



SB981 SD2
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS
House Committee on Hawaiian Affairs

March 16, 2011

8:30 a.m.

Room 329

The Office of Hawaiian Affairs (OHA) strongly **SUPPORTS** SB981 SD2, 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 developed and 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.

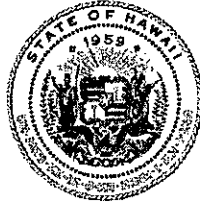
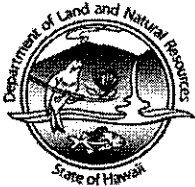
As the principal public agency responsible for ensuring that other state agencies protect Native Hawaiian rights, OHA sees this bill as an important opportunity to work with state councils, boards, and commissions to enable them to execute their roles better informed of their fiduciary obligations to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

Please note that it is OHA's intention to fund the costs relating to the development and implementation of the training proposed under SB981 SD2. As such, we did not request a general fund appropriation in the bill and have no plans to request an amendment to the bill to include an appropriation.

OHA strongly urges the committee to PASS SB981 SD2. Mahalo nui loa for the opportunity to testify.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
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**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
HAWAIIAN AFFAIRS**

**Wednesday, March 16, 2011
8:30 AM
State Capitol, Conference Room 329**

**In consideration of
SENATE BILL 981, SENATE DRAFT 2
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS**

Senate Bill 981, Senate Draft 2 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.
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

clee2 - Matt

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 12, 2011 3:20 PM
To: HAWtestimony
Cc: Ken_Conklin@yahoo.com
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: oppose
Testifier will be present: No
Submitted by: Kenneth R. Conklin, Ph.D.
Organization: Individual
Address:
Phone:
E-mail: Ken_Conklin@yahoo.com
Submitted on: 3/12/2011

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 the Senate made the decision to abolish the custom of opening each session of the Senate with a religious invocation; and the House is apparently considering the same thing. 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 1819, 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.

ASSOCIATION OF HAWAIIAN CIVIC CLUBS
TESTIMONY OF PRESIDENT SOULEE STROUD

IN SUPPORT OF SENATE BILL 981, SD2

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS
Before the
COMMITTEE ON HAWAIIAN AFFAIRS
And the
COMMITTEE ON CULTURE & THE ARTS

Wednesday; March 16, 2011; 8:30 a.; Room 329

Aloha Madam Chair Hanohano, Madam Chair Wooley and members of the joint committees of Hawaiian Affairs and Culture and the Arts. I am Soulee Stroud, president of the Association of Hawaiian Civic Clubs here to support Senate Bill 981SD2, Relating to the Office of Hawaiian Affairs.

This is one of several bills introduced by the Office of Hawaiian Affairs, and on January 22, 2011 the Association Board of Directors met and reviewed the summaries of the OHA bills. The Board represents all the councils and sixty component clubs of our organization, and voted unanimously to support the OHA legislative package.

This particular OHA bill would amend Chapter 10 of the Hawaii Revised Statutes to add a section that **requires training on Native Hawaiian and Traditional and Customary Rights, Native Hawaiian and Hawaiian Natural Resource Protection and Access Rights, and the State's Obligations under the Public Trust.**

Training of this kind is long over-due, given the dynamics of a changing population in Hawaii. While we support this measure, we will also offer our support to the Office of Hawaiian Affairs to assist wherever we can be useful in this effort.

Thank you for the opportunity to testify and we urge the passage of this bill.

Contact: Jalna Keala, jalna.keala@hawaiiatel.net