



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 03/21/2018
Time: 03:00 PM
Location: 229
Committee: Senate Education
Senate Water and Land

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: HB 2679, HD1 RELATING THE TRANSFER OF LANDS.

Purpose of Bill: Transfers fee interest in certain public school lands from City and County of Honolulu and the Department of Land and Natural Resources, as applicable, to the Department of Education. (HB2679 HD1)

Department's Position:

The Hawaii State Department of Education (Department) supports HB 2679, HD1. The Department was provided the authority to develop its assets to create twenty-first century schools through Act 155, Sessions Law of Hawaii 2013. In the Department's efforts to move projects forward for development, the Department regularly face the issue of land ownership. Thank you for this opportunity to present testimony on this measure.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU

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March 20, 2018

THE SENATE
COMMITTEE ON EDUCATION
COMMITTEE ON WATER AND LAND
March 21, 2018 Conference Room 229

The Honorable Michelle N. Kidani, Chair
The Honorable Kaiali'i Kahele, Vice Chair
and Members of the Committee on Education

The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
and Members of the Committee on Water and Land

TESTIMONY IN OPPOSITION OF
HOUSE BILL 2679 HD1: RELATING THE TRANSFER OF LANDS

Dear Chair Kidani, Vice Chair Kahele, Chair Rhoads, Vice Chair Gabbard, and Members of the Committees:

The Department of Parks and Recreation ("DPR") opposes the proposed House Bill 2679 HD1, "Relating the Transfer of Lands", which requires the City and County of Honolulu ("City") to transfer (58) parcels of land upon which a public school is situated, of which 21 are abutting public park land, to the Department of Education ("DOE").

While DPR understands DOE's need for additional facilities to fulfill their educational mission, the 21 city properties included in the HB 2679 HD1 listing were dedicated to the City for park purposes in order for DPR to fulfill its mission of providing open public space and recreational activities to the entire community in which the park is located. Transferring these properties to DOE for possible redevelopment and revenue generating options does not further the intent of these lands.

DPR strongly believes identical language to SB 2237 SD2, requiring the primary parties, namely the DOE and DPR, to confer and agree on the boundaries before subdividing the properties, is needed.

Like the State of Hawaii, over the years, the City and County of Honolulu has "*invested significant public funds on the maintenance and capital improvement projects*" on our park properties. An example of this is Item 32: TMK 3-2-059-002 (Kaimuki Intermediate). The attached TMK indicates the State would claim the entire TMK, which includes the Kilauea Gymnasium, a popular city facility, which is abutting Kilauea District Park.

The Honorable Michelle N. Kidani, Chair
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For these reasons, DPR cannot support HB 2679 HD1 as it will result in the loss of park facilities and fields, an insurmountable recreational impact to the children, teens, adults, families, and organizations of these communities. The impacted communities should be made aware of this impending loss of public parks and programming.

The listing below includes the tax map key numbers (TMK) for the 21 parcels listed below which include an abutting City public park.

- (8) TMK 1-9-7-93-16 (portion) 5.117 acres (Palisades Elementary) Rec Ctr/Pav, 2BB/1VB Courts, 2SB Fields, Play App;
- (9) TMKs 1-9-7-24-2 Parking Lot, 1-9-7-94-20 (Pearl City Elementary);
- (13) TMK 1-9-4-1-29 (portion) (Waipahu Intermediate) BB/VB Courts, Play App;
- (17) TMK 1-1-1-34-42 (Moanalua Elementary) NONE;
- (18) TMK 1-1-1-9-5 (portion) (Moanalua Intermediate) CS, Pool, 3BB/1VB Courts, 2 SB Fields;
- (21) TMK 1-9-8-8-7 (portion) (Waimalu Elementary) CS/Pav, BB/VB Courts, SB Field, Play App;
- (22) TMK 1-3-6-11-9 (portion) (Aina Haina Elementary) Rec Ctr, 2BB/VB/2T Courts, 2SB Fields, Play App;
- (24) TMKs 2-1-005-001 (portion) CS/Pav, 2BB/2VB/2T Courts, SB Field, Play App, 2-1-005-002, 2-1-009-001, 2-1-009-002 NONE, 2-1-009-003 (Central Intermediate) NONE;
- (27) TMK 3-9-038-001 (portion) (Hahaione Elementary) CS/Pav, 2BB/2VB Courts, SB Field, Play App;
- (28) TMKs 2-8-029-010, NONE 2-8-029-011 (Hokulani Elementary) Rec Ctr, Pool, 2BB/1VB/2T Courts, 1BB/3SB Fields, Play App;
- (30) TMKs 1-3-024-001 NONE, 1-3-024-002 (Kaewai Elementary) Gym, Pool, 2BB/2VB/3T Courts, 1BB/1SB Fields, Play App;
- (32) TMK 3-2-059-002 (Kaimuki Intermediate) Gym;
- (33) TMKs 1-5-024-029, 1-5-024-040 NONE, 1-5-024-001, 1-5-025-002 (portion) (Kalakaua Intermediate) Gym, Rec Ctr, 4BB/3VB/4T Courts, 2SB Fields, Play App;
- (35) TMKs 1-5-025-002 (portion) (Kalihi-Kai Elementary) Gym, Rec Ctr, 4BB/3VB/4T Courts, 2SB Fields, Play App, 1-5-028-075;
- (36) TMKs 1-3-035-001 (portion) 1Bb/1VB Courts, 1 SB Field, Play App, 1-3-036-079 (Kalihi-Uka Elementary) Rec Ctr (Part of School Building), 1Bb/1VB Courts, 1-3-036-015;
- (37) TMK 3-9-005-061 (Kamiloiki Elementary) Rec Ctr, 4BB/2VB Courts, SB Field, Play App;

