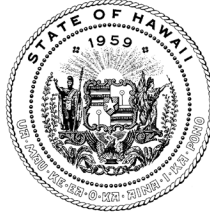


DAVID Y. IGE
GOVERNOR OF
HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS**

**Tuesday, March 16, 2021
2:00 PM**

Conference Room 325 and Via Videoconference

**In consideration of
SENATE BILL 1409, SENATE DRAFT 2
RELATING TO TRAINING IN NATIVE HAWAIIAN RIGHTS**

Senate Bill 1409, Senate Draft 2 proposes to prohibit council, board, and commission members from serving if a member has not completed, within the requisite time (1 year), the required training course related to native Hawaiian and Hawaiian traditional and customary rights, native Hawaiian and Hawaiian natural resource protection and access rights, and the public trust, including the State's trust responsibility. **The Department of Land and Natural Resources (Department) opposes this bill** and suggests striking the following language (bracketed and highlighted in grey) on pages 4-5 from Senate Bill 1409 Senate Draft 2:

"~~§10-42~~ **Training relating to native Hawaiian and Hawaiian traditional and customary rights, natural resources and access rights, and the public trust.** (a) All council, board, and commission members identified in section 10-41(a) shall complete the training course administered by the office of Hawaiian affairs pursuant to this section within twelve months of the date of the member's initial appointment ~~or~~ ~~reappointment.~~ ~~All newly appointed or reappointed members who~~

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

~~fail to complete the training course within the required time period shall be:~~

~~(1) Prohibited from serving on a permitted interaction group or voting on a matter before their respective council, board, or commission until the mandatory training course is completed; and~~

~~(2) Removed from their respective council, board, or commission at the end of the regular legislative session following their deadline to complete the training course; provided that members shall not be removed if they complete the mandatory training course or obtain the advice and consent of the senate to continue serving on their respective council, board, or commission by the end of the regular legislative session following their deadline to complete the training course.~~

~~(b) Individual votes taken by council, board, and commission members who failed to complete the mandatory training course may be challenged and subject to being nullified and voided following a contested case proceeding.]~~

If the bill is enacted as it, it will unnecessarily delay board business. If board and commission member are not allowed to vote, serve on permitted interaction groups, or are removed from their seats until the training requirement is completed or the Senate reaffirms their appointment, then the boards or commissions could lose quorum for an unspecified amount of time and will be unable to do their business. This could potentially stop major public and private projects and add costs to those projects. It could also affect permits with mandated review times. This bill goes against efforts to reopen the state for business.

The Department notes that in general its boards and commissions are compliant and feedback from board and commission members and staff has generally been positive. However, the courses are only offered once or twice a year. In 2020, a live video course was offered in August but unfortunately it conflicted with a Board of Land and Natural Resources (Land Board) meeting, so the newest Land Board members were not able to attend the course. The Department requested that its members be allowed to view the video later, but this option was not allowed. A live video version was offered again in December 2020. This course was widely attended. All three members who had not completed the course were scheduled to attend the December course.

Given the high rate of compliance, the bill, as written, is regressive because it punishes the Department when its board and commission members cannot attend the course within one year. However, this allows members only two options for attendance. If the course falls during a scheduled meeting, then members only have one opportunity to attend per year. There are ways to make it easier for volunteer board and commission members to comply. First, a recorded online modular course that can be taken at the convenience of members of boards and commissions would make it much easier to comply. If this option is impossible, then holding the courses at regular times during the year and checking to ensure that there is no conflict with board and commission meetings would also help. The Department also believes that if non-compliance will result in the loss of a board or commission member's seat, then board and commission members should be allowed at least 4 opportunities to take the course over at least 2 years.

The language of the bill regarding appointment times should be clarified, as this will impact when a member will be removed. Is the appointment when the governor sends the request for advise and consent to the Senate, is it upon Senate approval, or is it when the member is first seated? Any or all of these could mean that a member appointed last year (2020) who did not attend a training this year, could be ineligible at the end of the 2021 legislative session. Since the act takes effect upon approval, a board could lose membership and be unable fill the position except by an interim appointment for a full year. This is not an ideal situation for boards and commissions.

