homeless" member, compared to the only 4.2% of other households.<sup>2</sup> Research shows that Native Hawaiians also have higher levels of housing insecurity, with more than half of Native Hawaiian renters living in homes they struggle to afford, and often in overcrowded conditions. Despite the fact that Native Hawaiians participate in the labor force at higher rates than the state average<sup>3</sup> and have larger than average family sizes,<sup>4</sup> Native Hawaiian median family

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<sup>1</sup> UNIVERSITY OF HAWAII'I, HOMELESS SERVICE UTILIZATION REPORT 5 (2015), available at [http://uhfamily.hawaii.edu/publications/brochures/789af\\_HomelessServiceUtilization2015.pdf](http://uhfamily.hawaii.edu/publications/brochures/789af_HomelessServiceUtilization2015.pdf).

<sup>2</sup> 2016 HAWAII'I HOUSING PLANNING STUDY 73, available at [https://dbedt.hawaii.gov/hhfdc/files/2016/12/State\\_HHPS2016\\_Report\\_111416-FINAL-122216.pdf](https://dbedt.hawaii.gov/hhfdc/files/2016/12/State_HHPS2016_Report_111416-FINAL-122216.pdf).

<sup>3</sup> See American Community Survey, 2013, Civilian Labor Force Datapoint, U.S. Census Bureau.

income is also \$9,627 (or 12.2%) lower than the state median family income.<sup>5</sup> Such data suggests that changes in the economic conditions of the state and country may result in a disproportionate number of Native Hawaiians becoming homeless, and targeted for criminal liability under this measure. **OHA emphasizes that the disproportionate impact of the criminal justice system on Native Hawaiians accumulates at every state,<sup>6</sup> and may be exacerbated by this measure's further criminalization of our homeless population.**

**OHA is further concerned with HB1142's potential to have a chilling effect on Native Hawaiians' constitutionally protected traditional and customary access and gathering rights.** Modern transportation infrastructure in an ever-expanding urban environment has served to sever areas of development from intact, undisturbed natural areas. These wilderness areas are deeply valued for their cultural, spiritual, moral, and aesthetic resources beneficial to Native Hawaiians and the general public. **Native Hawaiians have and currently utilize these areas for their traditional and customary practices, which may require them to enter and traverse "improved" DOT lands.** Simply graded or otherwise "improved" DOT lands may also include resources used in the exercise of Native Hawaiian traditional and customary practices. While practitioners may continue to have rights to access and gather upheld in court, notwithstanding this measure, the prospect of potential arrest, itself, could significantly discourage Native Hawaiian practitioners from seeking access to such areas of cultural significance, and exercising their constitutional rights.

Therefore, OHA urges the committee to **HOLD** HB1142. Mahalo for the opportunity to testify on this measure.

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<sup>4</sup> In 2014, the average size of a Native Hawaiian family was 4.06, .45 larger than the state average. See OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN HOMEOWNERSHIP HO'OKAHUA WAIWAI FACT SHEET VOL. 2016, No. 1, page 3, available at <http://www.oha.org/wp-content/uploads/NH-Homeownership-Fact-Sheet-2016.pdf>.

<sup>5</sup> In 2015, the median family income for Native Hawaiians was \$69,560 compared to the state median family income of \$79,187. See OFFICE OF HAWAIIAN AFFAIRS, 2010-2018 STRATEGIC RESULTS: MEDIAN FAMILY INCOME INDICATOR SHEET 2015 available at <http://www.oha.org/wp-content/uploads/Hookahua-Waiwai-Indicator-Sheet.-MFI.-2015.pdf>.

<sup>6</sup> The Disparate Treatment of Native Hawaiians in the Criminal Justice System (2010), see <http://www.oha.org/wp-content/uploads/2015/01/native-hawaiians-criminal-justice-system.pdf>.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 13, 2017 12:29 PM  
**To:** TRE Testimony  
**Cc:** wao-hsl@WeAreOne.cc  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Kohn MD	We Are One, Inc. - <a href="http://www.WeAreOne.cc">www.WeAreOne.cc</a> - WAO	Oppose	No

Comments: Strongly Oppose Police State. Do not criminalize the public for using public (state) lands. [www.WeAreOne.cc](http://www.WeAreOne.cc)

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# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON TRANSPORTATION AND ENERGY

Sen. Lorraine Inouye, Chair

Sen. Donovan Dela Cruz, Vice Chair

Wednesday, March 15, 2017

1:15 p.m.

Room 225

### **OPPOSITION TO HB 1142 - CRIMINAL TRESPASS ON STATE DOT LANDS**

Aloha Chair Inouye, Vice Chair Dela Cruz and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for two decades. This testimony is respectfully offered on behalf of the approximately 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that approximately 1,700 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HB 1142 adds the offense of criminal trespass onto State Department of Transportation lands to the penal code. Community Alliance on Prisons is in opposition to this bill because it is incongruent with the state's homeless outreach.

The better way of addressing houseless people is through programs such as LEAD (Law Enforcement Assisted Diversion), that establishes a pre-arrest diversion pilot project for individuals with mental health or substance abuse challenges who allegedly commit nonviolent, non-felony offenses on state property.

It is common knowledge that houseless people congregate under bridges and this bill will open the door for even more houseless individuals to be imprisoned and have to bear the burden of a criminal record. We just participated in the Point in Time count of our houseless people and met so many nice and respectful people who are down on their luck. Please have a heart for the less fortunate.

Community Alliance on Prisons respectfully asks the committee to humanize, not criminalize some of the most vulnerable people in our communities. We, therefore respectfully ask the committee to hold this bill.

Mahalo for the opportunity to testify.

BEFORE THE SENATE COMMITTEE ON TRANSPORTATION AND ENERGY

March 15, 2017

House Bill No. 1142  
Relating to Criminal Trespass

Aloha Chair Inouye, Vice Chair Dela Cruz and Members of the Committee:

KPAC submits the following testimony in strong opposition to HB1142. This bill adds the offense of criminal trespass onto State Department of Transportation lands to the penal code.

The Ka Lāhui Hawai‘i Political Action Committee (KPAC) affirms and defends the Kanaka Maoli (aka Native Hawaiian) peoples' right to over 1.8 million acres of the former Crown and government lands of the Kingdom of Hawaii which were illegally transferred to the US and as a condition of Statehood was transferred to the State of Hawaii to be held as a public trust. Much of the lands currently held by DOT are public trust lands where the traditional, customary, and subsistence access and gathering rights of the Kanaka Maoli are reserved and have been since the time of the Mahele (1848) and Kuleana Act of 1850.

Kanaka Maoli rights to access lands for traditional, customary, and subsistence purposes are recognized in the Hawaii State Constitution (1978) Article XII Section 7 which gives the government a duty to “protect all rights customarily and traditionally exercised for subsistence, cultural and religious purposes.” The right to access lands was reconfirmed by the court in the *Kalipi vs. Hawaiian Trust* (1982) case. The cultural and customary access rights of Kanaka Maoli were further expanded in the courts in the *Paty vs. Pele Defense Fund* (1992) and in the *Public Access and Shoreline vs. Hawaii County Planning Commission* (1995) court decisions.

This bill criminalizes Kanaka Maoli rights to access public lands for traditional, customary, and subsistence purposes and provides no accommodations and protections for Kanaka Maoli and initially assumes guilt - putting the burden of legal protection of rights upon the Kanaka Maoli people. This coupled with the fact that Kanaka Maoli as a group are socio-economically challenged would give undue hardship and stress to the people of the ‘āina (land).

Respectfully Submitted,

Healani Sonoda-Pale  
KPAC Chair



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 1:10 PM  
**To:** TRE Testimony  
**Cc:** Burdick808@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan B Burdick	Progressive Democrats of Hawaii	Oppose	No

Comments: Progressive Democrats of Hawaii opposes this bill for the reasons so ably set forth by the Office of Hawaiian Affairs and by the Community Alliance on Prisons in their respective testimonies when this bill was before the House Judiciary Committee. We respectfully request that you not pass it. Thank you very much for this opportunity to testify.

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Committee: Committee on Transportation and Energy  
Hearing Date/Time: Wednesday, March 15, 2017 at 1:15 p.m.  
Place: Conference Room 225  
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 1142, Relating to Criminal Trespass

Dear Chair Inouye, Vice Chair Dela Cruz, and Members of the Committee:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in opposition to H.B. 1142, which seeks to add an additional criminal trespass offense (“criminal trespass onto state department of transportation lands”) to chapter 708 of the Hawaii Revised Statutes (“HRS”) and to broaden existing criminal trespass statutes.

Existing Hawaii law already penalizes several varieties of trespass, and adding an entirely new criminal trespass offense and broadening existing offenses would be unnecessarily cumulative. *See* HRS §§ 708-13 (criminal trespass in the first degree), -14 (criminal trespass in the second degree), -15 (simple trespass). Much of the conduct prohibited by the proposed offense of “criminal trespass onto state lands” is also covered under existing Hawaii law prohibiting sleeping or camping in a state park after park closure hours. *See* Hawaii Administrative Rule (“HAR”) §§ 13-146-5 (requiring permit for camping in a state park); HRS § 184-5 (violation of park rules constitutes a petty misdemeanor). Existing Hawaii law also covers the bill’s prohibition against remaining unlawfully on any highway. *See* HRS 711-1105(1) (prohibiting obstruction of “any highway or public passage”). This bill is therefore unnecessary.

