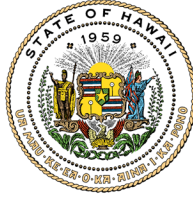


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
JUDICIARY

Friday, March 28, 2025
10:02 AM

State Capitol, Conference Room 016 & Videoconference

In consideration of
HOUSE BILL 511, HOUSE DRAFT 1, SENATE DRAFT 1
RELATING TO PUBLIC LANDS

House Bill 511, House Draft 1, Senate Draft 1 proposes to amend Section 171-11, Hawaii Revised Statutes (HRS), to provide that a survey of land to be set aside shall not be a condition precedent to set aside public lands to a department or agency of the State by executive order. In its latest form as Senate Draft 1, the measure additionally authorizes the Department of Land and Natural Resources (Department) to use Geographic Information System (GIS) map data, existing tax parcel maps, and aerial imagery to define approximate boundaries; requires the Land Survey Division of the Department of Accounting of General Services to review and approve of any boundary assessments made using GIS data by the Department; requires a recipient agency to conduct a land survey within five years of a transfer of public lands; authorizes the Board of Land and Natural Resources (Board) to exempt a recipient agency from the land survey requirement; requires the Board, in consultation with the Department, to determine the risk category of public lands before transfer; requires a land survey for the transfer of high-risk lands; requires the Department to establish a digital registry to record all transfers of public lands; and requires the Board to establish a mediation process to resolve potential boundary disputes. **The Department opposes the bill in its current form.**

The Department understands this original version of measure was intended, in part at least, to facilitate the transfer of agricultural lands from the Department to the Department of Agriculture (DOA) pursuant to Act 90 Sessions Laws of Hawaii 2003 (Act 90). General leases approved for transfer from the Department to DOA already include survey maps and metes and bounds descriptions of the leased premises that can be used for the executive order setting aside the land to DOA. However, many parcels of unencumbered public lands and lands under revocable permit that DOA has requested the Department

transfer to it pursuant to Act 90 have not been surveyed. House Bill 511, House Draft 1 would have provided an additional tool to the Department and DOA to complete Act 90 transfers without incurring the expense and additional time required to furnish surveys.

At the same time, the Department notes that House Draft 1 of the measure would not have mandated the transfer of lands without survey maps and descriptions. The Department was supportive of this approach because there are situations where the inclusion of a survey map and description in the set-aside of land would be prudent, such as where a formal subdivision of the land is required or where mortgage lending on the land is anticipated once under DOA management. Also, there are at least some cases where the Department of Accounting and General Services (DAGS), Land Survey Division, can generate maps and metes and bounds descriptions for public lands based on historical data. The Department would likely continue to include maps and descriptions in the executive order set-asides for all parcels where DAGS Land Survey Division could use historical data to generate them. Additionally, the Department notes that even if land is set aside without a survey, the bill allows for a subsequently prepared survey of the land to be binding if ratified by the Board.

Senate Draft 1 of the measure proposes to retain the language of House Draft 1 in a new subsection (a) of Section 171-11, but then goes on to add new subsections (b) through (f). Subsection (b) describes the types of information that can be used in lieu of a metes and bounds survey of land to effectuate an executive order set-aside, subject to review and approval of DAGS Land Survey Division. Subsection (c) provides that the recipient agency shall complete a survey within five years unless the Board determines that existing information is sufficient to exempt the recipient agency from the survey requirement. Subsection (d) establishes a new classification system for “high-risk” lands (e.g., conservation areas, lands adjacent to private property, and lands with existing infrastructure) and “low-risk” lands (e.g., existing state-leased lands and agricultural lands under clear historical records) and requires the Board to determine which category lands fall into before any transfer of public lands. Transfers without surveys can only be made for the latter category of lands. Subsection (e) requires the Department to establish a digital registry accessible to State and county agencies that would include all transfers of public lands and land survey records. Finally, subsection (f) requires the Board to establish a mediation process in the event any disputes arise from a transfer of lands without survey.

The Department has many concerns about the new subsections added by Senate Draft 1.

- GIS data for mapping is not often accurate and is not a good substitute for an actual land survey; but could possibly be used temporarily pending an actual survey. Staff will need to study availability of such GIS data to the Department. The Department’s Public Land Trust Information System (PLTIS) does not have the GIS or other data required in the added requirements in the bill. PLTIS contains county parcels (as published by each county) but that GIS data cannot be exported.
- Time and cost impacts of the added requirements are not funded, including but not limited to: (i) the Department having to establish new mediation and adjudicatory programs involving boundary disputes which historically have not been the role of the Department or the Board; (ii) the new requirement of the Department having to perform or conduct a land risk analysis and the subsequent land survey; (iii) the new requirement of the Department having to establish a digital registry; and (iv) coordinating statewide data contributions to the digital registry.

- Some of the items listed in the bill for inclusion such as the new digital registry are already maintained as publicly accessible records on DAGS Land Survey Division's webpage, including land survey records and historical descriptions of public lands.
- The Department notes that current boundary disputes are normally adjudicated and resolved in the courts or Land Court.
- Some of these provisions, such as the establishment of a new mediation process is unfunded and may trigger administrative rule making which could add several years to the timeline for transferring lands to DOA.

If one of the purposes of the measure is to facilitate the transfer of leases from the Department to DOA, the amendments proposed by Senate Draft 1 will only add unfunded costs for the Department and delay the process. For these reasons, the Department can no longer support the bill and respectfully asks that the bill be held.

Mahalo for the opportunity to provide comments on this measure.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEAN M. MATSUKAWA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
1428 South King Street
Honolulu, Hawai'i 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON JUDICIARY

FRIDAY, MARCH 28, 2025
10:02 A.M.
CONFERENCE ROOM 016

HOUSE BILL NO. 511, HD1, SD1
RELATING TO PUBLIC LANDS

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

Thank you for the opportunity to testify on House Bill 511, HD1, SD1. This bill amends section 171-11, Hawaii Revised Statutes ("HRS"), to provide that a survey of land to be set aside shall not be a condition precedent to set aside public lands to a department or agency by executive order. The bill now requires that the Department of Land and Natural Resources (DLNR) utilize GIS data, TMK parcel maps and aerial imagery to define approximate boundaries if a land survey has not been completed; that Department of Accounting and General Services review and approve any boundary amendments from GIS map data; requiring the receiving agency to complete a land survey within 5 years of receiving the public lands; authorizing the DLNR Board to exempt recipient agency from land survey if it determines it is not necessary based on data; the DLNR Board in consultation with the DLNR determine whether subject lands are high-risk or low risk lands; requires DLNR to complete land surveys before transfer of any high risk lands; specifies that low risk lands shall not require a land survey before transfer if GIS map data is available; requires that DLNR establish a digital registry compiling all transfers of public lands accessible to state and county agencies and



requiring DLNR Board to establish a mediation process to resolve potential boundary disputes before legal action..