The Department would also like to point out that native Hawaiian rights ensured under the Constitution is just one set of rights that the Land Board has to balance when making decisions. The course ensures that board and commission members are aware of these rights. But other rights also come into play, which the Department would argue is the basis for conflict, not necessarily a misunderstanding of Hawaiian rights. For example, despite native Hawaiians' very strong beliefs in the sacredness of Mauna Kea, the Land Board has to balance native Hawaiian rights of access with the fact that Legislature has designated the summit as an astronomy preserve. These types of conflicts in use and vision for natural resources are common for our board, and require careful balancing of various interest groups, one of which is native Hawaiians.

Further, subsection (b) on page 5, lines 3-6 of the bill provides:

(b) Individual votes taken by council, board, and commission members who failed to complete the mandatory training

course may be challenged and subject to being nullified and voided following a contested case proceeding.

The intent of this language is unclear. It appears to say that votes by noncompliant members “may” be challenged and that such a challenge would be by way of contested case. Subsection (a) on page 4, lines 10-13 of the bill already says that such members cannot vote. The Department suggests this subsection be removed. Even if it remains in the bill, no criteria are stated and there is no reason for the challenge to be made by way of a contested case.

Board and commission members take in a lot of information from many sources, the Office of Hawaiian Affairs course being one of them. The Department, its board and commission members and its staff all appreciate this course, and many have attended more than once. The Department notes the content of the course is diverse and provides valuable information and perspective, such as background history or desired changes to law. As to the actual applicable law in a board matter, a Deputy Attorney General from the Department of the Attorney General provides the formal legal guidance to the board.

Thank you for the opportunity to comment on this measure.



UNIVERSITY
of HAWAII®
MĀNOA

The William S. Richardson School of Law
Ka Huli Ao Center for Excellence in Native Hawaiian Law

D. Kapua'ala Sproat
Professor of Law
Director, Ka Huli Ao
Director, Native Hawaiian Rights Clinic

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
ATTN: CHAIR MARK M. NAKASHIMA & VICE CHAIR SCOT Z. MATAYOSHI
Testimony in Support of SB 1409, SD 2
Relating to Training in Native Hawaiian Rights
March 16, 2021, 2:00 p.m.
Via Videoconference

Dear Chair Nakashima, Vice Chair Matayoshi, and Members of this Honorable Committee:

Mahalo for this opportunity to testify in support of SB 1409, SD 2, Relating to Training in Native Hawaiian Rights. I am a Professor at UH Mānoa's William S. Richardson School of Law and the Director of Ka Huli Ao Center for Excellence in Native Hawaiian Law. Since 2013, when Ka Huli Ao first partnered with the Office of Hawaiian Affairs ("OHA") to provide Native Hawaiian Law Training Courses to State and County decisionmakers, I have helped to facilitate these gatherings. At Ka Huli Ao, we appreciate the crucial importance of ensuring that those entrusted with managing Hawai'i's natural and cultural resources understand both the law and the responsibility to mālama the 'āina, kai, wao akua, and wao kanaka.

Since the passage of Act 169 in 2015, we have conducted a total of twelve Training Courses, including in-person trainings on Kaua'i, Maui, and Hawai'i Island. As you know, Act 169 requires members of the State Land Use Commission, Environmental Council, Board of Land and Natural Resources, Hawai'i Historic Places Review Board, Legacy Land Conservation Commission, Natural Area Reserves System Commission, and Commission on Water Resource Management to take the Training Course within one year of appointment.¹ Our records indicate that as of January 2021, an estimated 23 of roughly 81 appointees to whom Act 169 applies have yet to attend a Training. Of the 23 people who have not attended, all are members who were appointed on or after July 1, 2015 and are thus subject to Act 169's mandate.² Of these 23 people, however, only 15 are delinquent because the others were appointed in 2020. Thus, about three-fourths of those who are required by Act 169 to attend a Training Course have done so, while about one-fourth have not. As you know, however, there is currently no enforcement mechanism to ensure that the members of the relevant councils, boards, and commissions actually take the Training Course as mandated by Act 169.

¹ Although the Hawai'i State Board of Health ("BOH") was named in Act 169, on July 2, 2019, Act 210 was signed into law abolishing the BOH and removing it from the statute at issue here.

² This number includes: ex-officio members; members whose terms or reappointments began on or after July 1, 2015; and members who were originally not subject to the mandate but were subsequently reappointed after the July 1, 2015, enactment of Act 169.