Criminal trespass laws and other regulations prohibiting use of public lands often disproportionately affect protesters, as well as homeless individuals and families. Indeed, H.B. 1142, seemingly *targets* protesters — such as those who demonstrated at Mauna Kea — by adding redundant penalties for remaining in/on state department of transportation lands. H.B. 1142, if passed, would merely add to a problematic national trend of punishing dissenting speech and criminalizing the status of being homeless. We strongly urge this committee to defer H.B. 1142.

Thank you for this opportunity to testify.

Sincerely,

Mandy Finlay  
Advocacy Coordinator  
ACLU of Hawaii

Chair Inouye and Members of the Committee

March 15, 2017

Page 2 of 2

*The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.*

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 2:12 PM  
**To:** TRE Testimony  
**Cc:** clareloprinzi@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
clare loprinzi	Birth Sovereignty	Oppose	No

Comments: Where is the malama...kokua in this bill...this is so sad, we need to take care of the homeless problem....not find them....punish them....look at them as your ohana...malama them....hewa on a bill like this to go this far...it needs to stop here. Mahalos...clare

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 7:23 PM  
**To:** TRE Testimony  
**Cc:** voicesofkauai06@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
KUULEINANI NAPUANANI KANINAU	VOICES OF KAUAI	Oppose	No

Comments: PLEASE OPPOSE Bill HB1142 RE: Criminal Trespass on Public Lands, Transportation lands or otherwise. My name is Kuuleinani Napuanani Kaninau I am a resident of the County of Kauai, a Veteran of the US Navy, & from October 2012 until Dec. 2015 I was HOUSELESS for the FOURTH time since 2004. Voices of Kauai a non-profit organization was CREATED in 2006, & our PURPOSE “hoping to give VOICE to those who feel they have none...” I created my organization at first to assist fellow VETERANS who were HOUSELESS & gradually extended my services to our HOUSELESS COMMUNITY here on Kauai while HOUSELESS myself for the SECOND time in 2006. As a VETERAN I have been SUCCESSFULLY housed under the HUD/VASH Program for now 15 months. Truth be told, in that time were it not for the WRAP AROUND SERVICES on TWO OCCASIONS, HOUSELESSNESS would have again been my REALITY. HOUSELESSNESS here in Hawaii has CONTINUOUSLY placed our state NUMBER 1 in the nation for several YEARS so much so that a STATE OF EMERGENCY & a request for emergency funds were REQUESTED by our current Governor last year. Attempts to remedy this STATE OF EMERGENCY have had some SMALL SUCCESS however it CONTINUES TO BE DIFFICULT to ELIMINATE & OR MINIMIZE our HOUSELESSNESS community. Given that our success as a state, CRIMINALIZING HOUSELESSNESS with no VIABLE OPTIONS, SOLUTIONS & or SEVERELY LIMITED RESOURCES, DOES NOT & HAS NOT yet worked & only further strips these less fortunate PEOPLE of our COMMUNITIES of their dignity. If not “here or there” then WHERE? Kauai has ONE HOUSELESS SHELTER that only RECENTLY increased their size to FORTY BEDS with a first come first serve basis (OUT BY 8 am)...the reality is that there are still nearly TWO HUNDRED who are left without shelter & or place to rest WHEN IT IS NEEDED... Oahu is losing or has lost & or had to minimize its shelter sizes due to new laws... THE THOUGHT NEEDS TO BE we should RESOLVE the issues with the NEW LAWS that have CUT FUNDING & SHELTER SIZES THAT WILL PUT PEOPLE ON OR BACK ON THE STREETS BEFORE WE CRIMINALIZE MEMBERS OF OUR COMMUNITY. I attended both my county & state HOUSELESS conventions in 2015...WHILE BEING HOUSELESS. I was able to speak on behalf of myself & the community I SERVE...& am reiterating my main argument WE

ARE NOT UTILIZING THE RESOURCES AVAILABLE OR PEOPLE THAT LIVE & BREATHE THE DIFFICULTIES OF HOUSELESSNESS... DECISIONS ARE BEING MADE WITH SEVERELY LIMITED BOOTS TO THE GROUND EXPERIENCE BY PEOPLE THAT DO NOT KNOW HOW SERVE THE BEST INTERESTS & OR NEEDS OF OUR HOUSELESS COMMUNITY... As I always do I am offering the RESOURCES & EXPERIENCE Voices of Kauai has gained in its 11 years of business; 4 years & 11 mo. (TOTAL) of which I LIVED & BREATHED THE REALITIES & DIFFICULTIES OF HOUSELESSNESS & the laws that have HINDERED more than they have helped to RESOLVE & OR ELIMINATE HOUSELESSNESS for our state. Respectfully,  
Ku'uleinani Napuanani Kaninau

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 1:30 PM  
**To:** TRE Testimony  
**Cc:** ja@malu-aina.org  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jim Albertini	Malu 'Aina	Oppose	No

Comments: Our organization opposes HB 1142 which would criminalize native Hawaii practitioners trespassing on their own land. We all have a responsibility to see that the rights of Native Hawaiian cultural and religious practitioners are protected, not criminalized. Please stand up for the right of access and traditional practice. Kill this bill. Mahalo. Jim Albertini, president of Malu 'Aina.

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Chris Stark  
PO BOX 1225  
HILO, HI 96721

Personal Testimony IN SUPPORT of HB1142 Relating to Criminal Trespass

Aloha,

My name is Chris Stark. I am a resident of Hawaii Island and a technology professional working within the local astronomy community. I strongly support the proposed legislation, as it will serve to help keep the dangerous Mauna Kea Access Road safer. Only days ago, a tragic vehicle accident occurred on this road resulting in a fatality. Unfortunately, this tragedy has repeated multiple times in the past, and is a result of the treacherous conditions of this road under the best of conditions. In the recent past, protestors have crossed the line from peaceful protest over to illegally blocking this dangerous road. This type of activity could most certainly result in accidental injury or death. This legislation would serve to empower law enforcement to more effectively enforce the laws that aim to improve the safety of this road.

I strongly urge the committees to support HB1142.

Thank you for your consideration.

Aloha,  
Chris Stark

A handwritten signature in black ink, appearing to read 'Chris Stark', with a long horizontal flourish extending to the right.



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 13, 2017 2:35 PM  
**To:** TRE Testimony  
**Cc:** amber.imai@gmail.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amber Imai-Hong	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 11:00 AM  
**To:** TRE Testimony  
**Cc:** hawaiianreyes@yahoo.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Annette Reyes	Individual	Support	No

Comments: I support HB1142.

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**Sent:** Monday, March 13, 2017 3:17 PM  
**To:** TRE Testimony  
**Cc:** hula.clay@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Veronica Ohara	Individual	Support	No

Comments: I submit testimony in support of HB1142, for far too long the State has been unable enforce law and order. For the protection of residents and visitors the rules must be clear and enforced.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 13, 2017 2:20 PM  
**To:** TRE Testimony  
**Cc:** mmartin96825@gmail.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bonnie M. Livingston	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 1:16 PM  
**To:** TRE Testimony  
**Cc:** thayne.currie@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thayne Currie	Individual	Support	No

Comments: This bill clarifies that trespassing on Hawaii Department of Transportation land is a crime in HRS 708 to "protect against people remaining on improved state department of transportation land when it is closed or otherwise restricted and on or under state highways." While currently trespass is not explicitly identified in HRS 708, other states have similar laws. My main reason for supporting this bill is that it is a matter of public safety. The DoT has jurisdiction over many dangerous roadways on the Big Island, including portions of the Mauna Kea Access Road among many others. were reminded of this danger recently with back-to-back accidents (including at least one fatality) just south of the Visitor's Center, a tragedy that could have been made far worse had it occurred during a time of heavy foot traffic across the access road. Blocking roadways also impedes the response to medical emergencies. In the recent past, these dangerous situations have happened with protestors not just being present on the road but illegally blocking access. The passage of this bill empowers law enforcement to better guarantee safety on public roadways that Hawaii's residents travel upon and fund. Some have criticized this bill as a means to harass/target the homeless population or infringe upon Native Hawaiian customary rights. The committee should take these concerns seriously. It may be useful to clarify that this bill is not intended to harass individuals for legal behavior or infringe upon constitutionally protected rights. Rather, it is clearly intended to give more teeth to the law enforcement in dealing with people engaging in activities that defy the rule of law and endanger public safety. Thank you for this opportunity to submit comments on this bill.

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**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bill Brown	Individual	Support	No

Comments:

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**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sylvia Dahlby	Individual	Support	No

Comments: Testimony IN SUPPORT of HB1142 Relating to Criminal Trespass Aloha, I am writing in support HB1142. I live in Hilo and feel the Bill is important because it will help enforce public safety and right-of-way on the Mauna Kea Access Road. This is a dangerous road, and with the ongoing controversy over permitting and possible construction of the Thirty-Meter-Telescope, we have had a lot of protesters demonstrating their opposition to the project. While most of the protesters are peacefully exercising their rights by camping out near the Visitor Information Station, some have blocked the road, illegally stopping and impeding traffic, and on one occasion a few protesters placed big rocks in the road which could have caused a tragic or fatal accident, or created a major problem if there had been need for a medical emergency vehicle to get through. In addition, the protesters standing on the road put themselves at risk in the event of brake failure on downward bound vehicles. HB1142 would help law enforcement ensure the safety of this roadway for everyone. While some may say that HB1142 would infringe on Native Hawaiian practitioner's rights, I believe it is intended to simply to uphold the law, and empower law enforcement to more effectively address issues of public safety. The bill is specific to trespass on Dept. of Transportation land, making it a crime to blockade state roadways. Passage of this bill will help improve safety on all public roads. Thank you for the opportunity to submit comments.

