



Aha Kiole Advisory Committee

**TESTIMONY IN SUPPORT OF SB 981 SD 2**  
**Relating to the Office of Hawaiian Affairs**

Submitted to: Joint Committees on Hawaiian Affairs and Culture & the Arts

Hearing Date: March 16, 2011, 8:30am, Room 329

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Aloha Chair Hanohano, Chair Wooley and members of the Committees on Hawaiian Affairs and Culture & the Arts,

My name is Sharon Pomroy and I am the Kiole of Kaua'i, speaking on behalf of the Aha Kiole Advisory Committee.

Thank you for the opportunity to testify in support of S.B. 981 SD2 , the bill that requires certain council, board and commission members to take a training course offered by OHA on Native Hawaiian traditional and customary rights and practices.

We believe that all agencies, organizations and boards affiliated with the government of the State of Hawaii should be familiar with the culture and practices of the host culture, Native Hawaiians. Too often decisions that impact Native Hawaiians are made because of ignorance. Members of Boards and Commissions administer public trust resources that directly impact Native Hawaiians. Often, they do not possess the knowledge of the rights and cultural practices of Hawaiian as a whole. They definitely do not possess knowledge of each individual island's practices, nor are they aware that although Native Hawaiians are considered to be one race and ethnic group, there are distinct differences in cultural practices between the islands.

We believe that this proactive course of training is essential and we urge the passage of SB 981, SD 2.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 10:53 PM  
**To:** HAWtestimony  
**Cc:** info@schha.org  
**Subject:** Testimony for SB981 on 3/16/2011 8:30:00 AM

Testimony for HAW 3/16/2011 8:30:00 AM SB981

Conference room: 329  
Testifier position: support  
Testifier will be present: No  
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Comments:  
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LATE TESTIMONY

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March 16, 2011

Representative Faye P. Hanohano, Chair and Representative Chris Lee, Vice Chair  
House Committee on Hawaiian Affairs

**Support of intent, but opposition to current form of SB 981, SD2 Relating to the Office of Hawaiian Affairs** (Requires certain council, board, and commission members to take a training course offered by OHA relating to native Hawaiian traditional and customary rights, natural resource protection and access rights, and the public trust.)

**Wednesday, March 16, 2011 at 8:30 a.m. in CR 329**

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

While LURF supports the intent of this bill, LURF must **oppose SB 981, SD2**, in its present form. Based on the concerns discussed below, LURF respectfully requests that **SB 981, SD2 be held**, or **in the alternative, we respectfully request that this Committee amend the bill**, as follows: (1) To assure broad-based, balanced and objective training, any mandatory training should be done by OHA, together with other groups with different and/or opposing information, interpretation and viewpoints, (2) Training should also be provided relating to other areas, including, but not limited to interest and industry groups involved with agriculture, aquaculture, tourism, business, construction of housing, the military, land use, renewable energy and sustainability, or (3) As an alternative to training by OHA and several different interest and industry groups, that the training be conducted by the Department of the Attorney General ("Attorney General").

**SB 1154, SD1**. Purpose of the bill is to require certain members of appropriate state councils, boards and commissions to undergo training conducted by the Office of Hawaiian Affairs ("OHA") on OHA's views and interpretation of Native Hawaiian and Hawaiian rights, the source of these rights, and how infringement of these rights impacts the native Hawaiian and Hawaiian people. The mandatory training proposed by this bill shall include the completion of a training course designed and administered by OHA, and representing OHA's views and interpretations relating to Native Hawaiian and Hawaiian traditional and customary rights, natural resource protection and access rights, and the public trust, including the State's trust responsibility.

**LURF's Position**. While we support the intent of SB 981, SD1, we must **oppose** this bill based on, among other things, the following:

- **New State appointees would benefit from a comprehensive, broad-based, balanced and objective training program.** We acknowledge that upon their appointment, newly appointed members of state councils, boards, and commissions may not possess knowledge of native Hawaiian and Hawaiian rights and the public trust. They also probably lack the knowledge or expertise relating to issues pertaining to their respective entity, as well as knowledge relating to the major issues which will affect Hawaii's future, including, but not limited to, agriculture, tourism, business, housing, development, the military, land use, renewable energy, sustainability and aquaculture. Thus, instead of a training program that is solely limited to information, interpretation and views of OHA, a more comprehensive training program could better assist in preparing State appointees to fulfill their roles and responsibilities and to be fully informed of their duties and obligations.
- **In order to provide a broad-based, balanced and objective training, if OHA training is mandated, there should also be mandated training by other parties with different and/or opposing information, interpretation and views on the same issues.** The training currently proposed by this bill would be limited to OHA, which would represent the point of view of one organization. While we respect and accept the importance of the information, interpretation and views which OHA would present to the new state appointees, there may also be different and/or opposing information and alternative interpretations or views on the same issues. Thus, we believe that it is imperative that other parties be allowed to present different and/or opposing information, interpretation and views, to assure that the training is comprehensive, broad-based, balanced, and objective in nature. Such balanced and objective training should provide the new appointees with the knowledge and expertise to serve on their respective Council, Board or Commission.
- **New appointees should receive comprehensive training in other important areas affecting the future of Hawaii.** In addition to Native Hawaiian matters, there are numerous other issues and aspects relating to the subject matter of a particular council, board, or commission that an appointee should be versed in, including, but not limited to, statutory interpretation, common law, business and contract law, personal injury, and other legal issues. Training should also be provided relating to other areas which are vital to the future of Hawaii, including training by various groups regarding agriculture (Hawaii Farm Bureau Federation), aquaculture, tourism (Hawaii Tourism Authority), business (Honolulu Chamber of Commerce), construction of housing, the military, land use, renewable energy and sustainability.
- **Balanced and objective training could be conducted by the Attorney General.** Should your Committee decide to pass the provisions contained in the current version of the bill, we respectfully request that an amendment be incorporated to require that the Attorney General, instead of OHA, provide training for new appointees to State boards, councils, and commissions. While we realize that the title of this bill may be too restrictive for this amendment, we respectfully request that the content of this bill with the above mentioned amendments be incorporated into an appropriately titled bill for further consideration.

**Conclusion.** While LURF supports the intent of this bill, LURF must **oppose SB 981, SD2**, in its present form. Based on the concerns discussed above, LURF respectfully requests that SB 981, SD2 **be held**, or in the alternative, that the bill be **amended**, to incorporate the following:  
(1) To assure broad-based, balanced and objective training, any mandatory training should be

done by OHA, together with other groups with different and/or opposing information, interpretation and viewpoints, (2) Training should also be provided relating to other areas, including, but not limited to interest and industry groups involved with agriculture, aquaculture, tourism, business, construction of housing, the military, land use, renewable energy, and sustainability, or (3) As an alternative to training by OHA and several different interest and industry groups, that the training be conducted by the Attorney General.

Thank you for the opportunity to present testimony regarding this matter.