

SB 981

SD 1

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the Senate Committee on
WAYS AND MEANS

Tuesday, March 1, 2011
9:20 A.M.
State Capitol, Conference Room 211

In consideration of
SENATE BILL 981, SENATE DRAFT 1
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

Senate Bill 981 would require certain council, board and commission members to take a training course by the Office of Hawaiian Affairs ("OHA") relating to native Hawaiian traditional and customary rights, natural resource protection and access rights, and public trust. Entities within the Department of Land and Natural Resources ("Department") that would be subject to this requirement would be the Board of Land and Natural Resources, the Commission on Water Resource Management, the Legacy Land Conservation Commission, the Natural Area Reserves Commission, and the Hawaii Historical Places Review Board. The Department has no objections to this measure and offers the following comments.

The Department is keenly aware of the need for the members of its boards and commissions to be properly educated and sensitive to the important subject matters that would serve as the focus of this proposed training course. However, all of the members of these boards and commissions fulfill an important public service by serving on a volunteer basis. The Department requests that OHA consider this while developing the training course as to avoid imposing too great a burden on the various board and commission members' time.

The Department notes that its general fund appropriations and special fund revenues have substantially decreased in recent years. In the past two years, the Department has lost at least 80 positions, which constitutes approximately 10% of the Department's workforce. The Department does note the bill tasks OHA with providing the entire scope of the training program, including the development, administration and most importantly, funding. The Department appreciates it is not tasked with this responsibility as it could cripple an already hobbling Department.

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
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



SB981 SD1
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS
Senate Committee on Ways and Means

March 1, 2010

9:20 a.m.

Room 211

The Office of Hawaiian Affairs (OHA) strongly **SUPPORTS** SB 981 SD1, which is a bill in OHA's 2011 Legislative Package. This bill would require that certain council, board, and commission members attend a training course administered by OHA.

As entities of the State, certain councils, boards, and commissions administer public trust resources and programs that directly impact upon Native Hawaiian traditional and customary rights, natural resource protection and access rights, and the public trust. These entities have a duty to protect and preserve these rights and a fiduciary duty to administer the public trust in the interest of the beneficiaries, including native Hawaiians and Hawaiians.

As the principal public agency responsible for ensuring that other state agencies protect Native Hawaiian rights, OHA sees this bill as an important opportunity to work with state councils, boards, and commissions to enable them to execute their roles better informed of their fiduciary obligations to native Hawaiians and Hawaiians, and their responsibilities to protect Native Hawaiian rights and interests.

Given the broad range of expertise and experience of the individuals selected to serve on these state councils, boards, and commissions, OHA recognizes that many members on these key policy-making entities may not possess knowledge of the unique rights and responsibilities that relate to the Native Hawaiian community. This training course, which will incorporate resource individuals with legal, historical, and cultural expertise, is intended to address this deficiency.

OHA strongly urges the passage of SB 981 SD1. Mahalo nui loa for the opportunity to testify.



Hawaii Farm Bureau

F E D E R A T I O N

2343 Rose Street, Honolulu, HI 96819
PH: (808)848-2074; Fax: (808) 848-1921

February 28, 2011

TESTIMONY

Re: SB981 SD1 Relating to Office of Hawaiian Affairs

Chair Ige and Members of the Committee:

Hawaii Farm Bureau Federation on behalf of commercial farm and ranch families and organizations in the State **strongly opposes SB981 SD1 as written** requiring training of Boards and Commissions by OHA.

One of the intents of this measure is to educate Boards and Commissions about the public trust. Public Trust goes beyond cultural issues. We therefore believe that such training should be done by an independent party such as the Office of the Attorney General. Currently, bodies such as the Commission on Water Resource Management have a representative of the Hawaiian Community to address the concern on cultural awareness.

We respectfully request that this measure be HELD. If there is a desire to pursue education of the Public Trust doctrine, another vehicle should be identified.. If there are questions, please contact Warren Watanabe at 2819718. Thank you.