The Department respectfully requests that the language in House Bill 511, HD1 be reinserted to effectively achieve the bill's intended goal of expediting the transfer of public lands

The Department of Agriculture ("Department") acknowledges that not requiring a survey of lands to be set aside will expedite the setting aside of public lands between state departments and agencies, however notes that a survey is still required prior to offering a lease. We offer comments on this measure.

The Department's comments are regarding transfers to the Department or other agencies and the requirement to complete the survey within a five-year period. Land surveys for larger parcels may be extremely costly and time consuming. The Department is concerned that if adequate funding is not provided it may be unable to complete all the surveys in a timely manner. The Department defers to the Department of Land and Natural Resources in reference to their proposed requirements.

Thank you for your time and consideration.



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e-mail info@hfbf.org; www.hfbf.org

March 28, 2025

HEARING BEFORE THE
SENATE COMMITTEE ON JUDICIARY

TESTIMONY ON HB 511, HD1, SD1
RELATING TO PUBLIC LANDS

Conference Room 016 & Videoconference
10:02 AM

Aloha Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports HB 511, HD1, SD1, which provides that a survey of the land to be set aside shall not be a condition precedent to the setting aside of public lands to any department or agency of the State. This measure will help streamline the process of transferring land between state agencies, particularly agricultural lands, moving from the Department of Land and Natural Resources (DLNR) to the Department of Agriculture (DOA) pursuant to Act 90.

Act 90, enacted in 2003, was intended to ensure that agricultural lands managed by DLNR would be transferred to DOA to provide long-term stability for farmers and ranchers. While some progress has been made, many qualifying lands have yet to be transferred due to procedural and administrative delays, including the requirement for land surveys. Surveys can be costly and time-consuming, delaying the transition of lands that are already being used for agricultural production. By allowing transfers to proceed without requiring a survey upfront, this bill provides an important tool to facilitate the timely execution of these transfers while still allowing for surveys to be conducted later when necessary.

The measure does not eliminate the need for land surveys but ensures that they do not create an unnecessary barrier to transferring land pursuant to Act 90. This is especially important for farmers and ranchers who need long-term security to invest in conservation efforts, infrastructure, and sustainable agricultural practices. Without these transfers, many agricultural producers remain in a state of uncertainty, limiting their ability to make long-term commitments that support local food production and agricultural sustainability.

We urge the committee to pass HB 511, HD1, SD1, to remove administrative barriers to the transfer of agricultural lands. This would ensure that Hawai'i's farmers and ranchers have the security they need to continue producing food for local communities.

Thank you for the opportunity to testify on this measure.

HB-511-SD-1

Submitted on: 3/26/2025 12:48:26 AM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Moleka	Testifying for Ko Hawai'i Pae 'Aina [Without DC]	Oppose	Written Testimony Only

Comments:

I highly opposed this bill due to the fact that the state of Hawaii has no jurisdiction, nor metes and bounds over The Hawaiian archipelago and the waters Therein. Since there was

no mutual treaty between the U.S. and the Republic of Hawaii, there was no objective metes and bounds description of the islands and waters conveyed by such a treaty to the U.S. There was, in effect, a break in the chain of sovereignty. The Republic of Hawaii never did pass dominion to the U.S. The Joint Resolution was incapable of giving dominion. The U.S. received nothing. This was likely a problem that the McKinley Administration did not foresee. It meant however, that there was-

-according to U.S. law, NOTHING within the Territory of

Hawaii in 1900. The emptiness of the Territory was covered up by a boundary description claiming that the islands and waters acquired by the Joint Resolution constituted the dominion of the Territory of Hawaii.

However, the Joint Resolution had no power to acquire anything-

The Territory was truly bereft of any dominion. Thus, starting with the Organic Act, the Territory of Hawaii and the U.S. simply pretended, acting as if the Hawaiian Islands were within the U.S. They could not, however, produce a description of that dominion, thus deceiving the public into believing the Hawaiian Islands were really a part of the Territory of Hawaii. The deception worked-but for those who knew the problem, there were enormous difficulties that arose in handling simple questions of property law. For instance, one little-known goal of statehood was to redraft a boundary description that was more effective at deceiving the people while solving some of the problems that arose during the territorial period-such as whether the channel waters between the main islands were within the dominion of the U.S.

Thus, the lands and waters in the State today are the same lands and waters that were in the Territory of Hawaii. In order to determine what is in the State. One is compelled to look back at the description of the Territory. The Organic Act states:

Section 2: Territory of Hawaii. That the islands acquired by the United States of America under an Act of Congress entitled "Joint Resolution to provide for annexing the Hawaiian Islands to the United States," approved July 17, 1898, shall be known as the "Territory of Hawai'i."

Section 2 states that the lands and waters in the Territory are those acquired by the Joint Resolution of 1898. However, the Joint Resolution is incapable of taking or acquiring the lands and waters of a foreign sovereign state. Therefore, by the combined effect of the two acts there are no lands and waters in the State of Hawaii!

When ratification of the Treaty of 1897 failed, the U.S. had no description of the dominion of Hawai'i. Such a description would be contained in a treaty, a mutual, bilateral agreement between seller and buyer: between Hawai'i and the U.S.

Thus, lacking a description, much as is present in any conveyance of land-the U.S. had no means of describing the dominion it acquired from Hawaii. No treaty meant there was no description-which meant there were no lands or waters within the Territory.

