

HB 252 HD2

Measure Title: RELATING TO GOVERNMENT.

Report Title: Native Hawaiians; Recognition; Native Hawaiian Roll Commission

Description: Requires annual reports from the Native Hawaiian Roll Commission. Amends the definition of "qualified Native Hawaiian" to include individuals who meet certain expanded ancestry requirements. Repeals directive to amend the Hawaiian Homes Commission Act. Effective January 1, 2100. (HB252 HD2)

Companion:

Package: None

Current Referral: THA/JDL

Introducer(s): HANOHANO

| <u>Sort by Date</u> | | Status Text |
|---------------------|---|---|
| 1/18/2013 | H | Pending introduction. |
| 1/22/2013 | H | Introduced and Passed First Reading |
| 1/22/2013 | H | Referred to OMH, JUD, referral sheet 3 |
| 2/4/2013 | H | Bill scheduled to be heard by OMH on Wednesday, 02-06-13 9:00AM in House conference room 325. |
| 2/6/2013 | H | The committees on OMH recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 6 Ayes: Representative(s) Hanohano, Cullen, Coffman, Evans, Kawakami, Fale; Ayes with reservations: none; Noes: none; and 2 Excused: Representative(s) C. Lee, Lowen. |
| 2/11/2013 | H | Reported from OMH (Stand. Com. Rep. No. 270) as amended in HD 1, recommending passage on Second Reading and referral to JUD. |
| 2/11/2013 | H | Passed Second Reading as amended in HD 1 and referred to the committee(s) on JUD with none voting aye with reservations; none voting no (0) and Representative(s) Cachola, Har, C. Lee, McKelvey, Takai, Thielen excused (6). |
| 2/19/2013 | H | Bill scheduled to be heard by JUD on Friday, 02-22-13 2:00PM in House conference room 325. |
| 2/22/2013 | H | The committee(s) on JUD recommend(s) that the measure be deferred until 02-26-13 at 2:00 PM. |
| 2/25/2013 | H | Bill scheduled for decision making on Tuesday, 02-26-13 2:00PM in conference room 325. |
| 2/26/2013 | H | The committees on JUD recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 12 Ayes: Rhoads, Har, Belatti, Brower, Cabanilla, Carroll, Kawakami, C. Lee, Tsuji, Wooley, McDermott, Thielen; Ayes with reservations: none; 0 Noes: none; and 1 Excused: Ito. |
| 3/1/2013 | H | Reported from JUD (Stand. Com. Rep. No. 805) as amended in HD 2, recommending passage on Third Reading. |
| 3/1/2013 | H | Forty-eight (48) hours notice Tuesday, 03-05-13. |
| 3/5/2013 | H | Passed Third Reading as amended in HD 2 with none voting aye with reservations; none voting no (0) and none excused (0). Transmitted to Senate. |

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| 3/7/2013 | S | Received from House (Hse. Com. No. 198). |
| 3/7/2013 | S | Passed First Reading. |
| 3/7/2013 | S | Referred to THA, JDL. |
| 3/19/2013 | S | Re-Referred to THA/JDL. |
| 3/28/2013 | S | The committee(s) on THA/JDL has scheduled a public hearing on 04-01-13 2:50PM in conference room 224. |

TESTIMONY LIST

| | | |
|------------------|---|----------|
| John Waihee | Native Hawaiian Roll Commission | OPPOSE |
| Breann Nuuhiwa | Office of Hawaiian Affairs | COMMENTS |
| Jobie Masagatani | Department of Hawaiian Homelands | COMMENTS |
| Lela Hubbard | Na Koa Ikaika | SUPPORT |
| | | |
| | | |

March 28, 2013

To: Senator Brickwood Galuteria, Chair
Committee on Tourism and Hawaiian Affairs

Senator Clayton Hee, Chair
Committee on Judiciary and Labor

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

Subject: Testimony Regarding H. B. 252, H.D. 2 – Relating to Government
Native Hawaiians, Recognition, Native Hawaiian Roll Commission

Hearing Date and Time: Monday, April 1, 2013, 2:50 p.m.
Conference Room 224, State Capitol

Aloha,

The Native Hawaiian Roll Commission (NHRC) testifies to the following: HB252 HD2

Section 1

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, since the Commission intends to complete its work by June of 2014 it would appear that codifying this reporting requirement would be unnecessary. The Commission is committed to providing Governor Abercrombie and the members of the legislature with a report of its activities at the end of its enrollment campaign.