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**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joni Kamiya	Individual	Support	No

Comments:

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**Cc:** hula.clay@gmail.com  
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**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Veronica Ohara	Individual	Support	No

Comments: I am submitting testimony in support of HB1142, a bill not intended to target the homeless and adds a second degree criminal trespass on to state lands. For far too long people have willingly flaunted state instructions thereby costing the tax payer money. For example hiking in areas that are closed, requiring rescue efforts by the state. People come to Hawaii and are intoxicated by the beauty and disregard that beaches are closed due to high surf, thus putting life guards and rescue personnel at risk. Changing the offense to criminal trespass would be a good way to let people know that Hawaii take's infractions on state land seriously and perhaps people will think twice before embarking on foolish action.

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**HB1142**

Submitted on: 3/15/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
marjorie erway	Individual	Support	No

Comments:

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**Cc:** kimcoco@kimcoco.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Coco Iwamoto	Individual	Oppose	No

Comments: Please accept this testimony in STRONG OPPOSITION to HB1142. I have served the homeless, or previously homeless, in various capacities since 2002. I most recently participated in the Point-in-time count of unsheltered homeless; my group surveyed people living under the Nimitz underpass - people who will be directly injured by the passing of this bill. Through my first hand conversations with them and discussions with outreach workers, I can attest that this bill would not motivate these people to move into housing that does not even exist, to materialize rent if it did exist, or comply with the rules that come with being a tenant. It breaks my heart that so many lawmakers that I respect and admire would vote to pass this kind of bill that not only lacks compassion, but is actually cruel. I feel like I am watching a friend cross the street to kick a person lying on the ground, who is poor or in poor health -- truly heartbreaking. We know there is no real appropriate housing options for them at this time - so what outcome does this bill seek to achieve? Please remember you can do better than this bill, you can create better solutions; you did not become a lawmaker to scapegoat these people for being collateral damage to a profit-focused corporatocracy and short-sighted civic planning. Thank you for your time and consideration.

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**To:** TRE Testimony  
**Cc:** mcleodj003@hawaii.rr.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy McLeod	Individual		No

Comments: I OPPOSE HB1142. It is not a criminal act to protect sacred lands from desecration, it is a responsibility.

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**To:** TRE Testimony  
**Cc:** dkg1031@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Debra Koonohiokala Norenberg	Individual	Oppose	No

Comments: Frankly, I am made speechless by the audacity of the terms in this bill. Terms that are clearly meant punish innocent people who've done no wrong to any of you personally or professionally. I am most definitely in opposition of this bill.

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**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Ewalani Manuel-Coats	Individual	Oppose	No

Comments: This has been shot down before! Why is it being proposed again! The State doesn't control neither has jurisdiction on the land that righteously belongs to the PEOPLE OF HAWAII, not the federal government or Corporate America who is now getting boundaries established for America and without PROPER ANNEXATION PAPERS-NO CLEAN TITLE TO IMPOSE U.S. JURISDICTION THROUGH PIRACY!

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**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sharron Cushman	Individual	Oppose	No

Comments: I strongly oppose HB1142 because it raises additional concerns regarding potential impacts to Native Hawaiians' ability to exercise their constitutionally protected traditional and customary access and gathering rights.

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**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pono Kealoha	Individual	Oppose	No

Comments:

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**To:** TRE Testimony  
**Cc:** begoniabarry@gmail.com  
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**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

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

Comments: Aloha Chair and Committee members, I oppose this bill due to the lack of language that would protect cultural practitioners, gatherers, site caretakers and others. Please oppose this disrespectful bill. Mahalo, Ms. Barbara Barry

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**Cc:** hapagurl7669@yahoo.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Theodora Akau Gaspar	Individual	Oppose	No

Comments: THIS BILL CRIMINALIZES TRESPASS ON "STATE" LANDS.

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**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

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

Comments: Why is it that the same things come back around when they have already been determined to be wrong for our islands? Hawaii, is NOT the continental US. It is NOT Dakota or other places where we need military might to solve issues. Who determines trespassing and who determines who owns the land. If you put this into law, then can we determine that the US military is trespassing on island lands. Will it be used against them, others like them or just against people the current Governor and legislature chooses to determine as trespassers? Anyone who is a settler on this island technically is a trespasser. Do you really want to go there? Why is it the same senators keep going for these laws? Who is giving the \$\$\$ to keep bringing them up. We have a right to protect lands and to protest with aloha. Might does not make right.. pono does.

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**Cc:** elvinkamoku@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
elvin kamoku	Individual	Oppose	No

Comments: I oppose HB1142. A'ole!

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**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Felicia Cowden	Individual	Oppose	No

Comments: Please OPPOSE this HB1142 bill for criminal trespass on public lands, transportation lands or otherwise. Public means for the people. Homelessness is a chronic problem. We do not effectively solve it by creating more zones to not allow people to congregate. That is deflecting the problem. We have a crisis. Incrementally eliminating places for people to be able to stand, sit or lie down is heartless and is cruelly attacking the vulnerable. We need to address the jugular of the problem and that being that land and housing is available to the highest bidder from anywhere in the world rather than the citizens. Broader state policies that welcome rather than discourage external business investments and attractions marginalize the people of Hawaii to be low-level participants in a global economy. That is the real problem, not the people sleeping on the streets.

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**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Suzanna Kinsey	Individual	Oppose	No

Comments: I oppose bill HB1142. The State Department of Transportation controls land that allows access to nature. We need more access to these natural areas because nature heals in many ways. Access to nature has been systematically reduced through the closing of trails. Please make sure the people has access to nature which is wholly healing and do not criminalize this. Thank you.

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Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ben Kinsey	Individual	Oppose	No

Comments: I strongly oppose this bill. The public needs more access to natural areas controlled by the State, not less.

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Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ahia Dye	Individual	Oppose	No

Comments:

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**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Theodora Akau Gaspar	Individual	Oppose	No

Comments:

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**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cory Harden	Individual	Oppose	No

Comments: Aloha legislators, Please oppose this bill. It would criminalize homelessness and may interfere with native Hawaiians' access and gathering rights. mahalo, Cory Harden

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**To:** TRE Testimony  
**Cc:** nathanabe@yahoo.com  
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**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nathan Abe	Individual	Oppose	No

Comments:

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**Cc:** thecarbas@msn.com  
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**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sharade Carba	Individual	Oppose	No

Comments:

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**To:** TRE Testimony  
**Cc:** begoniabarry@gmail.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

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

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 13, 2017 6:56 PM  
**To:** TRE Testimony  
**Cc:** slwsurfing@yahoo.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

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

Comments: They are Protectors of Sacred Land NOT trespassers! Preserve, not destroy, Native rights! aloha 🌸

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 13, 2017 5:54 PM  
**To:** TRE Testimony  
**Cc:** shyla.moon@ymail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shyla Moon	Individual	Oppose	No

Comments: Don't we already have the rules in place to fine people trespassing? No need add petty misdemeanor to this list. It's not good to make criminals out of innocent people. Trespassing can be done so easily here since many places have no appropriate signs. Please don't pass this bill in its form that says this will be a petty misdemeanor.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 13, 2017 5:35 PM  
**To:** TRE Testimony  
**Cc:** stephaniesanchezsagucio@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

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

Comments: I oppose this bill. It doesnt do good for the the citizens of the State of Hawaii.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 13, 2017 4:55 PM  
**To:** TRE Testimony  
**Cc:** pamelapcm@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pamela M Williams	Individual	Oppose	No

Comments: In strong opposition to this legislation.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 13, 2017 4:44 PM  
**To:** TRE Testimony  
**Cc:** kealii8@hotmail.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kealii Makekau	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 10:00 AM  
**To:** TRE Testimony  
**Cc:** stephmanera@gmail.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephanie Manera	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 10:07 AM  
**To:** TRE Testimony  
**Cc:** uhiwai@live.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mehana Kihoi	Individual	Oppose	Yes

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 10:04 AM  
**To:** TRE Testimony  
**Cc:** ronsan2224@aol.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ronald S. Fujiyoshi	Individual	Oppose	No

Comments: I oppose this bill! Wasn't Kamehameha I whose first law was that of the Splintered Paddle, the right for all to lie on the side of the road? If you are targeting the homeless, rather than "Punishment" you should solve the problem of homelessness. If you are targeting the Mauna Kea protectors, the judge Takase threw out all of these cases on criminal trespassing. Be positive; find solutions! I definitely oppose this bill!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 10:50 AM  
**To:** TRE Testimony  
**Cc:** raulg@nohea.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Raul Nohea Goodness	Individual	Oppose	No

Comments: I oppose this bill strongly. I am Hawaiian and a voter in the State of Hawaii system. -The Hawaiian people has a right to over 1.8 million acres of the former Crown and government lands of the Kingdom of Hawaii which were illegally transferred to the US and as a condition of Statehood. -Much of the lands currently held by DOT are public trust lands where the traditional, customary, and subsistence access and gathering rights of the Hawaiian people are reserved and have been since the time of the Māhele (1848) and Kuleana Act of 1850. -Hawaiian rights to access lands for traditional, customary, and subsistence purposes are recognized in the Hawaii State Constitution (1978) Article XII Section 7 which gives the government a duty to “protect all rights customarily and traditionally exercised for subsistence, cultural and religious purposes.” -The right to access lands was reconfirmed by the court in the Kalipi vs. Hawaiian Trust (1982) case. -The cultural and customary access rights of the Hawaiian people were further expanded in the courts in the Paty vs. Pele Defense Fund (1992) and in the Public Access and Shoreline vs. Hawaii County Planning Commission (1995) court decisions. -This bill criminalizes Hawaiian rights to access public lands for traditional, customary, and subsistence purposes and provides no accommodations and protections for Hawaiians and initially assumes guilt -putting the burden of legal protection of rights upon the Hawaiian people. -This coupled with the fact that the Hawaiian people as a group are socio-economically challenged would give undue hardship and stress to the people of the ‘āina (land).

