



HCR 10 / HR 11
REQUESTING A STUDY TO IDENTIFY STATE OF HAWAI'I LAWS THAT MAY
NEED AMENDMENT SOON AFTER THE ENACTMENT OF THE NATIVE
HAWAIIAN GOVERNMENT REORGANIZATION ACT
House Committee on Hawaiian Affairs

March 2, 2011

9:30 a.m.

Room 329

The Office of Hawaiian Affairs (OHA) strongly **SUPPORTS** HCR 10 and HR 11, which are both included in OHA's 2011 Legislative Package. These resolutions ask the Legislative Reference Bureau to conduct a study of State of Hawai'i laws that may need amendment to facilitate the process under the federal Native Hawaiian Government Reorganization Act (NHGRA) of establishing a Native Hawaiian governing entity that will negotiate with the state and federal governments concerning such matters as the transfer of lands and other assets.

The NHGRA (often called the Akaka Bill) has not been enacted, and the Hawai'i Legislature is now focusing on state legislative measures designed to bring about recognition of Native Hawaiians by the State of Hawai'i. Nevertheless, OHA, while in support of state recognition, also continues to support enactment of NHGRA as a very important measure for bettering the conditions of Native Hawaiians.

We emphasize that the requested study would be limited to State of Hawai'i laws that may need to be amended to facilitate the timely and effective implementation of both (1) the steps in the NHGRA process leading up to federal recognition; and (2) federal recognition itself. The study would lay the groundwork, but not substitute, for other future statutory amendments that may result from negotiations involving the Native Hawaiian governing entity, the State of Hawai'i, and the federal government once federal recognition is obtained.

We respectfully urge your committee to **PASS** these resolutions. Mahalo for the opportunity to testify on this important measure.

Charlotte A. Carter-Yamauchi
Acting Director

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LEGISLATIVE REFERENCE BUREAU
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Written Testimony

HCR10 and HR11

REQUESTING A STUDY TO IDENTIFY STATE OF HAWAII LAWS THAT MAY NEED AMENDMENT SOON AFTER THE ENACTMENT OF THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT

Testimony by the Legislative Reference Bureau
Charlotte A. Carter-Yamauchi, Acting Director

Presented to the House Committee on Hawaiian Affairs

Wednesday, March 2, 2011, 9:30 a.m.
Conference Room 329

Chair Hanohano and Members of the Committee:

I am Charlotte Carter-Yamauchi, Acting Director of the Legislative Reference Bureau. The Bureau appreciates this opportunity to submit written testimony on HCR 10 and HR 11. The Bureau takes no position on the merits of the measures, but notes the following concerns:

- (1) The measures, among other things, direct the Legislative Reference Bureau to study state laws that may need amendment to facilitate the process under the Native Hawaiian Government Reorganization Act of establishing a Native Hawaiian governing entity that will later negotiate with the state and federal governments;
- (2) In other words, the Bureau is being asked to study state laws that *might* need to be amended if a *proposed* federal law is enacted at *some time in the future*--and which itself is still subject to further change.
- (3) This would be a project that would require a substantial amount of effort--much of which could be for naught if the Native Hawaiian Government Reorganization Act is amended in unexpected ways prior to its final enactment;
- (4) We also believe that to produce a product that would truly be useful to the Legislature would require expertise that the Bureau does not have and is in no position to acquire.

Honorable Faye P. Hanohano
Chair, House Committee on Hawaiian Affairs
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- (5) In light of the foregoing, we believe that the Legislature's needs would be better served by amending the measure to instead request the Office of Hawaiian Affairs to contract with one or more experts in Native American tribal law to produce a general "roadmap" of state laws that would be affected by the establishment of a Native American sovereign entity within the boundaries of an existing state.
- (6) We note that the Bureau does not have the funds to contract for such a study.

Thank you again for allowing us to comment on this measure.



Association of Hawaiian Civic Clubs
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TESTIMONY OF PRESIDENT SOULEE STROUD

IN SUPPORT OF HCR 10/HR 11
Before the Committee on Hawaiian Affairs
Wednesday, March 2, 2011; 9:30 am; Rm. 329

REQUESTING A STUDY TO IDENTIFY STATE OF HAWAII
LAWS THAT MAY NEED AMENDMENT SOON AFTER THE
ENACTMENT OF THE NATIVE HAWAIIAN GOVERNMENT
REORGANIZATION ACT

Aloha Madam Chair Hanohano, Vice Chair Lee and members of the Hawaiian Affairs Committee. I am Soulee Stroud, President of the Association of Hawaiian Civic Clubs, here to testify in support of this House Concurrent Resolution that will study Hawai'i laws to facilitate the process of establishing a Native Hawaiian governing entity.

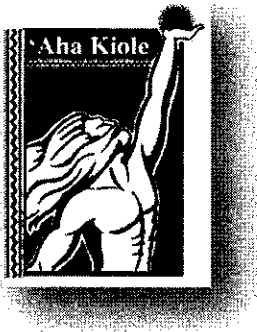
This entity, will in time, negotiate with state and federal governments on the process leading to federal recognition.

The Association of Hawaiian Civic Clubs has for many years supported federal recognition and finds that HCR 10/HR11 is consistent with our past actions. We support this measure without reservation.

Thank you for the opportunity to present this testimony.

Contact: jalna.keala2@hawaiiantel.net

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Aha Kiole Advisory Committee

TESTIMONY IN SUPPORT

OF HR 11

Relating to Native Hawaiian Governing
Entity Study

Submitted to: Hearing of the Committee on Hawaiian Affairs

Hearing Date: March 2, 2011, 9:30 a.m., Room 329

Submitted by: Vanda Hanakahi, Chair, Moloka'i

Aloha Chair Hanohano and Members of the House Committee on Hawaiian Affairs,

Thank you for the opportunity to testify on HR 11, the resolution that calls for the Legislative Reference Bureau to conduct a study of the State of Hawai'i laws that may need amendment to facilitate the process under the Native Hawaiian Government Reorganization Act of establishing a Native Hawaiian governing entity that will later negotiate with the state and federal government.

This is the proper procedure at this time to prepare for the long-overdue recognition of Native Hawaiians in Hawaii. We urge the passage of HR 11.

Mahalo nui loa,

Vanda Hanakahi, Chair

Aha Kiole Advisory Committee

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