

STAND. COM. REP. NO.

428

Honolulu, Hawaii

FEB 18 2011

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

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs and Water, Land, and Housing, to which was referred S.B. No. 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,"

beg leave to report as follows:

The purpose and intent of this measure is to provide for the recognition of the Native Hawaiian people by the State of Hawaii, and to implement that recognition by means and methods that will facilitate their self-governance, including the establishment of or the amendment to programs, entities, and other matters that relate, or affect ownership, possession, or use of lands by the Native Hawaiian people, and by further promoting their entitlements, health, education, welfare, heritage, and culture.

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands, Sovereign Councils of the Hawaiian Homelands Assembly, Association of Hawaiian Civic Clubs, Maunaloa Hawaiian Civic Club, Ko'olauloa Hawaiian Civic Club/Friends of Kahana, Aha Kiole Advisory Committee, Papa Ola Lokahi, Native Hawaiian Chamber of Commerce, and two individuals. Your Committees received testimony in opposition to this measure from The Koani Foundation; The Committee of Hawaiian Nationals; Paukukalo Hawaiian Home Commission Association, Inc.; and twelve individuals. Your Committees received comments on this measure from the Office of Hawaiian Affairs; Indigenous Consultants, LLC;



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Aha Hawai'i 'Oiwi; Hou Hawaiians; Ke Aupuni O Hawaii; and one individual.

Your Committees first wish to thank all those who testified on this measure and on S.B. No. 1520, who took the time to share their mana'o - whether in support or opposition. Your Committees understand that for many, this was one more inconvenient trip to the State Capitol, one more reading of a carefully prepared statement, one more day of frustration - or hope.

Your Committees share that frustration, but the members also believe that the two measures before your Committees take a step on the road. Your Committees understand that much of the opposition to this measure is based on deeply held philosophical differences, and your Committees respect this right to differ. These measures are not perfect and your Committees are well aware of that. This is a process and it will not be completed with the passage of either of these bills, or a combination of the concepts. Your Committees believe strongly, however, that this measure and S.B. No. 1520, bring that process home where it belongs.

In addition to the language in S.B. No. 1, your Committees heard discussion on amendments proposed by a member of your Committees. Your Committees have amended this measure by deleting its contents and inserting language to establish a new chapter in the Hawaii Revised Statutes to reflect those proposed amendments, by:

- (1) Inserting a more comprehensive findings purpose section that outlines the history and rights of Native Hawaiians as the only indigenous, aboriginal, "maoli" Hawaiian population;
- (2) Establishing a nine-member Native Hawaiian Roll Commission to prepare and maintain a roll of qualified Native Hawaiians, certify that the individuals on the roll of qualified Native Hawaiians;
- (3) Requiring the Commission to publish notice of the certification of the qualified Native Hawaiian roll;
- (4) Requiring the Commission, after the publication of the roll of qualified Native Hawaiians, to appoint an Interim Council of nine members from the roll of



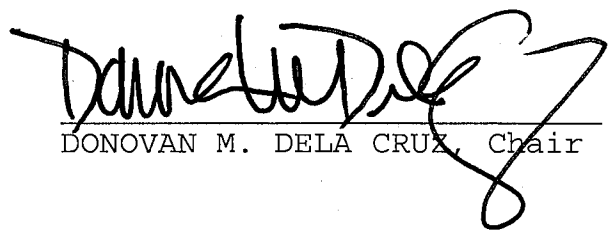
qualified Native Hawaiians to independently commence the organization of a convention of qualified Native Hawaiians, established for the purpose or organizing themselves; provided that the Commission may appoint as members of the Interim Council members of Native Hawaiian organizations that were established in April 1865 or December 1918 and are currently active as a Native Hawaiian organization;

- (5) Requiring the Governor to dissolve the Native Hawaiian Roll Commission after the Interim Council is appointed and the Interim Council has provided notice to the Governor that it has organized and is ready to commence the organization of a convention of qualified Native Hawaiians;
- (6) Clarifying that there is no diminishment of rights or privileges enjoyed by the Native Hawaiian people that are not inconsistent with the provisions of this measure;
- (7) Reaffirming the delegation of federal authority, governmental authority and power, and negotiations;
- (8) Clarifying that nothing in this measure is intended to serve as a settlement of any claims against the State of Hawaii, or affect the rights of the Native Hawaiian people under state, federal, or international law; and
- (9) Appropriating unspecified funds for expenditure by the Office of Hawaiian Affairs.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water, Land, and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1, S.D. 1, and be referred to the Committees on Judiciary and Labor and Ways and Means.



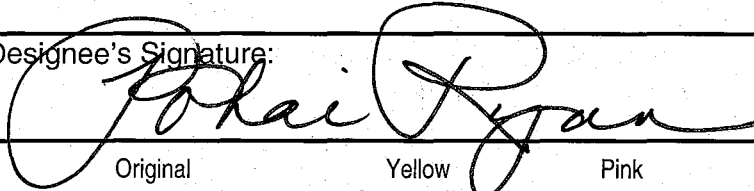
Respectfully submitted on
behalf of the members of the
Committees on Hawaiian Affairs
and Water, Land, and Housing,


DONOVAN M. DELA CRUZ, Chair


BRICKWOOD GALUTERIA, Chair

The Senate
Twenty-Sixth Legislature
State of Hawai'i

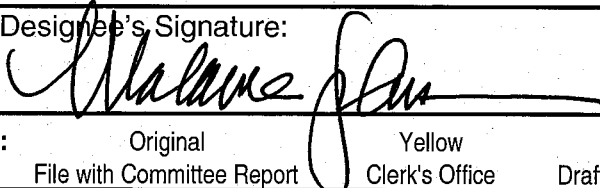
Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:* <i>SB 1</i>	Committee Referral: <i>HWN/WCA, JDL/WAM</i>	Date: <i>2/16/11</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GALUTERIA, Brickwood (C)	✓			
RYAN, Pohai (VC)	✓			
ENGLISH, J. Kalani	✓			
HEE, Clayton	✓			
KAHELE, Gilbert	✓			
KIDANI, Michelle N.	✓			
SOLOMON, Malama	✓			
SLOM, Sam		✓		
TOTAL	<i>7</i>	<i>1</i>		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Water, Land, and Housing
WLH

Bill / Resolution No.:*	Committee Referral:	Date:		
SBI	HWN/WLH, JDL/WAM	2-17-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	✓			
SOLOMON, Malama (VC)	✓			
FUKUNAGA, Carol				✓
RYAN, Pohai	✓			
SHIMABUKURO, Maile				✓
TOKUDA, Jill N.				✓
SLOM, Sam	✓			
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
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