The emptiness of the description of the Territory's boundaries stands in sharp contrast to the tangible and objective boundary descriptions used by the Kingdom of Hawaii,

the Provisional Government, and the Republic of Hawaii. Kamehameha III, who first proclaimed the territorial boundaries of Hawaii in 1846, described the Kingdom of Hawaii by naming the main islands and claiming the channel waters between those islands:

SECTION I. The jurisdiction of the Hawaiian Islands shall extend and be exclusive for the distance of one marine league seaward, surrounding each of the islands of Hawaii, Maui,

Kahoolawe, Lanai, Molokai,

Oahu, Kauai and Niihau, commencing It a low water mark on each of the respective coasts of said islands. "The marine jurisdiction of the Hawaiian Islands shall also be exclusive in all the channels passing between the respective islands, and dividing them which jurisdiction shall extend from island to island.

SECTION II. It shall be lawful for his Majesty to defend said closed seas and channels, and if the public good shall require it,

prohibit their use to other nations, by proclamation.

The nations of the world accepted Kamehameha's proclamation.

The Provisional Government in 1893 and the Republic of Hawaii in 1894 simply assumed or explicitly claimed that they had succeeded to the

dominion of the Kingdom of Hawai'i. The Republic of Hawaii followed the Provisional Government in 1894 and explicitly claimed all lands and waters held by both the Provisional Government and the Kingdom of Hawaii by a provision in its Constitution.

The Territory of the Republic of Hawaii shall be that heretofore constituting the Kingdom of the Hawaiian Islands, and the territory ruled over by the Provisional

Government of Hawaii, or which may hereafter be added to the Republic. However, in 1898, there was a break in the chain. The U.S. could not claim it overthrew the nation of Hawai'i in 1898. In 1898, Hawaii and the U.S. were nations, equal in sovereignty and both independent. The only means by which the

U.S. could acquire the Hawaiian Islands and

establish an unbroken chain of title to the lands and waters first claimed by Kamehameha III would be via a valid treaty. Lacking a treaty the U.S. could not claim that the lands and waters of the Republic of Hawaii were now the dominion of the Territory of Hawaii. Those who drafted the original versions of the Organic Act were stymied. The Hawaiian Islands were not part of the U.S. in 1900 but the U.S. claimed and acted as if the islands were territory of the U.S. There was no valid treaty which would have provided a description of lands conveyed to and accepted by the U.S.

Thus, those, like Justice Frear, who drafted the original versions of the Organic Act, forged a description that was misleading in claiming Hawaii, but accurate as to the actual legal effect of the Joint Resolution.

Frear came up with the clever solution of describing the Territory of Hawaii as all islands acquired by the Joint Resolution of 1898. To those who were being taught that the Joint Resolution could acquire territory this definition made sense it included all the Hawaiian Islands, however, the truth was that a joint resolution could not acquire territory of a foreign sovereign, such as Hawaii.

there were no islands or waters in the Territory. The problem that Justice Frear and others dreaded was of another nation challenging the U.S. to prove its claim and show a chain of title to either an island, like Oahu, or the channel waters

historically part of the dominion of Hawaii and now claimed, without any grounds, by the Territory.

Thus, the substance of the U.S. claim lay squarely on the ability of the U.S. to deceive the public and the world into accepting the possibility that a Joint Resolution of Congress had the power to acquire territory.

The Joint Resolution of course, had no more power to acquire the Hawaiian Islands than a joint resolution of the Hawai i legislature had of acquiring the U.S. This point had been made clear in the Senate debates on the Joint Resolution. Senator White of California spoke for many when he declared:

There is no constitutional power to annex foreign territory by resolution, certainly not otherwise than as a State.

Whatever may be said of the past history of this country or of the records to which senators have adverted, there is one proposition which cannot be contested, mainly, that there is no precedent for this proposed action.

States that were admitted into the Union, territory has been acquired and has been annexed by treaty stipulation, but there is no instance where by a joint resolution it has been attempted not only to annex a foreign land far remote from our shores, but also, to annihilate a nation, and to withdraw from the sovereign societies of the world a government which in the opinion of the Senator from Alabama is the best government of which he has any cognizance .

Fifteen years later, in 1915, the notes following Section Two were embellished to include the names of the major islands. This act of adding such notes with the names of the main islands is proof that people were confused and that Section Two of the Organic Act was defective.

This lack of any description for the Territory generated a host of problems during the Territorial period. The Supreme Court of the Territory remarked on the ambiguity of the boundary description:

"Neither in the Treaty of Annexation nor in Newlands

Resolution were Hawaiian Islands and their dependencies explicitly defined. The Hawaiian Organic Act simply referred to the territory acquired from the Republic of Hawai i as "the Islands acquired by the U.S. of America under an Act of Congress entitled 'Joint Resolution annexing the Hawaiian Islands.'"

Similar problems continued during the drive for Statehood. The

lack of a descriptionDelegates to the constitutional convention in 1949 proposed State Constitution for the new State of Hawaii could do no better. Their definition in the Proposed State Constitution for Hawaii was even simpler, and thus more curious, even though it did not alter the boundaries for the new state:

"Section 1. The State of Hawaii shall include the islands and territorial waters heretofore constituting the Territory of Hawaii."81

The 1949 Constitutional Convention Constitution could not escape the fact that the Territory had no islands or waters. No matter how it was worded, the boundary description for the State of Hawaii was compelled to repeat the formula of the Organic Act. The new State would consist of the same dominion as the Territory. The State would consist of islands and waters acquired by the Joint Resolution. In effect there would also be nothing in the new State of Hawaii.

When the State's proposed Constitution

was first presented to Congress in 1953, Senators were embarrassed by the efforts of the Hawaii Constitutional Convention. At first glance, the description was short and

insipid. It was extremely shoddy for such an important provision. The Hawaii boundaries paled when compared with the precision used by other states. Other states were defined in precise and careful term-defined by metes and bounds, longitude and latitude, lines from one natural monument to the other. Precision is paramount when it comes to boundaries. What basic law is more important than that which defines the beginning and end of one's jurisdiction?

Hawaii's Statehood delegation had no answers to the questions raised by the Senators. The Senators could not understand how boundaries so clearly defined during the period of the

Kingdom of Hawaii had

become so hopelessly ambiguous and simplistic. The answer is simple.