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 10:41 AM  
**To:** TRE Testimony  
**Cc:** leeydao@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
E Yadao	Individual	Oppose	No

Comments: How dare you even entertain this. 'State' and Crown and Government Lands are the provenance of the Hawaiians. Your Public Law 103-150 Paragraph 29 even states so. Shame on you, dont you have anything better to do?

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 10:38 AM  
**To:** TRE Testimony  
**Cc:** sylviacabralmaui@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sylvia cabral	Individual	Oppose	No

Comments: Targets Hawaiians who are the only people who engage in cultural practices. Discrimination. Stop trying to get rid of the Hawaiians. This is their home. Born & Raised not Flown in.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 10:31 AM  
**To:** TRE Testimony  
**Cc:** jk96786@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

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

Comments: I Oppose HB1142 -The Hawaiian people has a right to over 1.8 million acres of the former Crown and government lands of the Kingdom of Hawaii which were illegally transferred to the US and as a condition of Statehood. -Much of the lands currently held by DOT are public trust lands where the traditional, customary, and subsistence access and gathering rights of the Hawaiian people are reserved and have been since the time of the Māhele (1848) and Kuleana Act of 1850. -Hawaiian rights to access lands for traditional, customary, and subsistence purposes are recognized in the Hawaii State Constitution (1978) Article XII Section 7 which gives the government a duty to “protect all rights customarily and traditionally exercised for subsistence, cultural and religious purposes.” -The right to access lands was reconfirmed by the court in the Kalipi vs. Hawaiian Trust (1982) case. -The cultural and customary access rights of the Hawaiian people were further expanded in the courts in the Paty vs. Pele Defense Fund (1992) and in the Public Access and Shoreline vs. Hawaii County Planning Commission (1995) court decisions. -This bill criminalizes Hawaiian rights to access public lands for traditional, customary, and subsistence purposes and provides no accommodations and protections for Hawaiians and initially assumes guilt -putting the burden of legal protection of rights upon the Hawaiian people. -This coupled with the fact that the Hawaiian people as a group are socio-economically challenged would give undue hardship and stress to the people of the ‘āina (land).

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 10:57 AM  
**To:** TRE Testimony  
**Cc:** shannonkona@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Oppose	No

Comments: STRONGLY OPPOSE!!! I agree with OHA. As a 34 year Hawai`i resident, I demand our legislature stop persecuting Hawaiians on their own lands! Enough! "The Office of Hawaiian Affairs OPPOSES HB1142. HB1142 would further criminalize the homeless community, many of whom may be OHA beneficiaries, without providing any substantive relief to the homelessness crisis. HB1142 raises additional concerns regarding potential impacts to Native Hawaiians' ability to exercise their constitutionally protected traditional and customary access and gathering rights."

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 11:01 AM  
**To:** TRE Testimony  
**Cc:** hawanemusic@gmail.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hawane Rios	Individual	Oppose	Yes

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 11:43 AM  
**To:** TRE Testimony  
**Cc:** wahine96779@yahoo.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amy Halas	Individual	Oppose	No

Comments: This legislation is in violation of Article 12, Section 7, TRADITIONAL AND CUSTOMARY RIGHTS, of the Hawai'i State Constitution as well as an infringement upon our First Amendment Rights as guaranteed by the United States Constitution. I vehemently oppose this bill. Vote NO.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 11:35 AM  
**To:** TRE Testimony  
**Cc:** jennymaliahudson@yahoo.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jenny hudson	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 11:27 AM  
**To:** TRE Testimony  
**Cc:** heleolani@yahoo.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hoku Cabebe	Individual	Oppose	No

Comments: As a hawaiian practitioner, I strongly oppose this bill.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 11:27 AM  
**To:** TRE Testimony  
**Cc:** kamij9@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kami carter	Individual	Oppose	No

Comments: Please oppose this bill.

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Aloha Senators,

Please

please please

OPPOSE HB1142 which adds the offense of criminal trespass onto State Department of Transportation lands to the penal code which is punishable by up to 30 DAYS IN JAIL.

HB1142 is unconstitutional and violates Hawaiian rights to access and gather their land for traditional, customary and subsistence purposes recognized in the Hawaii State Constitution Article XII Section 7 and in place since the time of the Māhele in 1848 and the Kuleana Act of 1850. The Hawaiian people have the rights to over 1.8 million acres of the former Crown and government lands of the Kingdom of Hawaii which were illegally transferred to the US and as a condition of Statehood. The right to access lands was reconfirmed by the court in the Kalipi vs. Hawaiian Trust (1982) case. The cultural and customary access rights of the Hawaiian people were further expanded in the courts in the Paty vs. Pele Defense Fund (1992) and in the Public Access and Shoreline vs. Hawaii County Planning Commission (1995) court decisions.

This bill criminalizes Hawaiian rights to access public lands for traditional, customary, and subsistence purposes and provides no accommodations and protections for Hawaiians and initially assumes guilt putting the burden of legal protection of rights upon the Hawaiian people. This coupled with the fact that the Hawaiian people as a group are socio-economically challenged would give undue hardship and stress to the people of the 'āina.

I urge you to strongly oppose HB1142 and similar legislation which criminalizes the rights of Hawaiians.

Emma Whitney



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 11:23 AM  
**To:** TRE Testimony  
**Cc:** hokupaa76@yahoo.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hoku Vasconcellos	Individual	Oppose	No

Comments: Stop trying to take away our inherent rights to gather!!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 11:21 AM  
**To:** TRE Testimony  
**Cc:** mmcardle19@aol.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Peggy McArdle	Individual	Oppose	No

Comments: Aloha. Please oppose HB 1142. This measure would criminalize Native Hawaiians who practice customary and traditional gathering rights protected under the Hawaii State Constitution on state land. Please move on from the plantation mentality and protect Hawaii's indigenous people's rights.

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To whom it may concern:

I implore you to oppose HB1142 on account of its unconstitutionality. This bill undermines the legally established cultural and customary access rights of Hawaiians (which have heretofore been established, upheld, and expanded in several court decisions). Criminalizing Hawaiians for exercising their legal rights to the land should not be an undertaking of the Senate, as it is counterintuitive to the wellbeing of its constituents. I urge you to reevaluate and withdraw support for this damaging and culturally reckless initiative.

In solidarity,  
Nina Sabahi

TRE Chair & Committee

As an Elder Aboriginal Hawaiian, I oppose HB #1142 Criminalizing the Hawaiian Religion & HOST Culture in their own Motherland. Absolutely Unconstitutional & Ungodly at BEST. Yet the State of Hawaii's AG using Hawaii is suing the President of the United States (like it or not, said aBurned Berner ) favoring immigrants; I have Nothing against immigrants but No Regard/ Concern for those who have 2,500+ years of Ancestral Roots here. A'ole Pono, ame HewaHewa loa! The Hypocritical "ripping effect" to this so-called Aloha State is Shameful & Inhumane! And a "Backdoor" effort to criminalize the Constitutional Rights / Freedom of Speech & Assembly on Public/ Hawaiian Historical Sacred Temple site(s) starters. . .

Pls note: We are Protectors Not Protesters to Criminalized by private interests! So I strongly OPPOSE HB #1142 & So should anyone that Upholds the US Constitutional Rights & Freedoms affording All no matter Race, Religion & Creed.

Kahuhealani

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 1:51 PM  
**To:** TRE Testimony  
**Cc:** ipoc.m.chang@hotmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Corine Chang	Individual	Oppose	No

Comments: Corine M Chang 11-2207 Ohialani Road Mountain View, Hawaii 96771 I am Opposed to HB 1142 that will criminalize Hawaiians for trespassing, whether because they're gathering things for sacred customary and traditional rights or because they're houseless. Also, Kanaka Maoli have rights to our CROWN LANDS and the shorelines are providing food for all. Public access is very important, being able to reach these public areas is vital to many who still live off the land and sea. It is wrong for the state to change the way of life for the Native people of this land called HAWAII. Please vote "NO" on HB 1142. Sincerely, Corine M Chang 11-2207 Ohialani Road Mountain View, Hawaii 96771 808-968-7192

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 1:33 PM  
**To:** TRE Testimony  
**Cc:** valerie@isomedia.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Valerie Barnes	Individual	Oppose	No

Comments: I oppose this bill unless it is amended to exempt Native Hawaiians who are exercising their rights to subsistence and cultural activities on these lands. Without the suggested amendment for this exemption, it's clearly an attempt to suppress protest - you are fooling no-one - and that's illegal.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 12:59 PM  
**To:** TRE Testimony  
**Cc:** aniko65@live.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Avi Okin	Individual	Oppose	No

Comments: Too much criminalization of those who need a voice in public and government.

