

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE TN-DNK

April 2, 2013

The Honorable Clayton Hee, Chair
and Members
Committee on Judiciary and Labor
State Senate
Hawaii State Capitol
415 South King Street
Honolulu, Hawaii 96813

Dear Chair Hee and Members:

Subject: House Bill No. 785, H.D. 1, Relating to Production of Records

I am Thomas Nitta, Major of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 785, Relating to Production of Records. This bill clarifies and expounds on the provisions of Act 325, Session Laws of Hawaii 2012, which allow for the service of process issued by another state upon a Hawaii recipient.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Nitta", is written over a horizontal line.

THOMAS NITTA, Major
Records and Identification Division

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoaha", is written over a horizontal line.
LOUIS M. KEALOHA
Chief of Police

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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THE HONORABLE CLAYTON HEE
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawai'i

April 2, 2013

RE: H.B. 785, H.D. 1; RELATING TO PRODUCTION OF RECORDS.

Chair Hee, Vice-Chair Shimabukuro and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of H.B. 785, H.D. 1. We kindly request the committee to include the language of H.B. 785, H.D. 1. in the proposed S.D. 1.

The purpose of H.B. 785, H.D.1 is to amend Act 325, Session Laws of Hawai'i 2012, to make the requirements imposed upon persons or businesses located in Hawai'i--who receive criminal process from courts in other states--consistent with those requirements imposed upon persons or businesses located in other states, who receive criminal process from Hawai'i courts. The proposed language would improve the reciprocity provision of Act 325 by truly making it a "two-way street."

For the reasons stated above, the Department of the Prosecuting Attorney of the City and County of Honolulu supports H.B. 785, H.D. 1 to be included in the proposed S.D. 1. Thank you for the opportunity to testify on this matter.

March 30, 2013

To: Senator Clayton Hee, Chair
Committee on Judiciary and Labor

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

Subject: Testimony Regarding Proposed H.B. 785, H.D. 1, S.D.1

Hearing Date,
Time & Location: Tuesday, April 2, 2013, 9:30 a.m.
Conference Room 016

Aloha,

The Native Hawaiian Roll Commission supports the **proposed** senate amendment to H.B. 785 with the exception identified below:

Annual Reporting Requirements

The Native Hawaiian Roll Commission (NHRC) supports section 1 of the proposed senate amendment which would require the Commission to provide an annual report to the governor and the legislature. The Commission does intends to complete its work by June of 2014 and will be filing a report with both the Governor and the Legislature. Pursuant to Act 195 (2011) the Native Hawaiian Roll Commission will be dissolved once the certified roll is filed.

The NHRC opposes Section 2, paragraph (a)(1) but strongly supports, paragraph (a)(4)

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.

The NHRC supports paragraph (a)(4) of the proposed senate amendment.

The NHRC supports the deletion of Section 3

The NHRC supports the deletion of Section 3 of the proposed senate amendment.

Thank you for the opportunity to share our thoughts concerning H.B. 785, H.D. 1, S.D.1
Proposed.



HB785 HD1 PROPOSED SD1
RELATING TO PRODUCTION OF RECORDS
Senate Committee on Judiciary & Labor

April 2, 2013

9:30 a.m.

Room 016

The Administration of the Office of Hawaiian Affairs (OHA) will recommend that the OHA Board of Trustees strongly **SUPPORT** with amendments HB785 HD1 Proposed SD1, which makes a number of important administrative corrections to Act 195 (2011)—the state law that created the Native Hawaiian Roll Commission and outlined the Commission’s process for creating a roll of qualified Native Hawaiians.

The changes proposed by HB785 PHD1 roposed SD1 are consistent with the intent of Act 195 and will greatly facilitate the process set in motion by this Legislature in 2011, with the exception of some minor changes noted below. The proposed language that begins on line 17 of page 3 and ends on line 2 of page 4 will save years of person hours of work and Native Hawaiian trust funds by clarifying that the Roll Commission does not have to duplicate OHA’s decade-long effort to register qualified Native Hawaiians pursuant to state law and OHA’s own initiatives.

OHA respectfully recommends that the following edits be made to the current draft:

On line 1 of page 2: 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 frustrate the main purpose of Act 195, which called for the Roll Commission to publish a certified list of Native Hawaiians. The voter registration list and affidavits are not confidential and may be used for election and government purposes, and removing the proposed addition of the word confidential would therefore be consistent with state practices. See HRS 11-14.

On lines 2 through 3 of page 3: Change “the Hawaiian registry program” to “any Hawaiian registry program” 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).

On lines 21 through 22 of page 4: OHA defers to the Department of Hawaiian Home Lands (DHHL) regarding the interaction between its registry and the Roll Commission’s roll. If DHHL is not interested in the interaction proposed by HB785 HD1 Proposed SD1, the phrase “or the department of Hawaiian home lands” should be deleted.

Mahalo for the opportunity to testify in support of this important measure.

Na Koa Ikaika opposes HB 785, HD1 SD1 proposed.

Act 195 undermines Hawaiian Sovereignty. We Hawaiians ourselves should be creating the roll, not a state entity. The state cannot arbitrarily dictate that the 100,000 plus Native Hawaiians registered with Kau Inoa must become a part of Kana`ioluwalu. The original application for Kau Inoa gives the applicant the right to opt out and to decide whether he or she wants to become a part of any other Hawaiian roll. When Hawaii Maoli turned over the Kau Inoa data it was clear by their contract that Kau Inoa signatories had the right to decide. The Hawaii State legislature does not have this right to dictate such action. That is an abuse of power, undermining personal decision making. Kana`ioluwalu spent 1.8 million dollars and signed up only 9000 people in 1 year's time. A fiasco. Furthermore, monies spent on out of state junkets to recruit registration were blatantly unsuccessful. Moreover, according to **Black's Law** only residents living within the nation are eligible to create the nation.

We want to see the benefits of native Hawaiians are protected and upheld. Realistically, do we have adequate resources to put all of those on the DHHL waiting list in homes on Hawaiian homelands? Or issue long term leases for DHHL Pastoral Ag lands?

Perhaps our greatest hope is that every DHHL lease will remain with the ohana that has received it in perpetuity? That is true stability for the Hawaiian community.

Lela M. Hubbard
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