Those Senators like most of America simply did not remember the debates on the Joint Resolution. They too, had succumbed to the myth of annexation. They believed that the Hawaiian Islands were acquired by the Joint Resolution of 1898. Over the fifty years from 1900 to 1950 the myth had solidified into an unchallengeable truth.

The Statehood delegation from Hawaii attempted damage control.

They avoided raising the incapacity of the Joint

Resolution and the emptiness of the Territory of Hawaii. Rather the delegation tried to assert that the historical boundaries of the Kingdom were still applicable in 1950, only the language had become much simpler.

The delegation presented the Senate Committee with Kamehameha III's plain and clear description—as if to imply that such boundaries had remained unchanged despite the turbulent political events since 1846.

The boundaries of Hawaii as promulgated by Kamehameha III

were clear. The 1846 law named the islands and the channel waters as the dominion of the Kingdom. After the overthrow in 1893, the Provisional Government claimed the same dominion as belonged to the Kingdom.

Likewise, the Republic of Hawai i in 1894 as successor to the Provisional Government held the same dominion as both the Kingdom and the Provisional Government However, the Territory in 1898 could not claim the dominion of its predecessor, the Republic of Hawaii. The Republic had never ceded its dominion to the U.S. Unlike the Provisional Government and the Republic there was no basis by which the U.S. could claim the dominion held by the Republic of Hawaii. That would have been possible if there had been a ratified and binding treaty of annexation in 1897. There was no treaty. The Joint Resolution, the purported substitute for the treaty, had no power to acquire from the Republic the dominion of the Hawaiian Islands.

If we want to know who has rights to these lands you need to look into the Great Mahele. The Mahele was voted unanimously by the Chiefs in the Privy Council held December 18, 1847. States as follows:

Whereas, it has become necessary to the prosperity of our Kingdom and the proper physical, mental and moral improvements of our people that the proper physical, mental and moral improvements of our people that the undivided rights at present existing in the our Kingdom, shall be separated and distinctly defined;

Therefore, We Kamehameha III, King of the Hawaiian islands and His Chiefs, in Privy Council Assembled, do solemnly resolve, that we will be guided in such division by the following rules:"

1.- "His Majesty, our Most Gracious Lord and King, shall in accordance with the Constitution and Laws of the Land, Retain all his private lands, as his own individual property, subject only to the rights of the Tenants, to have and to hold to Him, his heirs and successors forever".

7. - "All the lands of His Majesty shall be recorded in a Book entitled "Register of the lands belonging to Kamehameha III; King of the Hawaiian Islands, and deposited with the Registry of Land Titles in the Office of the Minister of the Interior,..."

The records of the discussion in Council show plainly His Majesty's anxious desire to free his lands from the burden of being considered public domain, and as such subjected to the dangers of confiscation in the event of his islands being seized by any foreign power, and also his wish to enjoy complete control over his own property.....

"To this effect this he signed and sealed two instruments, both contained in the Mahele Book, by one of which he set apart for the use and benefit of the Government certain lands specified by

name, and “reserved for himself his heirs and successors forever,: the remainder of the lands surrendered to him in the Mahele, as his own private estate. On the 7th of the following June, 1848, the Legislative Council passed the “Act relating to the lands of His Majesty the King and of the Government,” which merely confirms and ratifies what had already been done by the King, and designates the several Crown Lands and Government lands by name.

All Private Allodial Title Lands referred to as, Crown Lands received by King Kamehameha III not as the King but as a chief accepting his private not sold by King Kamehameha III, King Kamehameha IV or King Kamehameha V, prior to The Hawaiian Law that governs the private Crown lands made on January 3, 1865, Kingdom of Hawaii: Chapter XXXIV: An Act that rendered the Royal domain (Crown Lands) inalienable; ”....that it shall not be lawful hereafter to execute any lease or leases for any terms of years to exceed thirty”.

On June 17, 1898, Queen Liliuokalani, submitted her formal protest against the ratification of a Treaty between the United States and The Republic of Hawaii; and to declare such a Treaty to be an Act of Wrong towards the Natives and part Natives of the Hawaiian Kingdom.

She also declares that the 915,000 acres known as “Crown lands” are “the private property of the Constitutional Monarch, subject to a control in no way differing from other items of a private estate.”

Neither at the present time of the document or previous to, has the United States, the Provisional Government or the Republic of Hawaii Agents given any consideration whatsoever for this estate, which has always been undisputed and which was legitimately in the Queen’s name.

The crown lands to this day are still the private estate of Royal Patent Awardee, Kamehameha III, Kauikeaouli, his heirs and successors.

There has not been a Hawaiian Island Constitutional Monarch since January 17, 1893, however there are living heirs of Kamehameha III at present.

If you are an agent of the state of Hawaii, or a governor of The defunct state Hawaii, you have no lawful metes or bounds within the Hawaiian archipelago to make any decisions relative to any lands, air, waters therein.

HB-511-SD-1

Submitted on: 3/26/2025 2:46:32 PM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Lani Petrie	Testifying for Kapapala Ranch	Support	Written Testimony Only

Comments:

I support.



COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

HB511 HD1 SD1
RELATING TO PUBLIC LANDS

Friday, March 28, 2025, 10:02 AM
Conference Room 016 & Videoconference

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

The Hawaii Cattlemen's Council **supports HB511 HD1 SD1** which provides that a survey of the land to be set aside shall not be a condition precedent to the setting aside of public lands to any department or agency of the State.

Land surveys are often expensive, difficult to schedule, and are unnecessary if transferring lands between departments within the State. This bill will ensure that the expense and timing of a land survey are not a delay to transferring lands from DLNR to DOA pursuant to Act 90 to ensure agricultural lands remain in agricultural production. This allows the leaseholder to transfer to DOA and get the lease terms that are suitable for agriculture. In the case of transferring lands between state departments, there are times when a simple GIS survey should suffice, saving time and money.

We prefer that leases transfer in whole to the Department of Agriculture, but in the situations when the leaseholder and the DLNR are able to agree on parceling off a piece of the lease that still allows agriculture to thrive, we believe the transfer can still successfully take place without the finalized survey.