The Native Hawaiian Law Training Course includes an overview of Hawaiian history, and presentations on the public land trust, water and the public trust, traditional and customary rights, and iwi kūpuna or ancestral remains. The Training initially began in 2013, and almost 1,300 people have attended a Training Course since its inception. Since the passage of Act 169 in 2015, 1,019 people have attended a Training Course. This count includes special Training Courses for the Governor's Cabinet and Executive Staff in 2016 and for the University of Hawai'i Board of Regents, President, and Senior Staff in 2017. Most Training Course attendees have been members of state and county councils, boards, and commissions as well as staff members. Moreover, a significant number of state legislators, county councilmembers, and staff members have also attended.

The response to the Training Course has been overwhelmingly positive. For the last training alone, for example, evaluations indicate that over 93% of those responding believed that the Training Course had increased their understanding and knowledge of the state's trust duties and responsibilities in each of the subjects covered by the Training. When asked to identify the most important "take-aways," responses included:

- Importance of reviewing and developing kuleana; need for reliable resources to address important native Hawaiian issues; despite complexity, solutions are possible.
- How much I do not know. I need to continue to seek further knowledge and education on these issues. Great resource documents.
- Everyday justice is still justice (and very important).
- There's a lot of information and history to be learned. That we have a duty to recognize Hawaii culture and history. That there are many different ways to exercise our duty to appreciate Hawaii history and culture.
- (1) Hawaiian Law is unique from US Law; (2) The 1978 Constitutional Convention was extremely important for Native Hawaiian rights; (3) The state has a fiduciary obligation to uphold the law for the rights of Hawai'i's people especially Native Hawaiians.
- We must be good stewards. We must do a thorough job when approving permits. There's a lot of broad language in laws that have to be interpreted.
- (1) The level of duty government duty owed to Native Hawaiians; (2) Native Hawaiian history of sustainability pre-arrival; and (3) the different types of rights.

We are confident that the Training has greatly increased the understanding of those who have participated and has given attendees the knowledge and tools to help in making difficult decisions. One additional benefit of the Training is that attendees from different agencies and departments have been able to interact and share concerns and possible solutions with each other, building common understanding and increasing cooperation among agencies and departments.

We are encouraged by, and support the efforts expressed in, SB 1409, SD 2, to add effectiveness to Act 169's mandate that all members of the relevant councils, boards, and commissions attend the Native Hawaiian Law Training Course.

Ka Huli Ao has been honored to partner with OHA in this endeavor. We believe that it is important, particularly for newly-appointed members of councils, boards, and commissions to be required to attend Training sessions on areas of law crucial to Hawai'i's natural and cultural resources and the Native Hawaiian community. **Mahalo for this opportunity to share our support for SB 1409, SD 2!**

Center for Hawaiian Sovereignty Studies
46-255 Kahuhipa St. Suite 1205
Kane'ohe, HI 96744
(808) 247-7942

Kenneth R. Conklin, Ph.D. Executive Director
e-mail Ken_Conklin@yahoo.com
Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

For hearing Tuesday, March 16, 2021

Re: SB 1409 SD2 RELATING TO TRAINING IN NATIVE HAWAIIAN RIGHTS. Prohibits newly appointed or reappointed council, board, and commission members from serving if the member has not completed, within the requisite time, the required training course related to Native Hawaiian traditional and customary rights, Native Hawaiian natural resource protection and access rights, and the public trust, including the State's fiduciary responsibility. (SD2)

TESTIMONY IN OPPOSITION

In 2017 OHA cajoled the legislature into passing a law that forced heads of specified state and county departments to take a training course whose content and instructors are dictated by OHA. In 2018 OHA expanded its empire by requiring more government employees of additional departments to endure the OHA training. This year OHA seeks to subjugate even more bureaucrats. Today Hawaii, tomorrow all of America. Woo-HOO!!

Make no mistake about what's going on here. OHA has certain views on controversial political issues and wants to make sure that decision-makers and employees of other government agencies get brainwashed to believe in OHA's propaganda, with no presentation of opposing views. Would any member of a state or county department dare to ask a question in class that challenges the correctness of what the OHA-designated teacher is saying, or disagrees with the opinions being presented? