

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 House Committee on
OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS

Wednesday, January 30, 2013
10:00 AM
State Capitol, Room 325

In consideration of
HOUSE BILL 220
RELATING TO TRAINING

House Bill 220 requires the Office of Hawaiian Affairs (OHA) to establish, design, and administer a training course in Native Hawaiian matters for specified members of boards, councils, and commissions and requires those members to take the course within six months of their respective appointments. The Department of Land and Natural Resources (DLNR) supports this bill and also offers the following comments.

DLNR is acutely aware of the need for the members of its boards and commissions to be properly educated and sensitive to the important subject of Native Hawaiian matters. However, DLNR requests that OHA keep in mind that all of the members of these boards and commissions fulfill an important public service by serving on a volunteer basis, and often have limited time. DLNR also notes that OHA's presence before the various councils, boards and commissions to offer guidance on Native Hawaiian matters has been very beneficial and we continue to urge an OHA presence.

DLNR is committed to increasing capacity and knowledge among its staff on Native Hawaiian rights. At a recent volunteer training Saturday workshop that OHA conducted this month on Native Hawaiian rights, there were many DLNR staff who attended, including the Chair and First Deputy. All felt that it was a productive introduction on important key Hawaiian issues. We would also encourage that OHA offer abbreviated workshops directly to different agencies, like DLNR, so that more staff can attend during the work week.

Thank you for the opportunity to testify.

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

ESTHER KIA'AINA
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



HB220
RELATING TO TRAINING

House Committee on Ocean, Marine Resources, & Hawaiian Affairs

January 30, 2013

10:00 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) strongly **SUPPORTS** HB220, which is a bill in OHA's 2013 Legislative Package. This bill would require certain board and commission members to attend a Native Hawaiian Law training course developed by OHA. HB220 represents an opportunity for OHA to work with the State of Hawai'i to empower these members with information so that they can make decisions that are consistent with the state's fiduciary obligations to the Native Hawaiian people.

A training course in Native Hawaiian Law for relevant board and commission members is **necessary to honor the trust obligation and responsibility owed by the State of Hawai'i to the Native Hawaiian people**. The boards and commissions listed in HB220 administer resources and programs that directly impact Native Hawaiian traditional and customary rights, natural and cultural resources, and the public trust. As state entities, these boards and commissions have a duty to protect and preserve Native Hawaiian rights and to administer the public trust in the interest of the state's beneficiaries, including Native Hawaiians.

Given the broad range of expertise and experience of the individuals selected to serve on these state councils, boards, and commissions, many members on these key policy-making entities do not possess knowledge of the unique rights and responsibilities that relate to the Native Hawaiian community. Despite their affirmative duties, the board and commission members are not provided with any related training. Unfortunately, this has likely contributed to expensive and unnecessary litigation as well as distrust by the Native Hawaiian community. The training course would be a significant step towards addressing these problems.

As the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians, **OHA is the appropriate agency to create and administer a Native Hawaiian Law training course**. In creating OHA, the people of Hawai'i specifically recognized their obligations pursuant to the "public trust which includes among other responsibilities, betterment of conditions for" Native Hawaiians. HRS § 10-1(a). OHA's kuleana to serve as the agency responsible for the 1) performance, development, and coordination of programs and activities relating to Native Hawaiians, as well as 2) the assessment of policies

and practices of other agencies impacting Native Hawaiians, is clearly consistent with HB220. Moreover, requiring relevant board and commission members to attend is also consistent with HRS § 10-1(b), which requires state agencies that “provid[e] services and programs which affect” Native Hawaiians “to cooperate with and assist wherever possible the office of Hawaiian affairs.”

In anticipation of questions by this committee, OHA would like to clarify that it is not OHA’s intention for the State to incur expenses related to the development of the proposed training course. Nor is it OHA’s intention for the general fund budget to be impacted.

OHA strongly urges the committee **PASS** HB220. Mahalo nui loa for the opportunity to testify.



Association of Hawaiian Civic Clubs

P. O. Box 1135
Honolulu, Hawai`i 96807

Testimony of President Soulee Stroud

HOUSE COMMITTEE ON OCEAN,
MARINE RESOURCES & HAWAIIAN AFFAIRS

HOUSE BILL 220 RE: TO TRAINING
Wednesday, January 30, 2013; 10:00 am; Room 325

Aloha Madam Chair Hanohano, Vice chair Cullen and members of the committee. I am Soulee Stroud, president of the Association of Hawaiian Civic Clubs and I speak in support of this bill that will provide training for certain members of boards, councils and commissions on matters referencing Hawaiian issues.