We appreciate the opportunity to testify on this measure. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



LATE

HB-511-SD-1

Submitted on: 3/27/2025 2:26:27 PM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Kawehionalani Souza	Testifying for Ko Hawaii Pae Aina	Oppose	Written Testimony Only

Comments:

Strongly oppose this Hewa bill, stop committing genocide and war crimes! Mahalo 🙌

HB-511-SD-1

Submitted on: 3/26/2025 11:33:28 AM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Support	Written Testimony Only

Comments:

I support this initiative.

HB-511-SD-1

Submitted on: 3/26/2025 12:12:48 PM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Yvonne Alvarado	Individual	Oppose	Written Testimony Only

Comments:

**I, Yvonne Alvarado oppose Bill HB511 HD1
SD1**

HB-511-SD-1

Submitted on: 3/26/2025 2:04:36 PM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Theresa M Thompson	Individual	Support	Written Testimony Only

Comments:

I support HB 511 RELATING TO PUBLIC LANDS.

Mahalo,

Theresa Thompson

HB-511-SD-1

Submitted on: 3/26/2025 6:06:08 PM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Moniz	Individual	Support	Written Testimony Only

Comments:

Support this Bill and testimony of the Hawaii Cattlemen'ss Council.

HB-511-SD-1

Submitted on: 3/27/2025 4:02:03 AM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Roslyn Cummings	Individual	Oppose	Written Testimony Only

Comments:

AFFIDAVIT OF TRUTH AND LAWFUL TESTIMONY

In Opposition to HB511 HD1 SD1

Relating to Public Lands

Submitted by:

Roslyn Cummings, Ho‘oilina, Trustee

Mālama: Cummings ‘Ohana GodTrust

Ko Hawai‘i Pae ‘Āina (Hawaiian Kingdom)

Dated: March 26, 2025

I. AFFIRMATION OF STANDING AND LAWFUL DUTY

I, Roslyn Cummings, being of sound mind and lawful standing as a ho‘oilina (heir) and Trustee of the Mālama: Cummings ‘Ohana GodTrust, submit this affidavit under penalty of perjury and full kuleana. I act according to exclusive equity jurisdiction, common law, and the unrepealed laws of the Hawaiian Kingdom.

My kuleana is to protect our inherited lands, waters, and the trust responsibilities established under the lawful government of Ko Hawai‘i Pae ‘Āina.

II. LAWFUL FOUNDATION OF LAND IN TRUST — THE GREAT MĀHELE (1848)

The Great Māhele, signed by Kamehameha III in 1848, is the instrument that lawfully established:

- The division of lands into Crown Lands, Government Lands, and private kuleana
- All lands held in trust, not in fee simple, for the benefit of the subjects of the Kingdom
- No legal authority was granted to foreign governments or their subdivisions to alienate, redefine, or transfer title beyond the authority of the King and the Legislature, as defined in the Kānāwai o ka 1840 and reaffirmed in the 1852 Constitution

“Ua mahele no ke ali‘i i ka ‘āina i ka po‘e nona ka kuleana.”

(The land is divided by the chief to those with rightful claim.)

These lands were never ceded, annexed, or lawfully transferred. They remain within the constitutional trust of the Kingdom.

III. SUBJECT MATTER JURISDICTION & SEPARATION OF POWERS

This bill (HB511 HD1 SD1) violates the principle of subject matter jurisdiction, as:

- The State of Hawai‘i and its agencies were never delegated jurisdiction over Hawaiian Kingdom public lands
- The separation of powers, as defined in the 1840 and 1852 Hawaiian Kingdom Constitutions, prohibits legislative or administrative bodies from unilaterally asserting judicial authority over land title or boundary matters

“Each branch of government is restricted to its proper role. The legislature cannot assume judicial powers.” — 1840 Constitution, Article 3

IV. POLITICAL TRUST DOCTRINE & EQUITY JURISDICTION

Under the Political Trust Doctrine, the United States and the State of Hawai‘i act as trustees de facto, not lawful sovereigns. Any failure to recognize Hawaiian Kingdom lands as trust assets is a violation of fiduciary duty and constitutes:

- Constructive fraud
- Trespass ab initio
- Breach of political trust

“Equity regards as done what ought to have been done.”

“Where law is silent or misused, equity intervenes.”

— Kingdom Equity Principle, Equity 1 (Hawaiian Case Index)

V. HB511 HD1 SD1 CONSTITUTES LEGAL FRAUD

This bill:

- Removes the requirement for a lawful land survey prior to the transfer of public lands
- Replaces precise metes and bounds with approximate GIS imagery, violating the legal standard of land title definition under the Kingdom
- Creates administrative processes (e.g., mediation, “risk categories”) that mimic judicial functions without lawful court jurisdiction
- Jeopardizes ancestral claims and existing Royal Patent boundaries

This measure is in direct contradiction to unrepealed Kingdom law and land tenure principles.

VI. CASE LAW REFERENCES

- In re Boundaries of Pulehunui, 6 Haw. 146 (1884):

Only Kingdom courts had lawful subject matter jurisdiction over land title and boundaries.

- Makea v. Nalua, 5 Haw. 396 (1885):

“Equity will intervene when legal process violates trust, title, or rightful claim.”

- Kaelemakule v. Kahele, 10 Haw. 124 (1895):

Jurisdiction must appear on the record and cannot be presumed by statute.

VII. LAWFUL DEMAND FOR CORRECTION & REMEDY

By this affidavit, I issue formal lawful notice of the following:

1. HB511 HD1 SD1 must be rejected in its entirety, as it violates Kingdom land law and fiduciary trust.
2. All future transfers of public lands must require full survey and title tracing to original Land Commission Awards, Royal Patents, or Crown Grants.
3. All named agencies and officers listed below are hereby noticed for administrative and personal liability under breach of trust and trespass:

- Board of Land and Natural Resources (BLNR)
- Department of Land and Natural Resources (DLNR)
- Department of Accounting and General Services (DAGS)
- Hawai'i State Legislature
- Counties of Hawai'i, Maui, O'ahu, and Kaua'i
- HB511 Bill Introducers: Linda Ichiyama, Mark Hashem, David Tarnas

VIII. FEE SCHEDULE FOR VIOLATIONS

Per the authority vested in my standing as ho'oilina and Trustee under Kingdom equity law:

Violation	Fee
Unlawful claim or encroachment on trust land	\$500,000 per parcel
Use of GIS/mapping to obscure land boundaries	\$250,000 per act
Denial of remedy or failure to respond to affidavit	\$100,000 per occurrence
Transfer or development of land without survey	\$1,000,000 per title

Personal liability for agency heads or bill authors \$500,000 per signature

IX. CONCLUSION

As a lawful ho‘oilina and representative of my ‘ohana’s GodTrust, I do not consent to the unlawful disposition, mapping, or reclassification of Hawaiian Kingdom lands. I assert our legal standing under unrepealed law, and I demand immediate rejection of HB511 HD1 SD1.