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(39) TMKs 1-7-023-041, 1-7-023-042 (Kauluwela Elementary) NONE;

(41) TMK 3-9-022-037 (Koko Head Elementary) CS/Pav, 2BB/2VB Courts, 2SB Field, Play App;

(48) TMK 2-9-036-003 (portion) (Manoa Elementary) 2 Gyms, Rec Ctr, Pool, 2BB/2VB/5T Courts, 1BB/3SB Fields, Play App;

(49) TMK 3-7-003-010 (portion) (Niu Valley Intermediate) 2T, 3-7-003-067; and

(58) TMK 3-5-017-012 (portion) (Wilson Elementary) Rec Ctr, 3BB/1VB Courts, 2SB Field, Play App

LEGEND: *CS = Comfort Station*
 RC = Recreation Center
 BB = Baseball Field
 VB = Volleyball
 SB = Softball Field
 Play App = Play Apparatus
 Gym = Gymnasium
 Pool = Swimming Pool
 T = Tennis Courts
 PAV = Pavilion
 Skate = Skate Park
 BB/VB = Combo Courts
 None = City property that a school is established on; no park facilities.
 Yellow Highlight = loss of entire park land and facilities

Thank you for the opportunity to submit testimony in opposition of HB 2679 HD1.

Sincerely,



(for)

Michele K. Nekota
Director

Attachment



Relating to Public Schools

TMK 3-2-059-022 (Kaimuki Intermediate School)

Impact : Loss of Kilauea Gymnasium located next to Kilauea District Park

HB-2679-HD-1

Submitted on: 3/20/2018 8:07:38 PM

Testimony for EDU on 3/21/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Oppose	Yes

Comments:

Why are we making the Board of Education land managers of City & County and DLNR public land trust? Is part of our educational system moving into offering instruction of land management and trusts? Why is our legislators giving almost all of the public c land trust & the 5f trust lands to State departments to manage? I STRONGLY OPPOSE THIS BILL.

BEFORE THE SENATE COMMITTEES ON EDUCATION AND WATER & LAND

Hawaii State Legislature
March 21, 2018

House Bill 2679
Relating to the Transfer of Lands

Aloha Chair Kidani, Vice Chair Kahele, Chair Rhoads, Vice Chair Gabbard, and Members of the Committees,

The Ka Lāhui Hawaii Political Action Committee (KPAC) opposes House Bill 2679 which transfers fee interest in certain public school lands to the Department of Education (DOE) and removes these lands from the “public lands” inventory and from protections that are found in Chapter 171.

We oppose for the following reasons:

1. It is the State’s responsibility to adequately fund the DOE and should make this a priority in budgeting and should fully fund the DOE’s budget requests.
2. Utilizing public educational facilities like public schools for corporate development could set a dangerous precedent in the commercialization of public facilities including the education of our most precious resource, our children.
3. These lands are primarily Kanaka Maoli lands or “ceded lands” (former Hawaiian Kingdom Crown and government) to which Kanaka Maoli never relinquished their rights too. These lands should not be removed from the “ceded lands” inventory without first consulting the Kanaka Maoli people.
4. The removal of DOE lands from “public lands” and from the 5(f) public trust purposes that include being used toward the betterment of the conditions of native Hawaiians could also potentially be determined to be a breach of trust (see below).

By way of background, Professor Williamson Chang of the UH Law School has detailed his analysis that the Joint Resolution was incapable of acquiring Hawai‘i at http://blog.hawaii.edu/aplpj/files/2015/09/APLPJ_16_2_Chang.pdf. Despite this analysis, the former Crown and government lands of the Kingdom of Hawai‘i 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 for 5 purposes including the betterment of the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920. The Admissions Act further states that any other object besides the 5 purposes shall constitute a breach of trust for which suit may be brought by the United States. The Article XII Constitutional provisions further establish that the lands are held as a public trust for native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920 and should be used solely for that purpose.

The Ka Lāhui Hawai‘i Political Action Committee (KPAC) affirms and defends the Kanaka Maoli peoples’ right to over 1.8 million acres of our national lands.

Respectfully submitted,

M. Healani Sonoda-Pale
Chair, KPAC