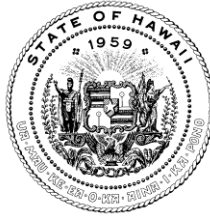


**SB 981**



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  
HAWAIIAN AFFAIRS**

**Wednesday, February 9, 2011  
2:45 PM  
State Capitol, Conference Room 224**

**In consideration of  
SENATE BILL 981  
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

## galuteria1 - Ikaika

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 02, 2011 3:38 PM  
**To:** HWN Testimony  
**Cc:** Ken\_Conklin@yahoo.com  
**Subject:** Testimony for SB981 on 2/9/2011 2:45:00 PM

Testimony for HWN 2/9/2011 2:45:00 PM SB981

Conference room: 224  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Kenneth R. Conklin, Ph.D.  
Organization: Individual  
Address: 46-255 Kahuhipa St. # 1205 Kane'ohe HI  
Phone: 247-7942  
E-mail: [Ken\\_Conklin@yahoo.com](mailto:Ken_Conklin@yahoo.com)  
Submitted on: 2/2/2011

### Comments:

I oppose SB981 for at least the following three reasons.

1. This bill authorizes OHA to exercise power over all or most state agencies. It elevates OHA to a position of superiority over other agencies of the State of Hawaii, by forcing employees of those agencies to place themselves under the authority of OHA, where OHA will determine the contents of the courses they are required to take, and OHA will be the sole judge of whether those employees have learned the subject matter and have shown proper deference to the political views of OHA. This bill forces government employees to submit to political indoctrination -- brainwashing -- in the views of OHA, many of which are highly controversial, morally reprehensible, and probably unconstitutional.
2. This bill establishes a particular religion as the government-approved religion which government employees are required to learn and reverence. Only a few weeks ago this Senate made the decision to abolish the custom of opening each session of the Senate with a religious invocation. The Senate made that decision because of concerns that such invocations violate the "establishment" clause of the First Amendment to the U.S. Constitution. The Hawaiian religion is the only one to be given special deference under the terms of this bill; thus this bill would be an establishment of religion. For example, when the State of Hawaii provides grants or other aid to institutions which are predominantly oriented to a particular religion (such as Catholic Charities), then, under the theory of this bill, there should be a requirement that all state employees who conduct relations with that institution to implement the terms of that grant must undergo a training program designed and taught by that institution to ensure that the government employees are knowledgeable and deferential to the religious views of that institution (such as the Doctrine of Trans-substantiation, the Doctrine of the Virgin Birth. etc.).
3. I would point out that in 1839, the year before the American missionaries came to Hawaii, the sovereign King Liholiho Kamehameha II, with his regent stepmother Queen Ka'ahumanu, and with Kahuna Nui (High Priest) Hewahewa, exercised sovereignty on behalf of all native Hawaiians to abolish the ancient religion, and ordered the destruction of the heiaus and burning of idols. Today's ethnic Hawaiians disrespect the decision of their ali'is and ancestors by trying to resurrect the ancient religion. By seeking to elevate that ancient religion above all other religions, they disrespect the right to freedom of religion

possessed by all Americans. This committee should not disrespect the multiracial, multicultural people of Hawaii by passing this bill.

## galuteria1 - Ikaika

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 02, 2011 4:27 PM  
**To:** HWN Testimony  
**Cc:** pennysfh@hawaii.rr.com  
**Subject:** Testimony for SB981 on 2/9/2011 2:45:00 PM

Testimony for HWN 2/9/2011 2:45:00 PM SB981

Conference room: 224  
Testifier position: support  
Testifier will be present: No  
Submitted by: Penny Levin  
Organization: Individual  
Address: Wailuku, Maui  
Phone:  
E-mail: [pennysfh@hawaii.rr.com](mailto:pennysfh@hawaii.rr.com)  
Submitted on: 2/2/2011

**Comments:**

Aloha Honorable Committee Members;  
I support SB981 Relating to the Office of Hawaiian Affairs.

I would urge the following amendments:

S10-B part (a) training should occur within three months. Given that some appointments may be only one year in length, a six month window to receive training would mean six months of decision making without this important knowledge.

Mahalo to the many agency staff and citizens who volunteer their time and energy to sit on such councils, boards and commissions. It can not be expected that every designee will have an equal understanding of native rights and public trust law in the State of Hawaii.

This bill, and the action it seeks to implement, is long overdue. SB981 provides that the members of councils, boards and commissions that are entrusted to make decisions over our natural and public trust resources, our wahi pana and historic sites, will receive at the minimum, a basic understanding of the resources in their care and the native rights associated with these resources, and that may take precedence over other rights. The result will be more accurate and effective discussion and decision-making.

Please support SB981.  
Mahalo for this chance to testify.