Ua Mau Ke Ea o ka ‘Āina i ka Pono — The sovereignty of the land is preserved through justice.

With full kuleana and lawful standing,

Roslyn Cummings

Trustee, Mālama: Cummings ‘Ohana GodTrust

Ko Hawai‘i Pae ‘Āina

March 26, 2025

HB-511-SD-1

Submitted on: 3/27/2025 9:01:36 AM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaylan Bray	Individual	Oppose	Written Testimony Only

Comments:

Testimony in **Opposition** to HB 511 HD1 SD1

Aloha, esteemed members of the committee,

My name is Kaylan Bray and **I strongly OPPOSE HB511 HD1 SD1**, which seeks to expedite the development of geothermal resources on Native Hawaiian lands without sufficient consultation and consent from the Kanaka Maoli community.

The expedited nature of this bill raises serious concerns about the erosion of Native Hawaiian rights and the potential for irreversible harm to Kānaka cultural and environmental heritage. Decisions regarding our 'āina have been made for too long without meaningful input from those with a deep, ancestral connection to these lands. The fast-tracking of this bill, particularly in light of the Governor's emergency proclamations that suspend critical historic preservation laws, exemplifies a troubling disregard for Kānaka rights and traditions.

The proposed geothermal exploration threatens to disrupt sacred sites and the natural environment that sustains us, disregarding our spiritual relationship with the land, particularly with Pele and the volcanic activity that defines our islands. The history of geothermal development in Hawaii has not been without its consequences; the health impacts, environmental degradation, and cultural insensitivity associated with previous projects, such as the Puna Geothermal Venture, serve as a stark reminder of the risks involved.

Furthermore, the bill's reliance on flawed public opinion surveys and insufficient consultation with beneficiaries raises serious ethical questions regarding representation and accountability. The assertion that the majority of Hawaiians support geothermal development is fundamentally undermined by the clear and unwavering opposition from those directly affected. **Senator Glenn Wakai's statement during the EIG-TCA, EIG Public Hearings on 03/25/25 that, "in regard to the Native Hawaiian community somehow not benefiting... one of the top bills for DHHL this session was to go do geothermal on their lands, so the Hawaiians I think are coming around to being very supportive of the idea of geothermal," further highlights these ethical concerns.**

The testimonies shared by fellow Kanaka Maoli illustrate the severe implications of geothermal exploration on Hawaiian homelands. Concerns about environmental racism, conflicts of interest, and the historical exploitation of Native Hawaiian lands are being completely ignored. It is

crucial that the decisions made in this chamber are informed by the lived experiences and wisdom of the Kanaka Maoli community. I have provided below where you can find these testimonies.

In light of the numerous testimonies presented from Kānaka, I urge you to consider the historical context and current realities faced by the Kanaka Maoli community. We need solutions that fundamentally transform power and economic structures, addressing environmental and social harms that extend far beyond the mining site. This can only be achieved through Kanaka Maoli cultural, religious, legal, and agricultural practices that have historically aligned with environmental protection. I respectfully ask this committee to recognize the importance of Kanaka Maoli voices in this process and to oppose HB511 HD1 SD1. Let us honor the trust placed in us to protect our lands, our waters, and our cultural heritage for generations to come.

I urge you to **HOLD HB511 HD1 SD1**.

Mahalo, Kaylan Bray

Community testimonies in OPPOSITION of recent Geothermal bills:

HB1307 HD2 - DHHL; Hawaiian Home Lands; Geothermal Resources; Appropriation:

[HB1307 HD1 TESTIMONY JHA 02-11-25](#)

[HB1307 HD2 TESTIMONY FIN 02-20-25](#)

SB1269 SD1 HD2: DBEDT; Geothermal Resources; Appropriation (\$)

[SBI269 SD1 TESTIMONY EEP-ECD 03-13-25](#)

[SB1269 HD1 TESTIMONY CPC 03-19-25](#)

HB511 HD1 SD1; RELATING TO PUBLIC LANDS

[HB511 HD1 TESTIMONY WTL 03-20-25](#)

SCR 136 / SR 115; Geothermal Energy; Working Group; Hawai'i State Energy Office

[SR115 TESTIMONY EIG 03-25-25](#)

TO: Senator Karl Rhoads, Chair, Senator Mike Gabbard, Vice Chair, and Members of the Senate Committee on Judiciary

FROM: Ronnie Inagaki

HEARING DATE: Friday, March 28, 2025 @ 10:02AM

RE: **H.B. 511, S.D. 1 – RELATING TO PUBLIC LANDS**

POSITION: STRONG OPPOSITION

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

I am submitting this testimony in **strong opposition** to **H.B. 511, S.D. 1**. As outlined in my previous testimony regarding H.B. 511, H.D. 1, this measure raises serious legal, historical, and procedural concerns regarding the management of public lands, particularly those classified as "ceded lands." The changes introduced in the current version of the bill fail to address these concerns and continue to undermine fiduciary responsibilities, eliminate essential safeguards, and perpetuate historical injustices tied to the unlawful overthrow of the Hawaiian Kingdom.

1. Historical and Legal Context Remains Ignored

As I stated in my original testimony, the public lands referenced in this bill originate from the Government and Crown Lands of the Hawaiian Kingdom, which were unlawfully seized following the overthrow of the Hawaiian Kingdom in 1893. The **1993 Apology Resolution (Public Law 103-150)** acknowledges this illegal overthrow and the fact that the Kanaka Maoli people never relinquished their claims to sovereignty or their lands.

