

February 22, 2013

To: Representative Karl Rhoads, Chair  
Committee on Judiciary

From: Chairperson John D. Waihee, III  
Native Hawaiian Roll Commission

Subject: Testimony Regarding H. B. 252, H.D. 1

Hearing Date & Time: Friday, February 22, 2013, 2:00 p.m.  
Conference Room 325, State Capitol

Aloha,

The Native Hawaiian Roll Commission supports Section 1 of the bill and raises concerns regarding Section 2. Our testimony is outlined below:

Support – Annual Reporting Requirements

The Native Hawaiian Roll Commission (NHRC) does not oppose section 1 of the bill which would require the Commission to provide an annual report to the governor and the legislature. However, regarding financial reporting requirements, Section 4 of Act 195 (2011) states, “Funding for the Native Hawaiian roll commission shall be provided by the office of Hawaiian affairs.” Currently all funds provided to the NHRC by the Office of Hawaiian Affairs (OHA) are public land trust funds. No general funds are used to support the work of the Commission. Since OHA is responsible for managing all trust funds, the Commission provides a financial accounting to OHA.

Concerns – Section 2

Act 195 (2011) acknowledges that participation in the Native Hawaiian roll is an official act similar to registering to vote. (The voter registration list of the State of Hawai‘i is a public list, not a confidential list.) Inserting the word “Confidential” in Section 2 (a) (1) of the bill suggests that the list is not a public list but rather part of a “confidential” list. This is contrary to the original intent of Act 195 (2011) which calls for the Native Hawaiian Roll Commission to **publish a certified** (emphases added) list. The accuracy and veracity of the certified list must be reviewed by the community and therefore cannot be “confidential.” Further, given the fact that Act 195 was signed into law over 18 months ago creating a change now will certainly add

confusion to the enrollment process. For these reasons the Commission believes that the word “confidential” should be removed from the bill.

Further, Section 2 (2) (iii) regarding who meets ancestry requirements to participate in the enrollment process lists the ancestry requirements of Kamehameha Schools or the Hawaiian registry program of the office of Hawaiian affairs as means by which individuals may verify their Hawaiian ancestry. The Commission would note that these are more than these two and indeed several different ways for individuals to verify their Hawaiian ancestry. For example, individuals may verify their Hawaiian ancestry by providing a birth certificate which indicates that they are Hawaiian or part-Hawaiian, or a parent’s birth certificate. Individuals who are on the Hawaiian Homes list of lessees are also qualified to participate in the enrollment process without providing additional documentation. There are various ways in which a person may present documentation such as a baptismal record, as well as programs and institutions other than the Kamehameha Schools or the Office of Hawaiian Affairs whose verification methods are acceptable to this registry. Therefore, the Commission recommends that the following language be struck from the bill:

“(iii) An individual who meets the ancestry requirements of Kamehameha Schools or of the Hawaiian registry program of the office of Hawaiian affairs;”

The policy setting forth the verification methods adopted by the Commission will assure that only “qualified Native Hawaiians” participate in the process and are included on the certified list. The inclusion of only two means, though accepted under the policy, may create confusion that they are the only means by which persons may be verified.

Thank you for the opportunity to share our thoughts concerning H.B. 252, H.D. 1.

**HB252**

Submitted on: 2/20/2013

Testimony for JUD on Feb 22, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
soulee LKO Stroud	Association of Hawaiian Civic Clubs	Support	Yes

Comments:

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**STATE OF HAWAII**  
**DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879  
HONOLULU, HAWAII 96805

COMMENTS OF JOBIE M. K. MASAGATANI, CHAIRMAN DESIGNATE  
HAWAIIAN HOMES COMMISSION  
BEFORE THE HOUSE COMMITTEE ON JUDICIARY

**HB 252 HD 1, RELATING TO GOVERNMENT**

February 22, 2013

Chair Rhoads, Vice-Chair Har, and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) provides the following comments specifically on Section 3 of this measure.

This section repeals Section 3 of Act 195 (2011) that mandates the amendment of the Hawaiian Homes Commission Act, 1920, (HHCA) to accomplish the purposes set forth in Act 195 in a manner that is consistent with the current needs and requirements of the Native Hawaiian people and the current beneficiaries of the HHCA. The department is on record as a strong supporter of the Act 195, but based on our understanding of Act 195, no amendments to the HHCA are required to accomplish the purposes of the Native Hawaiian Roll Commission.

Mahalo for the opportunity to provide these comments.

**LATE**



OFFICE OF HAWAIIAN AFFAIRS  
Legislative Testimony

**HB252 HD1**  
**RELATING TO GOVERNMENT**  
House Committee on Judiciary

February 22, 2013

2:00 p.m.

Room 325

The Administration of the Office of Hawaiian Affairs (OHA) will recommend that the Board of Trustees comment on HB252 HD1 which requires the Native Hawaiian Roll Commission to submit annual reports to the legislature and specifies that “a qualified Native Hawaiian” includes an individual who meets the ancestry requirements of existing Kamehameha Schools and Office of Hawaiian Affairs programs.

OHA notes that its opposition to the previous version of HB252 HD1 was based primarily on OHA’s concerns about language in the bill that would have changed the definition of qualified Native Hawaiian to exclude from the roll Native Hawaiians with significant social, civic or cultural ties to Hawai ‘i who are not residents of the State of Hawai ‘i and are not registered voters in the State of Hawai ‘i. We greatly appreciate that this provision was removed.

OHA also expressed concerns about the administrative burdens associated with the previous version’s proposal that further documentation be required before the roll is made public, despite the fact that all current enrollees have explicitly consented to have their names appear on a public list. We appreciate that this provision was removed, and **we respectfully request that the committees also remove the term “confidential” from Page 2, line 1**, which was associated with the previous provision and appears to have been inadvertently left in HB 252 HD1. Removal of the term confidential would preserve the public nature of the current list and prevent unnecessary disruption to the ongoing enrollment process.

Mahalo for the opportunity to comment on this important measure.

**HB252**

Submitted on: 2/19/2013

Testimony for JUD on Feb 22, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pamela Williams	Individual	Oppose	No

Comments:

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**LATE**

**HB252**

Submitted on: 2/22/2013

Testimony for JUD on Feb 22, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Maria Taylor Sykes	Individual	Oppose	No

Comments: I opposed this Commission, the Roll, and anything that rounds up the Native Hawaiians and subjects of the Hawaiian Kingdom into a coffin. Their freedom comes with the Kingdom, and you are stealing their lands and their rights. Shame on you for perpetuating the injuries, the crimes and the theft.

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Comm on J  
Rep Kael Rhoads, Chair  
Rep Sharon E Har VC

Feb 22, 2013  
2PM, Rm 325

**LATE**

HB 252, HD 1 In Favor

We support an annual accounting of Kana'olowalu, the Native Hawaiians Roll Commission. However, we are concerned about the <sup>legal</sup> implications of using Native Hawaiians Trust money for those of the lesser blood (myself, included) and particularly those Hawaiians who do not live in the State of Hawaii. The Democratic Party Resolution at the May Convention, moreover, supported Native Hawaiians living in the State of Hawaii.

Act 195 which set up the Native Hawaiian Roll Commission changes the definition of Native Hawaiian from one of fifty percent or more of the blood to one who simply has some Hawaiian - a drop -

How much has Kana'olowalu signed up so far and at what cost. Hawaiians are uninformed about what this roll is and its implications although it is being sold as a way to unify the Hawaiians. Mahalo,

Ila M Hubbard, Na Koa Ikaika  
lmhubbard@hawaiiantel.net