

STAND. COM. REP. NO. 1199

Honolulu, Hawaii

March 24, 2011

RE: S.B. No. 1  
S.D. 2  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO STATE RECOGNITION OF THE  
NATIVE HAWAIIAN PEOPLE, THEIR LANDS, ENTITLEMENTS, HEALTH,  
EDUCATION, WELFARE, HERITAGE, AND CULTURE,"

begs leave to report as follows:

The purpose of this bill is to recognize native Hawaiians as the only indigenous, aboriginal, maoli population of Hawaii and to support the organization of a native Hawaiian governing entity. Among other things, this measure:

- (1) Establishes a nine-member native Hawaiian Roll Commission (Commission) to:
  - (A) Prepare and maintain a roll of qualified native Hawaiians; and
  - (B) Certify that the individuals on the roll meet the definition of qualified native Hawaiians;
- (2) Defines a "qualified native Hawaiian" as an individual who the Commission determines meets certain established criteria;



- (3) Requires the Commission to publish notice of the certification of the qualified native Hawaiian roll, update the qualified native Hawaiian roll as necessary, and publish notice of the updated roll;
- (4) Provides for a native Hawaiian convention, which may be commenced by qualified native Hawaiians following the publication of the roll of qualified native Hawaiians;
- (5) Requires the Governor to dissolve the Commission upon being informed by the Commission that they have published notice of the updated roll; and
- (6) Appropriates unspecified funds to be expended by the Office of Hawaiian Affairs.

The Department of Hawaiian Home Lands, Association of Hawaiian Civic Clubs, Aha Kiolo Advisory Committee, Sovereign Councils of the Hawaiian Homelands Assembly, Office of Hawaiian Affairs, Maunaloa Hawaii Civic Club, and several concerned individuals testified in support of this bill. The Native Hawaiian Convention and several concerned individuals testified in opposition to this measure. A concerned individual provided comments.

Your Committee respectfully urges the Committee on Finance to examine section 4 of this bill relating to the appropriation of funds, so that the actual source of funding for this measure may be clarified.

Your Committee has amended this bill by:

- (1) Revising the term "native Hawaiians" to read "Native Hawaiians", except when in reference to the language of the public land trust provision of the 1959 Admission Act, based on testimony from the Office of Hawaiian Affairs, so that issues of blood quantum do not arise;
- (2) Changing its effective date to January 7, 2059, to encourage further discussion; and
- (3) Making technical, non-substantive amendments for clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 1, S.D. 2, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
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GILBERT KEITH-AGARAN, Chair