Additionally, **Act 14 (1995)** provides further acknowledgment of the mismanagement and breaches of trust involving Hawaiian Home Lands and ceded lands. Act 14 was passed to address controversies surrounding the improper use, withdrawal, and alienation of trust lands by the state and territorial governments. It reflects the legislature's recognition of the state's fiduciary responsibilities to the Kanaka Maoli and its obligation to repair the harms caused by past breaches of trust.

H.B. 511, S.D. 1, by proposing to remove the requirement for land surveys before setting aside public lands for state department or agency use, disregards these historical injustices. Land surveys are a critical tool for establishing transparency, accountability, and proper land management. Removing them risks boundary disputes, mismanagement, and further alienation of lands deeply tied to Kanaka Maoli heritage and sovereignty.

TO: Senator Karl Rhoads, Chair, Senator Mike Gabbard, Vice Chair, and Members of the Senate Committee on Judiciary

FROM: Ronnie Inagaki

HEARING DATE: Friday, March 28, 2025 @ 10:02AM

RE: **H.B. 511, S.D. 1 – RELATING TO PUBLIC LANDS**

POSITION: STRONG OPPOSITION

2. Violation of Trust Obligations

Under **Section 5(f) of the Hawaii Admission Act (1959)**, ceded lands must be held in trust for specific purposes, including the betterment of conditions for Kanaka Maoli. H.B. 511, S.D. 1 jeopardizes these trust obligations by:

- **Eliminating Land Surveys:** The removal of land surveys prior to setting aside public lands creates a heightened risk of improper use or mismanagement of ceded lands. Surveys ensure that land boundaries are properly established, and disputes are minimized. Without these safeguards, the state risks violating its fiduciary obligations to Kanaka Maoli and the public.
- **Granting Immunity to the State:** The bill's provision granting immunity to state officials and employees from lawsuits related to land boundary disputes removes a critical legal remedy for Kanaka Maoli and other affected parties to seek recourse. This provision directly undermines the trust responsibilities owed to Kanaka Maoli and shields the state from accountability for potential breaches of fiduciary duty.

Act 14 (1995) serves as a vital precedent for addressing the state's fiduciary obligations to Kanaka Maoli. It recognized the harm caused by the improper withdrawal, use, and alienation of trust lands and sought to resolve land controversies through compensation, land transfers, and the establishment of the Hawaiian Home Lands Trust Fund. H.B. 511, S.D. 1 undermines these efforts by removing essential safeguards, introducing vague processes, and granting immunity to state officials, which erodes transparency and accountability.

Act 14 (1995) underscored the importance of addressing fiduciary breaches by requiring compensation, land exchanges, and mechanisms to restore trust. H.B. 511, S.D. 1 undermines these efforts by removing mandatory land surveys, introducing vague processes, and granting immunity to state officials, thereby failing to uphold the transparency and accountability that Act 14 sought to establish.

TO: Senator Karl Rhoads, Chair, Senator Mike Gabbard, Vice Chair, and Members of the Senate Committee on Judiciary

FROM: Ronnie Inagaki

HEARING DATE: Friday, March 28, 2025 @ 10:02AM

RE: **H.B. 511, S.D. 1 – RELATING TO PUBLIC LANDS**

POSITION: STRONG OPPOSITION

These provisions perpetuate the erasure of Kanaka Maoli claims to ceded lands and weaken public trust in the state's stewardship of these lands.

3. Transparency and Accountability Are Compromised

H.B. 511, S.D. 1 introduces provisions that diminish transparency and accountability in the management of public lands:

- **GIS Data as a Substitute for Land Surveys:** While the use of Geographic Information System (GIS) data and aerial imagery may offer technological advancements, these tools lack the precision required to ensure proper land management, particularly for lands with complex boundaries or overlapping claims. Reliance on approximate data rather than formal surveys could lead to disputes and mismanagement.
- **Delayed Survey Requirements:** The bill allows recipient agencies up to five years to complete a formal survey after a land transfer, with the possibility of exemption if sufficient documentation exists. This delay creates unnecessary risks and uncertainty, especially for contested or high-risk lands.
- **Immunity Provisions:** By removing the ability of stakeholders to pursue legal remedies for boundary disputes, this bill insulates the state from accountability and leaves Kanaka Maoli and others without recourse.

Act 14 (1995) underscores the importance of transparency and accountability in the management of trust lands. It established predictable funding mechanisms, required annual reports, and prioritized proper oversight to rebuild public trust in the state's stewardship of these lands. H.B. 511, S.D. 1, by removing immediate survey requirements and relying on approximate GIS data, compromises the transparency and accountability that Act 14 sought to establish.

TO: Senator Karl Rhoads, Chair, Senator Mike Gabbard, Vice Chair, and Members of the Senate Committee on Judiciary

FROM: Ronnie Inagaki

HEARING DATE: Friday, March 28, 2025 @ 10:02AM

RE: **H.B. 511, S.D. 1 – RELATING TO PUBLIC LANDS**

POSITION: STRONG OPPOSITION

4. Historical and Moral Obligations Are Overlooked

The lands affected by H.B. 511, S.D. 1 are not simply state assets—they are a legacy of the Hawaiian Kingdom and are deeply tied to Kanaka Maoli culture, rights, and self-determination. The **1993 Apology Resolution** reaffirms the harm caused by the unlawful seizure of these lands and the ongoing need to address those harms.

Similarly, **Act 14 (1995)** reflects the legislature’s acknowledgment of the "spiritual loss" and "frustration" experienced by generations of Kanaka Maoli due to past breaches of trust. Act 14 recognized the need for reparations and transparency in land management to address these historical harms. H.B. 511, S.D. 1 disregards these moral obligations by prioritizing administrative efficiency over the careful stewardship of lands that hold deep cultural and historical significance to Kanaka Maoli.

5. Placeholder Effective Date Undermines Confidence

The inclusion of a placeholder effective date of July 1, 3000 raises concerns about the seriousness of this measure. This date has remained unchanged from earlier versions of the bill and suggests a lack of deliberation or commitment to ensuring the responsible management of public lands.