The Association of Hawaiian Civic Clubs (AHCC) is currently comprised of sixty nine component clubs in Hawaii and fifteen states on the continent. The first civic club was organized in 1918 by Prince Kuhio and a group of prominent Hawaiian men when Kuhio was a Delegate to the US Congress. Kuhio recognized the need for Native Hawaiians to become more involved in the passage of the Hawaiian Homes Act then before the Congress, and to further become engaged in the intricacies of federal and local government.

The AHCC Board of Directors met on January 19, 2013 and at that time discussed the legislative package from the Office of Hawaiian Affairs. The AHCC Board agreed to support House Bill 220 with the expectation that the training OHA will design, establish and administer will contribute to understanding and decision-making when issues involving Native Hawaiian rights and public trust doctrine are concerned.

Thank you for the opportunity to testify today.

Contact: jalna.keala2@hawaiiantel.net



KO`OLAUPOKO HAWAIIAN CIVIC CLUB

January 30, 2013

TO: Rep. Faye P. Hanohano, Chair
And Members
Committee on Ocean, Marine Resources & Hawaiian Affairs

FROM: Alice P. Hewett, President
Ko'olaupoko Hawaiian Civic Club

RE: H.B. 220, Relating to Training

Aloha, Chair Hanohano, Vice Chair Cullen and Committee Members:

On behalf of the Ko'olaupoko Hawaiian Civic Club, I wish to offer our strong support for House Bill 220, which would require establishment of a training program to inform and educate members of state and county boards, councils and commissions regarding laws concerning Native Hawaiian rights and traditional customs and practices.

In our view, this type of training will be invaluable to decision-makers and those who must implement laws protecting the core values of the host culture of our islands – the Hawaiian people. We would encourage you to expand on this legislation by adding state and county department heads, who can also benefit from such training.

We know of many Hawaiian organizations, including our own, who are often challenged by the lack of awareness or experience of boards, commissions, decision-makers, department heads and others who do not understand or appreciate the reason for protection of traditional and customary rights and practices for Native Hawaiians.

Through this training, there will be greater understanding and awareness of the background and history for these laws, and the foundation for why these laws are in place – to malama`aina and to malama the people of Hawai`i.

Mahalo for allowing us to share our mana`o.

P. O. Box 664
Kaneohe, HI 96744
Ph. (808) 235-8111 / 226-4195
www.koolaupokohcc.org

January 29, 2013

Teresa L. Nakama
73-998 Ahulani Street
Kailua-Kona, HI 96740

Committee On Ocean, marine Resources, & Hawaiian Affairs
Rep. Faye P. Hanohano, Chair
Rep. Ty J.K. Cullen, Vice Chair
Rep. Denny Coffman Rep. Chris Lee
Rep. Cindy Evans Rep. Nicole E. Lowen
Rep. Derek S.K. Kawakami Rep. Richard Lee Fale

NOTICE OF HEARING

Wednesday, Jan. 30, 2013
10:00 am
Conference Room 325
State Capitol
415 South Beretania Street
Honolulu, HI

Report Title: HB 220 Relating to Mandatory Training

OHA Package: Mandatory Training

Requires OHA to establish, design, and administer training course in native Hawaiian matters for specified members of boards, councils, and commissions. Requires those members to take the course within six months of their respective appointments.

Dear Representative Faye Hanohano:

I am writing to ask you to support House Bill 220. This bill will soon come to a vote in your committee.

The purpose of this house bill 220, requires OHA to establish, design, and administer training course in the Native Hawaiian matters for specific members of boards, councils, and commissions. Requires those members to take the training course within six months of their respective appointments.

House Bill 220 is critical and a very important bill that will definitely benefit the community at large. These decision makers that sit on the boards, councils and commissions affects our Hawaiian livelihood and Hawaiian cultural landscape, throughout our Islands and a direct influence on the outcome for our future generations.

The proposed HB 220 will create additional Hawaiian knowledge of our past and bring it to the present, to preserve our future, by those who participate in the process.

Thank you for your support.

Sincerely,

Teresa L. Nakama