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**Sent:** Tuesday, March 14, 2017 12:50 PM  
**To:** TRE Testimony  
**Cc:** Terez.amato@yahoo.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Terez Amato Lindsey	Individual	Oppose	No

Comments:

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**Sent:** Tuesday, March 14, 2017 12:40 PM  
**To:** TRE Testimony  
**Cc:** lsierraknight@yahoo.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
LS Knight	Individual	Oppose	No

Comments: Vehemently oppose this attempt to criminalize legitimate dissent. You cant legislate democratic rights and think you can take them away.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 12:35 PM  
**To:** TRE Testimony  
**Cc:** hokuokekai50@msn.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Lacques	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 12:24 PM  
**To:** TRE Testimony  
**Cc:** slkwrn@hotmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sharon kershner	Individual	Oppose	No

Comments: I object strongly and completely to this bill and it's potential abuses. It is the responsibility of those that create the laws to decipher whether they free or burden, protect & serve, the people, of the non Corporate kind. This bill serves no one but 'the authorities' and does not Serve The People in any capacity but subjugation. The Aina dynamic is too divisive and sensitive issue to do this, and claim a 'for The People' or even neutral position. PLEASE NO NO To LAST YEAR'S VERSION NO TO THIS YEAR'S RETRY. Thank You For not allowing this intent and the words of this bill to become law.

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**To:** TRE Testimony  
**Cc:** gifts9954@gmail.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Vickery	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 12:02 PM  
**To:** TRE Testimony  
**Cc:** bmurphy420@mail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Murphy	Individual	Oppose	No

Comments: I OPPOSE HB1142! Respect Hawaiian, rights, lands, culture, and traditions.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 12:01 PM  
**To:** TRE Testimony  
**Cc:** mary@mauivortex.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Whispering Wind	Individual	Oppose	No

Comments: I OPPOSE HB1142! Respect Hawaiian, rights, lands, culture, and traditions.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 12:00 PM  
**To:** TRE Testimony  
**Cc:** bmurphy420@mail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Murphy	Individual	Oppose	No

Comments: I OPPOSE HB1142! Respect Hawaiian, rights, lands, culture, and traditions.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 1:47 PM  
**To:** TRE Testimony  
**Cc:** rfreitasjr@hotmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Freitas Jr.	Individual	Oppose	No

Comments: I oppose this ridiculous bill!!!

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I strongly oppose senate bill HB1142.whoever proposed this bill should get a beating.

Frank DeYoung

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 2:18 PM  
**To:** TRE Testimony  
**Cc:** jennahia@yahoo.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Noelani Ahia	Individual	Oppose	No

Comments: I strongly oppose this bill. As Kanaka Maoli, We have the right to gather to practice and protect our culture and spirituality and this bill is in direct conflict of our rights.

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**Sent:** Tuesday, March 14, 2017 2:18 PM  
**To:** TRE Testimony  
**Cc:** tampaltin@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tamara Paltin	Individual	Oppose	No

Comments: I am strongly opposed to this bill there can be no Hawaiian culture without the interaction of practitioners and their native environment add to that many of the State/Government lands are crown lands that are to be held in trust for the Hawaiian people this is hewa loa!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 2:31 PM  
**To:** TRE Testimony  
**Cc:** frankiestapleton@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Frances K. (Frankie) Stapleton	Individual	Oppose	No

Comments: Aloha e Chair Inouye and members of the Senate Transportation and Energy Committee. My name is Frances K. (Frankie) Stapleton, a 47-year resident of the State of Hawaii, currently living at 14-803 Crystal Circle, Pahoia HI 96778. I've spent most of my adult life here in Hawaii as a journalist and school teacher, now retired. I am testifying in opposition to HB 1142 as I feel it unnecessarily criminalizes not just homeless people but the public at large. I have a home but being older now and slightly disabled with knee and ankle problems, going on excursions or just walking my leashed puppy in communities around the state, I have sometimes just needed to sit somewhere and rest. Especially when it's very hot and sunny. And there are lots of senior citizens, parents with young children, disabled people in wheelchairs or with walkers, just needing to rest. I can't believe the Aloha State is trying to criminalize our pathways. Whatever happened to the Law of the Splintered Paddle? Have you legislators lost all touch with the common people... that you don't realize every citizen in the state is a potential pedestrian and not everyone travels in automotive vehicles? Nor can we run round looking for signs w/2-inch letters telling us we can't walk there, stand there, or sit down! And this bill just adds to the burden of the homeless, ever increasing in number! For shame! Please be pono and vote against HB1142. Respectfully submitted, Frankie Stapleton

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**Sent:** Tuesday, March 14, 2017 2:51 PM  
**To:** TRE Testimony  
**Cc:** panther\_dave@yahoo.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dave Kisor	Individual	Oppose	No

Comments: To criminalize Hawaiians for being on their own land by classifying them as trespassers is unconscionable. The charge of criminal trespass goes way beyond the pale and had to been generated by corporations who don't want any indigenous opposition. This is just plain wrong and a prime example of how government is used against those it is supposed to protect. It's supposed to protect us from the moneyed interests, but in reality it often works backwards against us.

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**Sent:** Tuesday, March 14, 2017 2:38 PM  
**To:** TRE Testimony  
**Cc:** freundtheresa@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Theresa Freund	Individual	Oppose	No

Comments: Aloha Senators, Please OPPOSE HB1142 which adds the offense of criminal trespass onto State Department of Transportation lands to the penal code which is punishable by up to 30 DAYS IN JAIL. HB1142 is unconstitutional and violates Hawaiian rights to access and gather their land for traditional, customary and subsistence purposes recognized in the Hawaii State Constitution Article XII Section 7 and in place since the time of the Māhele in 1848 and the Kuleana Act of 1850. The Hawaiian people have the rights to over 1.8 million acres of the former Crown and government lands of the Kingdom of Hawaii which were illegally transferred to the US and as a condition of Statehood. The right to access lands was reconfirmed by the court in the Kalipi vs. Hawaiian Trust (1982) case. The cultural and customary access rights of the Hawaiian people were further expanded in the courts in the Paty vs. Pele Defense Fund (1992) and in the Public Access and Shoreline vs. Hawaii County Planning Commission (1995) court decisions. This bill criminalizes Hawaiian rights to access public lands for traditional, customary, and subsistence purposes and provides no accommodations and protections for Hawaiians and initially assumes guilt putting the burden of legal protection of rights upon the Hawaiian people. This coupled with the fact that the Hawaiian people as a group are socio-economically challenged would give undue hardship and stress to the people of the 'āina. I urge you to strongly oppose HB1142 and similar legislation which criminalizes the rights of Hawaiians.

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Aloha Senators,

Please OPPOSE HB1142 which adds the offense of criminal trespass onto State Department of Transportation lands to the penal code which is punishable by up to 30 DAYS IN JAIL.

HB1142 is unconstitutional and violates Hawaiian rights to access and gather their land for traditional, customary and subsistence purposes recognized in the Hawaii State Constitution Article XII Section 7 and in place since the time of the Māhele in 1848 and the Kuleana Act of 1850. The Hawaiian people have the rights to over 1.8 million acres of the former Crown and government lands of the Kingdom of Hawaii which were illegally transferred to the US and as a condition of Statehood. The right to access lands was reconfirmed by the court in the Kalipi vs. Hawaiian Trust (1982) case. The cultural and customary access rights of the Hawaiian people were further expanded in the courts in the Paty vs. Pele Defense Fund (1992) and in the Public Access and Shoreline vs. Hawaii County Planning Commission (1995) court decisions.

This bill criminalizes Hawaiian rights to access public lands for traditional, customary, and subsistence purposes and provides no accommodations and protections for Hawaiians and initially assumes guilt putting the burden of legal protection of rights upon the Hawaiian people. This coupled with the fact that the Hawaiian people as a group are socio-economically challenged would give undue hardship and stress to the people of the 'āina.

I urge you to strongly oppose HB1142 and similar legislation which criminalizes the rights of Hawaiians.

Mahalo Nui Loa for your time and considerations, Wai'ala Ahn

Sent from my iPhone

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 3:31 PM  
**To:** TRE Testimony  
**Cc:** lanarobbins@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lana Ululani Robbins	Individual	Oppose	No

Comments: While I support the Thirty Meter Telescope which will benefit Hawaiian children who are interested in science and/or astronomy, this bill solely targets and singles out those who don't support it. This bill has bad intentions. No matter what your opinion is about the TMT no one should have their right to peacefully protest infringed upon which this bill intends to do. I strongly and adamantly oppose this bill House Bill 1142. They have the right to peacefully protest. Aloha.

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**To:** TRE Testimony  
**Cc:** joeritter3@yahoo.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dr. Joe Ritter	Individual	Oppose	No

Comments:

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**Sent:** Tuesday, March 14, 2017 4:48 PM  
**To:** TRE Testimony  
**Cc:** blackbird4aloha@hotmail.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Merle Hayward	Individual	Oppose	No

Comments:

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**Sent:** Tuesday, March 14, 2017 3:36 PM  
**To:** TRE Testimony  
**Cc:** chris@mentzel.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Mentzel	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 4:43 PM  
**To:** TRE Testimony  
**Cc:** d\_acain@yahoo.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dominic Acain	Individual	Oppose	No

Comments: I oppose this bill as written for the fact that it does not have in place an exemption for those who have traditionally gathered food in some of these improved areas prior to the overthrow of the Kingdom of Hawaii and the Statehood which occurred because of that overthrow. The Hawaiian people and more importantly the descendants of Hawaiian Kingdom subjects have been displaced, their language was almost lost and their culture have been uprooted. The inability for these descendants to continue to gather as their ancestors because of the overthrow is perpetuated in this measure. It also perpetuates the genocidal acts committed upon a peaceful people who the state of Hawaii now force to pay taxes to them to have even more taken away. There needs to be some sample of justice and respect for the people and the culture from whom the State of Hawaii have misappropriated their flag, their lands, their language and their culture and have done next to nothing to reflect any empathy, accountability or respect for a people who have been in these islands since time immemorial. I understand the intent of this bill but in it's present form and without regards to the above aforementioned I cannot in good conscience support this Bill as written.

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**Sent:** Tuesday, March 14, 2017 4:36 PM  
**To:** TRE Testimony  
**Cc:** jana.nicole.laborte@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jana-Nicole Laborte	Individual	Oppose	No

Comments: I oppose this bill. Gathering and traditional uses of the land and ocean have been in my family from before I was born. I remember going with my grandparents, I remember my dad. Now my brother carries on that tradition. How will we as kanaka be able to sustain a living connected with our 'aina if we're going to be criminalized for our traditions?

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**Sent:** Tuesday, March 14, 2017 4:09 PM  
**To:** TRE Testimony  
**Cc:** jesteacher2@hotmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nathan Okasako	Individual	Oppose	No

Comments: I OPPOSE House Bill 1142 which adds the offense of criminal trespass onto State Department of Transportation lands to the penal code which is punishable by up to 30 DAYS IN JAIL. -The Hawaiian people have a right to over 1.8 million acres of the former Crown and government lands of the Kingdom of Hawaii which were illegally transferred to the US and as a condition of Statehood. -Much of the lands currently held by DOT are public trust lands where the traditional, customary, and subsistence access and gathering rights of the Hawaiian people are reserved and have been since the time of the Māhele (1848) and Kuleana Act of 1850. -Hawaiian rights to access lands for traditional, customary, and subsistence purposes are recognized in the Hawaii State Constitution (1978) Article XII Section 7 which gives the government a duty to “protect all rights customarily and traditionally exercised for subsistence, cultural and religious purposes.” -The right to access lands was reconfirmed by the court in the Kalipi vs. Hawaiian Trust (1982) case. -The cultural and customary access rights of the Hawaiian people were further expanded in the courts in the Paty vs. Pele Defense Fund (1992) and in the Public Access and Shoreline vs. Hawaii County Planning Commission (1995) court decisions. -This bill criminalizes Hawaiian rights to access public lands for traditional, customary, and subsistence purposes and provides no accommodations and protections for Hawaiians and initially assumes guilt -putting the burden of legal protection of rights upon the Hawaiian people. -This coupled with the fact that the Hawaiian people as a group are socio-economically challenged would give undue hardship and stress to the people of the ‘āina (land).

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Aloha Senators,

Please OPPOSE HB1142 which adds the offense of criminal trespass onto State Department of Transportation lands to the penal code which is punishable by up to 30 DAYS IN JAIL.

HB1142 is unconstitutional and violates Hawaiian rights to access and gather their land for traditional, customary and subsistence purposes recognized in the Hawaii State Constitution Article XII Section 7 and in place since the time of the Māhele in 1848 and the Kuleana Act of 1850. The Hawaiian people have the rights to over 1.8 million acres of the former Crown and government lands of the Kingdom of Hawaii which were illegally transferred to the US and as a condition of Statehood. The right to access lands was reconfirmed by the court in the Kalipi vs. Hawaiian Trust (1982) case. The cultural and customary access rights of the Hawaiian people were further expanded in the courts in the Paty vs. Pele Defense Fund (1992) and in the Public Access and Shoreline vs. Hawaii County Planning Commission (1995) court decisions.

This bill criminalizes Hawaiian rights to access public lands for traditional, customary, and subsistence purposes and provides no accommodations and protections for Hawaiians and initially assumes guilt putting the burden of legal protection of rights upon the Hawaiian people. This coupled with the fact that the Hawaiian people as a group are socio-economically challenged would give undue hardship and stress to the people of the 'āina.

I urge you to strongly oppose HB1142 and similar legislation which criminalizes the rights of Hawaiians.

Mahalo,

Courtney O'Kief

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 15, 2017 7:52 AM  
**To:** TRE Testimony  
**Cc:** st.fjames@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/15/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Frances Salvato	Individual	Oppose	No

Comments: Please do not limit the rights of cultural practitioners. It is wrong. Don't be part of the problem. Honor this miraculous place! Don't enable greed. Thank you.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 15, 2017 6:52 AM  
**To:** TRE Testimony  
**Cc:** clarkl004@gmail.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/15/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Linda Clark	Individual	Oppose	No

Comments:

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HIRAM Y RESPICIO  
87-123 HELELUA ST G308  
NANAKULI, HI 96792

STOP HB1142

Wednesday, March 15, 2017

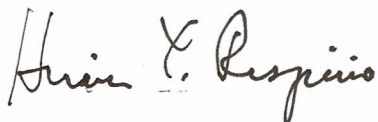
I AM AGAINST HB1142, RELATING TO THE CRIMINAL TRESPASS ONTO STATE OF HAWAII DEPARTMENT LANDS.

AS YOU ALREADY KNOW THIS GOES AGAINST KING KAMEHAMEHA'S "LAW OF THE SPLINTERED PADDLE" WHICH HAS BEEN IN FORCE SINCE KAMEHAMEHA I RULE. YOUR BILL ALSO PREVENTS CITIZENS OF THIS STATE TO GATHER PLANTS AND ANIMALS NECESSARY TO THEIR CULTURAL AND RELIGIOUS PRACTICES.

THIS BILL CANNOT BE PASSED DUE TO THE INFRINGEMENT OF OUR CONSTITUTIONAL RIGHTS OF RELIGION.

I IMPLORE EACH SENATOR AND REPRESENTATIVE TO KILL THE BILL.

THANK YOU

A handwritten signature in cursive script that reads "Hiram Y. Respicio". The signature is written in dark ink and is positioned below the typed name.

HIRAM Y RESPICIO

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 15, 2017 1:25 AM  
**To:** TRE Testimony  
**Cc:** maoliinstitute@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/15/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Toni Auld Yardley	Individual	Oppose	No

Comments: THIS IS LAND GRABBING - ESPECIALLY CROWN LANDS ON MAUNA KEA - AND CRIMINALIZING CULTURAL AND SPIRITUAL ACCESS - WHILE VIOLATING NATIONAL HISTORIC PRESERVATION ACT SECTION 106 "§708- (2) Land is not "improved state department of transportation land" if it only has minor improvements, including utility poles, signage, and irrigation facilities or systems; or minor alterations undertaken for the preservation or prudent management of the unimproved or unused land, including fences, trails, or pathways. Land is not "improved state department of transportation land" solely due to state maintenance activities, including forest plantings and the removal of weeds, brush, rocks, boulders, or trees; or removal or securing of rocks or boulders undertaken to reduce risk to downslope properties. "State department of transportation lands" means all land owned by the State through its department of transportation or otherwise under the jurisdiction or management of its department of transportation.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 15, 2017 1:19 AM  
**To:** TRE Testimony  
**Cc:** leinaala.mauna@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/15/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Leina'ala Sleightholm	Individual	Oppose	No

Comments: This bill could potentially have collateral impacts that may not be evident to the public in the bill as currently written and needs to be more specific. There are too many unknowns and unanswered questions.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 15, 2017 12:38 AM  
**To:** TRE Testimony  
**Cc:** alishanguyen63@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/15/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alisha Nguyen	Individual	Oppose	No

Comments: Aloha kAkahiaka. My name is Puahalaokalani Nguyen. I strongly and rightfully OPPOSE this bill due to the simple fact that I don't see the equality for the Hawaiian people to be band from their own rightful land. How dare and SHAME ON WHOEVER YOU ARE for even writing this bill. Just think, put yourself in our shoes and see how YOU would feel from being banned from your own property.. Mahalo A Nui for your time. Me ke aloha nui, Alisha Ngoc Puahalaokalani Nguyen

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 11:39 PM  
**To:** TRE Testimony  
**Cc:** naniomerod1@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
MaryAnn Omerod	Individual	Oppose	No

Comments: I strongly oppose adding the offense of criminal trespass onto State Department of Transportation lands to the penal code.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 11:23 PM  
**To:** TRE Testimony  
**Cc:** johnnar55@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
johnna rapozo	Individual	Oppose	No

Comments: I oppose this bill as it criminalizes Hawaiian rights to access public lands for the traditional, customary, and subsistence purposes and provides no accommodations and protection for Hawaiians.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 11:19 PM  
**To:** TRE Testimony  
**Cc:** nataliejeanf@gmail.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
natalie forster	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 10:38 PM  
**To:** TRE Testimony  
**Cc:** keomaivg@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kealoha Pisciotta	Mauna Kea Anaina Hou	Oppose	No

