



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 OCEAN, MARINE RESOURCES &
HAWAIIAN AFFAIRS

HB 252, RELATING TO GOVERNMENT

February 6, 2013

Chair Hanohano, Vice-Chair Cullen and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) provides the following comments specifically on Section 4 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.



HB252

RELATING TO GOVERNMENT

House Committee on Ocean, Marine Resources & Hawaiian Affairs

February 6, 2013

9:00 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB252, which seeks to prevent Native Hawaiians who are not residents of the State of Hawai'i and are not registered voters in the State of Hawai'i from participating in the Native Hawaiian Roll Commission's enrollment process. This proposed exclusion constitutes improper State interference with internal Native Hawaiian self-governance matters and will cause division at an important time of unification for the Native Hawaiian people. For these reasons, **OHA respectfully requests that the Committee hold HB252.**

In 2011, Act 195 formally recognized the Native Hawaiian people as the only indigenous, aboriginal, maoli people of Hawai'i and established a Native Hawaiian Roll Commission responsible for preparing a roll of qualified Native Hawaiians eligible to participate in the process of reorganizing a Native Hawaiian governing entity.

Appropriately, the State Legislature did not attempt to craft its own narrow definition of Native Hawaiian for purposes of Act 195. Instead, the State crafted the broadest reasonable definition and deferred sensitive questions about additional eligibility criteria and documentation to the Native Hawaiian Roll Commission. Tellingly, the Commission did not impose additional eligibility criteria that would prematurely exclude from the initial enrollment process adult individuals of Native Hawaiian ancestry who have a significant cultural, social, or civic connection to the Native Hawaiian community.

The Commission, in its wisdom, is leaving decisions about the role of non-residents in a future Native Hawaiian governing entity, and other similar self-governance decisions, for the enrollees to make during the post-roll convention. **The State government should demonstrate the same respect for the voice of the people and should refrain from interjecting its own opinion into the very personal intra-community debate about who is a Native Hawaiian.** Given that even Native Hawaiian Hawai'i residents do not universally agree that Hawai'i residency or voter registration should be a prerequisite to enrollment, it would behoove the State to stay far afield of this debate and to allow internal membership determinations to be made by Native Hawaiians themselves.

In addition, HB 252'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—would create an unnecessary administrative burden for the Commission and constitutes another reason to hold the bill.

HOUSE OF REPRESENTATIVES
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2013

Committee on Ocean, Marine Resources & Hawaiian Affairs
Representation Faye P. Hanohano, Chair
Representative Ty J.K. Cullen, Vice Chair

Hearing Date & Time: Wednesday, February 6, 2013, 9:00 a.m.
Conference Room 325, State Capitol

RE: HB 252. Relating to Government

Testimony of Karl Veto Baker
President, Native Hawaiian Chamber of Commerce

Aloha Chair Hanohano and members of the committee,

My name is Karl Veto Baker and I am the President of the Native Hawaiian Chamber of Commerce (“NHCC”), which represents nearly 200 Native Hawaiian businesses. NHCC would like to submit the following testimony with respect to HB 252.

Support – Annual Reporting Requirements

NHCC supports section 1 of HB 252 which requires the Native Hawaiian Roll Commission to provide an annual report to the governor and the legislature.

Oppose – Residency Requirements

We strongly oppose the residency requirements of HB 252. Act 195 provides that all native Hawaiians who register with the Native Hawaiian Roll Commission are eligible to participate in the efforts to establish a Native Hawaiian governing entity regardless of where they reside. Many Hawaiians who live on the U.S. continent and elsewhere have already registered. To change the law now, 18 months after enactment, would create mistrust and confusion in the Native Hawaiian community. Moreover, the decision about who should be allowed to participate in Native Hawaiian self determination efforts should be made by Native Hawaiians. The role that non-Hawai`i residents will play in the Native Hawaiian government should also be decided by Native Hawaiians. Please do not pass this amendment.

Mahalo for the opportunity to share our mana`o regarding HB 252.

February 4, 2013

To: Chair, Committee on Ocean, Marine Resources & Hawaiian Affairs

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

Subject: Testimony Regarding H. B. 252

Committee on Ocean, Marine Resources & Hawaiian Affairs
Representation Faye P. Hanohano, Chair
Representative Ty J.K. Cullen, Vice Chair

Hearing Date & Time: Wednesday, February 6, 2013, 9:00 a.m.
Conference Room 325, State Capitol

Aloha Chair and Members of the Committee,

The Native Hawaiian Roll Commission supports in part and opposes in part the provisions of House Bill 252. 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.

Oppose – Residency Requirements

Act 195 (2011) does not include a residency requirement regarding participation in the Native Hawaiian roll. The Commission's official policy is that all Hawaiians are eligible to participate in the enrollment program regardless of where they live. While more than a majority of those who have already enrolled with *Kana'iolowalu* (the Native Hawaiian roll) are Hawai'i residents, many others who have enrolled live on the continental United States or in other parts of the world. Including a residency requirement eighteen (18) months after the bill was signed into law will create a great deal of concern, confusion and distrust amongst the

members of the Native Hawaiian community. Ultimately, who is allowed to participate in Native Hawaiian self-determination efforts such as establishing a Native Hawaiian governing entity, should be determined by the Native Hawaiian community. Further, the role that non-Hawaii resident Native Hawaiians play in a Native Hawaiian government should be determined by the Native Hawaiian people as well.

Oppose – Further Release Authority

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.) The Native Hawaiian roll is the official public list. Amendments outlined in Section 3, HB 252 are unnecessary and will cause significant delays in terms of when the Commission will be able to publish a certified roll of Native Hawaiians. The Commission has discussed the issue of not publishing information which may be considered “private.” Though a final decision by the Commission has not yet been made, it may be possible for the Commission to publish a list which includes a person’s name and birth date and leave the current address blank. Decisions concerning the format of the published list will be determined by the Commission and shared with the governor and members of the legislature.