The NHRC strongly **opposes** 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** (emphasis added) list. The accuracy of the certified list must be reviewed by the community to assure its accuracy 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 a means by which individuals may verify their Hawaiian ancestry. The Commission would note that these are two (2) or several different ways for individuals to verify their Hawaiian ancestry. Individuals may verify their Hawaiian ancestry by providing a birth certificate which indicates that they are Hawaiian or part-Hawaiian. Individuals who are on the Hawaiian Homes list of lessees are also qualified to participate in the enrollment process without providing additional documentation. 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 verification methods adopted by the Commission will assure that only “qualified Native Hawaiians” participate in the process and are included on the certified list.

Thank you for the opportunity to share our thoughts concerning H.B. 252, H.D. 2.



HB252 HD2
RELATING TO GOVERNMENT
Senate Committee on Judiciary & Labor
Senate Committee on Tourism & Hawaiian Affairs

April 1, 2013

2:50 p.m.

Room 224

The Office of Hawaiian Affairs (OHA) offers the following comments on HB252 HD2, which requires the Native Hawaiian Roll Commission to submit annual reports to the legislature, affirms the Roll Commission's current practice of accepting ancestry verifications from Kamehameha Schools and the Office of Hawaiian Affairs and—most significantly—makes the initial roll “confidential” in conflict with Act 195's purpose of creating an official public list of Native Hawaiians.

OHA respectfully recommends that the committee reject the proposed insertion of the word “confidential” into Section 2(a)(1) of the statute. Requiring the Native Hawaiian Roll Commission to keep the roll confidential would completely frustrate the main purpose of Act 195 (2011), which called for the Roll Commission to publish a certified list. Participating with the Roll Commission is like registering to vote and is an official civic act. Eliminating the public aspect of this public process could undermine its formal nature and create concerns about transparency and accountability.

Moreover, publication of the roll is intended to facilitate the process under which qualified Native Hawaiians may independently commence the organization of a convention, and later establish a governing entity. Requiring that the roll be kept confidential will almost certainly complicate this process by delaying it significantly and increasing the cost.

In addition, OHA recommends changing the language on lines 2 through 4 of page 3 from “the Hawaiian registry program of the office of Hawaiian affairs” to “any Hawaiian registry program of the office of Hawaiian affairs” to reflect accurately the Roll Commission's current policy of accepting ancestry verifications from any of OHA's three registry programs (the Hawaiian registry program, Kau Inoa or Operation 'Ohana).

Mahalo for the opportunity to testify on this important measure.



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

COMMENTS OF JOBIE M. K. MASAGATANI, CHAIRMAN
HAWAIIAN HOMES COMMISSION
TO THE SENATE COMMITTEES ON TOURISM AND HAWAIIAN AFFAIRS &
JUDICIARY AND LABOR

HB 252 HD 2, RELATING TO GOVERNMENT

April 1, 2013

Chair Galuteria, Chair Hee, and Members of the Committees:

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.

Na Koa Ikaika strongly supports the proposed reports as it appears that 1.8 million dollars has been squandered for the registration of 9000 native Hawaiians in 2012-13. We wonder how many of those registered are able to vote or will we be permitting the incarcerated who were signed up to vote to create our nation? Instead of facilitating junkets from Hawaii, registration should be conducted by residents of the areas on the continent. Actually, no further trust money should be expended on this Native Hawaiian Roll fiasco.

Act 195 should be further amended in Section 2, (D) after the listing of age 18 for the participants, on page 3:

(D) Is a resident of the State of Hawaii; and

Mahalo for this opportunity to share my mana'o as I have spent over two decades working towards the establishment of our Hawaiian Nation and upholding Hawaiian rights.

Lela M. Hubbard, Na Koa Ikaika
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