6. Recommendation: Reject H.B. 511, S.D. 1

H.B. 511, S.D. 1 fails to address the critical concerns I raised in my original testimony and continues to undermine transparency, accountability, and trust obligations that are essential for the responsible management of public lands. It disregards the historical and legal context of these lands, violates the fiduciary duties owed to Kanaka Maoli, and undermines public confidence in the state’s stewardship of ceded lands.

TO: Senator Karl Rhoads, Chair, Senator Mike Gabbard, Vice Chair, and Members of the Senate Committee on Judiciary

FROM: Ronnie Inagaki

HEARING DATE: Friday, March 28, 2025 @ 10:02AM

RE: **H.B. 511, S.D. 1 – RELATING TO PUBLIC LANDS**

POSITION: STRONG OPPOSITION

In light of Act 14 (1995), which acknowledged the state’s historical breaches of trust in the management of Hawaiian Home Lands and its fiduciary responsibilities, we must not repeat the same mistakes. Act 14 set a precedent for addressing these breaches through reparations, compensation, and mechanisms to restore trust. However, H.B. 511, S.D. 1 introduces provisions that risk perpetuating harm and mismanagement rather than addressing the state’s obligations to repair and protect trust lands.

Specifically:

- **The elimination of mandatory land surveys before setting aside public lands** jeopardizes proper land management and risks further alienating Kanaka Maoli lands. Land surveys are essential for ensuring transparency, avoiding disputes, and maintaining proper accountability for public and trust lands.
- **The immunity provision denies Kanaka Maoli and other stakeholders the ability to seek legal recourse**, violating trust obligations and perpetuating historical injustices. This provision directly undermines the accountability mechanisms that Act 14 sought to strengthen.
- **The lack of historical, cultural, and moral considerations** disregards the unique significance of ceded lands and their ties to Kanaka Maoli identity and sovereignty. Act 14 recognized the "spiritual loss" and "frustration" caused by breaches of trust, yet H.B. 511, S.D. 1 fails to uphold these lessons by prioritizing administrative convenience over cultural and historical stewardship.

TO: Senator Karl Rhoads, Chair, Senator Mike Gabbard, Vice Chair, and Members of the Senate Committee on Judiciary

FROM: Ronnie Inagaki

HEARING DATE: Friday, March 28, 2025 @ 10:02AM

RE: **H.B. 511, S.D. 1 – RELATING TO PUBLIC LANDS**

POSITION: STRONG OPPOSITION

H.B. 511, S.D. 1 represents a step backward in the management of public and trust lands by repeating the same patterns of harm that Act 14 sought to address. For these reasons, I strongly urge the Committee to **reject this measure**. Instead, I recommend pursuing efforts that:

1. Honor the historical and cultural significance of ceded lands,
2. Fulfill the trust obligations owed to Kanaka Maoli,
3. Include proper safeguards, such as mandatory land surveys, to maintain transparency and accountability, and
4. Build upon the principles established in Act 14 to ensure that fiduciary responsibilities are upheld.

Mahalo for the opportunity to provide testimony.

Me ka ha'a,
Ronnie Inagaki

LATE

HB-511-SD-1

Submitted on: 3/27/2025 1:40:37 PM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Jordan ng	Individual	Oppose	Written Testimony Only

Comments:

Stop the corruption do wat is right Hawaii is watching

LATE

HB-511-SD-1

Submitted on: 3/27/2025 3:41:02 PM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Kimberly Kekina	Individual	Oppose	Written Testimony Only

Comments:

HB511 opposes this bill

LATE

HB-511-SD-1

Submitted on: 3/27/2025 4:54:44 PM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Tara Rojas	Individual	Oppose	Written Testimony Only

Comments:

Testimony in STRONG OPPOSITION to HB511 HD1 SD1

Senate Judiciary Committee

Chair Karl Rhoads and Members

Aloha Chair Rhoads and Judiciary Committee Members,

I, Tara Rojas, submit my strong opposition testimony focused specifically on the Judiciary's sacred responsibility to interpret, apply, and uphold the law, particularly constitutional law, in consideration of HB511 HD1 SD1.

HB511, as currently drafted, dangerously expands the governor's unilateral power to set aside and transfer so-called "Public Lands," notably without clear or specific limitation. This vague language potentially opens ALL public lands, on all islands, including Crown and Government lands illegally seized under the Governor of the Territory of Hawai'i, to transfers that explicitly deny accountability and judicial oversight. The phrase "Territory of Hawai'i" in this bill perpetuates and reinforces 132 years of unlawful occupation—a direct violation of both the **Hawaiian Kingdom Constitution** and **international treaty law**, including but not limited to the continuity of Hawaiian Kingdom sovereignty affirmed by international law and explicitly recognized treaties.

This Judiciary Committee, entrusted to interpret and safeguard constitutional principles, must recognize that HB511 violates foundational constitutional maxims such as **"Certainty is the mother of repose"** and **"No one is above the law"**. The bill attempts to shield the State and its officials from legal accountability regarding land boundaries, undermining due process and enabling arbitrary executive action—actions this Judiciary body is constitutionally mandated to prevent.

I respectfully remind this committee of your sacred constitutional duty, enshrined clearly in both the U.S. Constitution (Article VI – Supremacy Clause and Fifth Amendment – Due Process) and the Hawaiian Kingdom Constitution, Article 12, Section 7 (protecting Kānaka Maoli traditional and customary rights). Approving HB511 as drafted would betray your oath, perpetuate historical injustices, and continue the illegal legacy of stolen lands initiated under the "Territory of Hawai'i."

Thus, I strongly urge this Judiciary Committee to uphold its fundamental duty to protect constitutional integrity and justice, firmly reject HB511 HD1 SD1, and definitively affirm that **NO ONE IS ABOVE THE LAW.**

LATE

HB-511-SD-1

Submitted on: 3/28/2025 7:12:43 AM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Moi Awapuhi Kalauli kuamoo paki	Individual	Oppose	Written Testimony Only

Comments:

I DO NOT SUPPORT

the continued decline of the existence of native tenant, kanaka Maoli, native Hawaiian, Ko Hawai'i Pae aina unalienable rights is a violation of basic human rights.

to ask kanaka to continuously be RAPED by this government for the value of economic benefits to said government and not the people is the epitome of genocide of indigenous peoples of this land.