No objection – Hawaiian Home Lands provision

The Commission has no objection to the repeal of the section referencing a potential amendment to the Hawaiian Homes Commission Act. However, the Commission suggests that the Committee confer with the drafters of Act 195 as to the intent of that section.

Thank you for the opportunity to share our thoughts concerning H.B. 252. The Commission stands ready to work with the Chair and her committee to improve the clarity of Act 195 (2011).



February 5, 2013

To: Chair, Representative Faye Hanohano, Committee on Ocean Marine Resources and Hawaiian Affairs, Vice Chair, Representative Ty J. K. Cullen, Vice Chair and Committee Members

From: Lei Kihoi, Commissioner, Native Hawaiian Roll Commission
Island of Hawaii

Re: Testimony HB 252: Hearing: Wednesday, February 6, 2013, 9 am,
Conference Room 325, State Capitol

Aloha Chair Hanohano and Members of the Committee:

Opposition: Residency Requirements

I oppose an amendment to Act 195, which requires that only Hawaiians residing in Hawaii are entitled to participate in the enrollment for the following reasons: 1) That this would be a divisive measure among our Native Hawaiians; 2) Further, that it is not the Commission's policy to penalize those Native Hawaiians who were forced to leave these islands for whatever reason (ie financial, grandchildren, housing, military, etc); 3) That our Commission policy is that all Hawaiians should be able to participate, regardless of their residency; 3) That Act 195 does not include a residency requirement; 4) That the Commission has adopted a policy whereby all Hawaiians will be counted/enrolled, assuming they satisfy the criteria as set forth by Act 195.

Opposition: Release Authority

I oppose amendment to Act 195 which requires “further release authority” for the following reasons: 1) That Act 195 is a public law; 2) That once the list is completed, the list will become public; 3) That further amendment Act 195 will cause delay, confusion and anxiety.

Favor: Repeal of Section 3 regarding Hawaiian Homes Commission Act

I am in favor of repealing Section 3 of the regarding the Hawaiian Homes Commission act provided that this provision is researched with the drafters of the Act with regards to its’ intent.



Association of Hawaiian Civic Clubs

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

Testimony of President Soulee Stroud

HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES AND HAWAIIAN AFFAIRS

HOUSE BILL 252 RELATING TO GOVERNMENT

Wednesday; February 6, 2013; 9:00am; Room 325

Aloha Madam Chair Hanohano, Vice Chair Cullen and members of the committee on Ocean, Marine Resources and Hawaiian Affairs. I am Soulee Stroud, president of the Association of Hawaiian Civic Clubs offering an amendment to HB252, Relating to Government.

As some of you may know, the Association of Hawaiian Civic Clubs (AHCC) is currently comprised of sixty nine component member 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 Hawaiians 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.

There are currently Hawaiian Civic Clubs in fifteen states besides Hawaii, for a total of twenty two clubs on the continent. At our last convention in Washington, D.C. the delegates of those clubs outnumbered the delegates for our three neighbor island councils. **We believe that the bill should be amended by deleting Section 2(D) as it will have a detrimental effect on Hawaiians residing outside of Hawaii.**

Mahalo for the opportunity to testify.

Contact: jalna.keala2@hawaiiantel.net

1288 Kapiolani Blvd, Apt 1905
Honolulu, Hawai'i 96814
February 4, 2013

Representative Faye P. Hanohano, Chair
Representative Ty J. K. Cullen, Vice Chair
Members
Committee on Ocean, Marine Resources and Hawaiian Affairs

Subject: Testimony in **Opposition** to HB252, Relating to Government
Hearing Date and Time: Wednesday, Feb 6, 9:00 a.m., Conf Rm 325

Aloha mai kākou

I am writing to express strong opposition to HB 252, Relating to Government. I find this bill offensive and ask that it not be passed for the following reasons:

- Regarding Section 2(a)(2)(A) (iii) which adds to the criteria for determining a "qualified Native Hawaiian" the provision that he/she "Is a permanent resident of the State of Hawaii or a registered voter in the State of Hawaii" **All Native Hawaiians should be eligible to participate in the organization of the Native Hawaiian governing entity and the extent of that participation should be determined by the Native Hawaiian people.** We need to **stop dividing us.** Interestingly, Native Hawaiians who live outside of Hawaii are eligible to apply for Hawaiian Home Lands; can meet the ancestry requirements of Kamehameha Schools and benefit from its programs; and can participate in the Hawaiian registry programs of the OHA. Too, the very people that this bill proposes to exclude are the very ones who engage their state congressional representatives on supporting national legislation impacting upon Native Hawaiians, such as the Native Hawaiian Education Act, the Native Hawaiian Reorganization Act, etc. I know from personal experience that those who live outside of Hawaii who would engage in discussions about the Native Hawaiian governing entity would first and foremost be sensitive to the voices of Native Hawaiians who live here and their determinations would not be harmful to our people. I strongly urge you to strike this provision from this bill.

- **Regarding Section 3(b)** that provides that prior to the publication of a participant's name on the public roll, an authorization for the release of information shall be signed by the participant and the Native Hawaiian Roll Commission. **I view this provision as undermining the next step in building the Native Hawaiian governing entity by causing delays.** Further, how is this any different than the

state's voter registration process? We don't require individuals to sign a release to allow publication of their name, address, date of birth, or now, even their e-mail, when they register to vote

Accordingly, I urge your committee to not pass this bill; it is a'ole pono.

Mahalo for the opportunity to comment.

Me kealoha pumehana

/s/ Leimomi Khan

Leimomi Khan (by e-mail)