Comments: Aloha Pumehana Law Makers, I testify in opposition to this measure because it fails to protect the constitutional rights of Native Hawaiian and specifically runs counter to those rights enumerated under Article 12, Section 7 relating to Native Hawaiian Traditional and Customary Cultural and Religious Practices. This law is not compatible and will violate Native Hawaiians Constitutional Protections. I thank you for your time and Consideration, In Aloha I remain Kealoha Pisciotta

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 10:20 PM  
**To:** TRE Testimony  
**Cc:** naniomerod1@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
MaryAnn Omerod	Individual	Oppose	No

Comments: I strongly oppose adding the offense of criminal trespass onto State Department of Transportation lands to the penal code.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 10:00 PM  
**To:** TRE Testimony  
**Cc:** Salinasckl@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kimberly crawford	Individual	Oppose	No

Comments: Aloha Honorable Joseph M. Souki and committee, My Name is Kimberly Crawford I am a 24 year old Mother, community member, and Kia'i Loko (Fishpond guardian). I was born, raised and continue to reside in Kalaoa on Moku o Keawe (Hawaii Island) and will continue to establish my daughter's roots here. I am strongly opposed to the proposed House bill HB1142. A Bill that Adds the offense of criminal trespass onto State Department of Transportation lands to the penal code. To those who value the westernized idea of ownership this bill may be fitting. The idea that when you own or manage a piece of land that it belongs to you, and no one else, and only you get to decide what's best for this piece of land. It is often that these decisions are made without a care, or perhaps a disregard of the established community, and result in a compromise of resources for the future that sustained previous generations. When I tried to get an Idea of areas managed by D.O.T around me I thought immediately of KOA Kona international airport. KOA is lying adjacent to one of Kona region's most popular beaches, what my ohana calls Mahaiulas also known as Kekaha Kai state park. This beach is heavily trafficked by locals and visitors alike, there's a beautiful white sand bay at the end of the road with crystal clear waters and the most amazing sea breeze, And off to the south of the parking area there is a A'a off-road trail connecting to Kona international Airport that is highly prized by our local fishers, divers, and gatherers. Weekend camping trips at black sands are sort of a given for anyone who has grown up in this area of North Kona. Another area Highly prized by locals but already extremely managed is Kawaihae Harbor, a bay and major port now guarded by multiple man made breakwalls that our keiki have learned to swim, fish, surf, celebrate, and play in. But Kawaihae harbor like many areas, if not all areas managed by the D.O.T are on lands that are also very culturally and spiritually significant. Areas where people continue to practice, to pule, to collects Wai, to harvest limu, to fish, to sustain not only themselves through physical nourishment but also mental/spiritual nourishment and perpetuity of an entire culture for our Keiki. As a community member and mother I am opposed to this bill not only for Kanaka Hunting/Fishing/Gathering rights but also for our Houseless population. Hawaii has an extremely high and ever increasing Houseless population due to the huge lack in affordable housing for the community and inadequate unevenly distributed wages. Until we as a community rise up and build the housing for

these people we cannot continue to criminalize their situation. Mahalo for your time and consideration, Kimberly Crawford. Salinasckl@gmail.com 808-557-1873

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**Sent:** Tuesday, March 14, 2017 9:37 PM  
**To:** TRE Testimony  
**Cc:** bawoof1@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brad Wood-Ferren	Individual	Oppose	No

Comments: I OPPOSE this Bill. Hawaiians have Gathering Rights to all State Lands  
Mahalo for your consideration

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 9:35 PM  
**To:** TRE Testimony  
**Cc:** rkailianu57@gmail.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Individual	Oppose	Yes

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 9:24 PM  
**To:** TRE Testimony  
**Cc:** keahipua@yahoo.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Mills	Individual	Oppose	No

Comments: I Opppse this bill , as a Hawaiian I find it unethical and against our native gathering rights & practices. It subjects us as Hawaiians toppssible unlawful arrests based on biases against our people . Please do not take away our rights as Hawaiians . Mahalo

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 9:12 PM  
**To:** TRE Testimony  
**Cc:** alapaikewe@yahoo.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
keawe alapai	Individual	Oppose	No

Comments: My name is KEAWE KKK ALAPAI and I Oppose of HB1142 I feel that their IS some sort of PREJUDICE against HAWAIIANS and its HAWAIIAN CONSTITUTION ARTICLE 12 SECTION 7. HB1142 is going against the HAWAIIA'S CONSTITUTION AND WHAT IT'S STANDS FOR. HAWAII'S CONSTITUTION GIVES RIGHTS TO HAWAIIANS WHILE HB1142 IS TRYING TO TAKE AWAY RIGHTS FROM HAWAIIANS. OUR HAWAII'S CONSTITUTION GIVES FREE PASSAGE TO COLLECT SUBSTINANCE FREE TO WORSHIP WITHOUT CONSEQUENCES WHILE HB1142 WANT TO ARREST HAWAIIANS FOR DOING THEIR CULTURAL PRACTICES. THEIR FOR I STRONGLY OPPOSE HB1142.

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**PARTNERS IN CARE**  
**Oahu's Coalition of Homeless Providers**

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**TESTIMONY IN OPPOSITION TO HB 1142: RELATING TO CRIMINAL TRESPASS**

TO: Senator Loraine R. Inouye, Chair, Senator Donovan M. Dela Cruz, Vice Chair, and Members, Committee on Transportation and Energy

FROM: Greg Payton, Partners in Care, Chair of Advocacy Committee

**Hearing: Wednesday, March 15, 2017; 1:15 pm; Conference Room 225**

Chair Inouye, Vice Chair Dela Cruz, and Members, Committee on Transportation and Energy:

Thank you for the opportunity to provide testimony **in opposition to** HB 1142, which would add the offense of criminal trespass onto State Department of Transportation lands to the penal code. I am Greg Payton, the Chair of the Advocacy Committee for Partners in Care.

Partners in Care (PIC) is Oahu's continuum of care as defined by HUD, and PIC represents a coalition of more than 35 non-profit, homeless providers. Our Coalition opposes this bill and other efforts to criminalize the State's homeless population. Adding on criminal offenses such as HB 1142 to the penal code makes it more likely that a homeless person will end up with a criminal record. The consequence can impact their ability to find a job, or losing their identification during incarceration, but even more important, it may result in them being screened out of consideration for a rental unit. The State has devoted significant time, money and effort into ending homelessness. This bill creates additional barriers to homeless people actually being able to access affordable permanent rental housing.

Furthermore, adding criminal trespass to a homeless person's record does not give any meaningful relief to the crisis in homelessness in our State. It moves the homeless onto other areas which are then further impacted. Instead of criminalizing the homeless with this bill, we urge the Legislature to work with providers to follow best practices; e.g., the USICH's guidelines on "Ending Homelessness for People Living in Encampments"; expanding homeless outreach to engage people to enter homeless services; and rental assistance, which have proven successful in actually moving the homeless off the streets, out from under bridges or other sites and into permanent housing. Partners in Care is committed to working on evidence-based programs that can effectively move the homeless into permanent housing.

Partners in Care opposes this bill which would place additional barriers to moving homeless people into permanent housing. We urge you to defer the bill.

Please contact Greg Payton, PIC Chair of Advocacy Committee, [gpayton@mhkhawaii.org](mailto:gpayton@mhkhawaii.org) or at 808-529-4554, if you have any questions.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 8:31 PM  
**To:** TRE Testimony  
**Cc:** Mrmedia1982@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karl Rocco	Individual	Oppose	No

Comments: The cultural traditions of the Native Hawaiian people are extremely important for a variety of reasons. We need to educate ourselves and understand that by forbidding the people of Hawaii from participating in those traditions we are not only going to create additional conflict but deepen the divide amongst the people - which is something that we cannot afford at this point. If we are to gain the trust of the people then the only course of action is to destroy HB1142. It is the pono thing to do!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 8:31 PM  
**To:** TRE Testimony  
**Cc:** kkapu2@hawaii.edu  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Keliiaikapoliolehua Kapu	Individual	Oppose	No

Comments: It is important for our government to protect the rights of Native Hawaiian Practitioners. By making this into law, we criminalize Native Hawaiian Practitioners from continuing traditional practices. it is not fair for Native Hawaiians to be punished for practicing traditional ways. What protection do we have as Hawaiians to practice our traditions? We are already oppressed in many ways through the American Government. These beautiful arts of our culture are nearly extinct, and to criminalize our Native Hawaiian practitioners for practicing and preserving our culture is just another layer of oppression. Regarding our houseless, ow will this affect those families? What are you doing as a government to make the houseless situation better? Is there a plan set out? Specifically how are we intentionally putting an effort to supporting our houseless, especially our Native Hawaiian Houseless? Putting them in jail and pushing them away does not solve problems but simply put a band-aid over the issue. I would like to see more of an effort toward improving this issue before we start to criminalize them. Mahalo for your time.

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Aloha Senators,

Please OPPOSE HB1142 which adds the offense of criminal trespass onto State Department of Transportation lands to the penal code which is punishable by up to 30 DAYS IN JAIL.

HB1142 is unconstitutional and violates Hawaiian rights to access and gather their land for traditional, customary and subsistence purposes recognized in the Hawaii State Constitution Article XII Section 7 and in place since the time of the Māhele in 1848 and the Kuleana Act of 1850. The Hawaiian people have the rights to over 1.8 million acres of the former Crown and government lands of the Kingdom of Hawaii which were illegally transferred to the US and as a condition of Statehood. The right to access lands was reconfirmed by the court in the Kalipi vs. Hawaiian Trust (1982) case. The cultural and customary access rights of the Hawaiian people were further expanded in the courts in the Paty vs. Pele Defense Fund (1992) and in the Public Access and Shoreline vs. Hawaii County Planning Commission (1995) court decisions.

This bill criminalizes Hawaiian rights to access public lands for traditional, customary, and subsistence purposes and provides no accommodations and protections for Hawaiians and initially assumes guilt putting the burden of legal protection of rights upon the Hawaiian people. This coupled with the fact that the Hawaiian people as a group are socio-economically challenged would give undue hardship and stress to the people of the 'āina.

I urge you to strongly oppose HB1142 and similar legislation which criminalizes the rights of Hawaiians.

Carlene Greenlee

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 7:40 PM  
**To:** TRE Testimony  
**Cc:** kauwilamahina@gmail.com  
**Subject:** \*Submitted testimony for HB1142 on Mar 15, 2017 13:15PM\*

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kaylene Sheldon	The John Munn Kahikina Kelekona Foundation	Oppose	No

**Comments:**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 6:11 PM  
**To:** TRE Testimony  
**Cc:** bob-marion@hawaiiantel.net  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marion McHenry	Individual	Oppose	No

Comments: I strongly oppose this bill!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 5:35 PM  
**To:** TRE Testimony  
**Cc:** puaena.n.ahn@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pua'ena N. Ahn	Individual	Oppose	No

Comments: This bill would violate the Kanawai Mamalahoe, which is enshrined one Article 9 Section 10 of the state of Hawai'i constitution. Would lead to an unfair targeting of the homeless and would interfere with the traditional access and cultural practices of Kanaka Maoli.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 5:31 PM  
**To:** TRE Testimony  
**Cc:** tulsigreenlee@icloud.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tulsi Greenlee	Individual	Oppose	No

Comments: Aloha, I oppose this bill because I feel it would hurt homeless people more than help them. Thank you Tulsi

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 13, 2017 4:56 PM  
**To:** TRE Testimony  
**Cc:** teresamlee.51@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/13/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teresa L. Nakama	Individual	Comments Only	No

Comments: We strongly oppose HB1142...We live in Hawaii were we traverse from North to South and West to East to gather our natural resources so that we are able to thrive. This bill hidens and threatens our very freedom to exist and is a hazard to our safety to express our livelihood. This bill represents the tyranny of our own government and its departments. We have existing rules, regulations and laws that are suppose guide us not impose laws that threatens our very existence.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 9:36 PM  
**To:** TRE Testimony  
**Cc:** mavisoliveira@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mavis Oliveira-Medeiros	Individual	Comments Only	No

Comments: I am writing in extreme opposition to hb1142. It would be a most heinous crime for you all to pass something that would stop the host culture of these islands, (Hawaiians) from practicing their own culture. This is not even taking into consideration that much of these State lands, ceded lands, were meant for Hawaiians. How could anyone think that this would be okay? Please, please oppose this bill. Mahalo nui, Mavis Oliveira-Medeiros Earle Medeiros, Sr John-Bull English Earle Medeiros, Jr

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 15, 2017 6:02 AM  
**To:** TRE Testimony  
**Cc:** alex.beers@gmail.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/15/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
alex beers	Individual	Comments Only	No

Comments: To whom it may concern, I want to strongly urge that you vote no on hb1142. This just seems like a bad idea all around. Blessing, Alex Beers

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 11:44 AM  
**To:** TRE Testimony  
**Cc:** pratt.ronni@yahoo.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Ronni Pratt	Individual	Comments Only	No

Comments: Aloha Senators, I am asking you to please OPPOSE HB1142 which adds the offense of criminal trespass onto State Department of Transportation lands to the penal code which is punishable by up to 30 DAYS IN JAIL. HB1142 is unconstitutional and violates Hawaiian rights to access and gather their land for traditional, customary and subsistence purposes recognized in the Hawaii State Constitution Article XII Section 7 and in place since the time of the Māhele in 1848 and the Kuleana Act of 1850. The Hawaiian people have the rights to over 1.8 million acres of the former Crown and government lands of the Kingdom of Hawaii which were illegally transferred to the US and as a condition of Statehood. The right to access lands was reconfirmed by the court in the Kalipi vs. Hawaiian Trust (1982) case. The cultural and customary access rights of the Hawaiian people were further expanded in the courts in the Paty vs. Pele Defense Fund (1992) and in the Public Access and Shoreline vs. Hawaii County Planning Commission (1995) court decisions. This bill criminalizes Hawaiian rights to access public lands for traditional, customary, and subsistence purposes and provides no accommodations and protections for Hawaiians and initially assumes guilt putting the burden of legal protection of rights upon the Hawaiian people. This coupled with the fact that the Hawaiian people as a group are socio-economically challenged would give undue hardship and stress to the people of the 'āina. I urge you to strongly oppose HB1142 and similar legislation which criminalizes the rights of Hawaiians. Mahalo nui, Ronni Pratt

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 3:31 PM  
**To:** TRE Testimony  
**Cc:** kekaukike@msn.com  
**Subject:** Submitted testimony for HB1142 on Mar 15, 2017 13:15PM

**HB1142**

Submitted on: 3/14/2017

Testimony for TRE on Mar 15, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard DeLeon	Individual	Comments Only	No

Comments: This bill discriminate against we as cultural practitioners of our gathering rights which is our Constitutional right

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My Name is Rocky Ishibashi. I live in Puna Hawaii. When I was 4 (1959), I asked my grandmother to teach me to speak Hawaiian. She said she didn't know how. Being 4 I asked her Why? She told me "BECAUSE IT WAS NOT ALLOWED. Why would a loving grandmother refuse to teach her grandson Hawaiian? Because the terrorist USA/territory/State of Hawaii said so. On Wednesday, 15th, 2017, a vote will take place, this vote, to take more rights away from Kanaka and even making kanaka criminal for protecting our sacred. You may say HB1142 is not targeting kanaka, but this is an outright lie.

Why are there so many bills in the legislature, that , are giving the Thirty Meter Telescope more right to build on Kanaka Maoli's most sacred site? Even though, kanaka rights are protected in the Hawaii State Constitution? I believe, that if any mega corporation waves \$1.4 billion dollars in front of certain politicians, these politicians will pimp out Hawaii like a whore, and allow them to rape our sacred.

I was watching a show on TV the other day that were talking about cultures around the world going extinct. Kanaka are at the brink of extinction today. With each right you take away, you are pushing kanaka off the face of the planet. I had one pro TMT supporter tell me, "TMT is not causing the extinction of the Kanaka" arrogantly citing there were so many children in Hawaiian emersion schools today. Yes, this is true. Many kanaka that protect our Mauna today graduated from these schools. They learned they have a kuleana (responsibility) to protect Hawai'i Nei against all enemies, foreign and domestic. With every right the Hawaii State Legislature takes away, pushes my race towards extinction.

I am 60 years old and have seen so many extinctions of native Indian cultures by the largest terrorist country in the world, the United States of America. Now, you as a representatives of this terrorist organization have set your sights on exterminating Kanaka. STOP this political agenda of eradicating Hawaiians cultural rights, or in my lifetime, the extinction of kanaka will be complete.

I have always believed that each and everyone one in the world has a right to believe in whatever makes them Happy. And each of these beliefs should be protected. If you believe in Jesus Christ, Buddha, Allah, or don't believe in anything at all, these rights should be protected. But, HB 1142 will make me a criminal if I protect my right to my religious cultural rights.

Why is the State of Hawaii creating special rights/favors for the mega corporation TMT? The law was changed to allow TMT to skip all the levels of the USA/State of Hawaii court system to allow them to present their case at the Hawaii Supreme Court. Now you want to create HB1142, that will make it a criminal offense to protect Mauna Kea from desecration. Religious right that rights that are supposed to be protected in the US and Hawaii State Constitutions. Appears that you, as legislators, have a choice, you can chose to follow the USA/ Hawaiian law (Hawaiian's religious cultural rights) or you can revert back to being terrorist against kanaka.

A vote for HB1142 is a vote to make Kanaka Maoli extinct.

Why did the Hawaii Supreme Court invalidate TMT's building permit? Because of a corrupt Board of Land and Natural Resources granted a building permit before a contested case hearing was held. This corrupt act by the BLNR has cost Hawaii taxpayer an estimated \$2 Million dollars already, with more to come.

This is why I am pushing for HB/SB Honesty and Integrity Bill to be created. This bill will require all state and county employees to follow all laws, regulations, and criteria's before granting any applicant a building permit. Had an "Honesty and Integrity" been in place, then all the BLNR members would have to pay for the cost that Hawaii taxpayer are now forced to pay.

This legislative sessions has had so many bills targeting the removal of Kanaka rights than I have ever seen, and for what? A god damn telescope? Nowhere in the Hawaii State constitution does it give rights to a telescope, however, the Hawaii State Constitution states that Kanaka Maoli have protected cultural rights. It is your jobs as legislators, to protect my rights to be kanaka Maoli, or you will be looked upon forever in Hawaiian history as the ones that made Kanaka Maoli go extinct.

Here is the choice you all will choose from, Hawaiian rights, that are supposed to already be PROTECTED in the Hawaii State constitution, or to make it illegal for Kanaka Maoli to protect what we believe as sacred. Here would be a great time for all of you voting on HB1142 to be abiding by an Honesty and Integrity law.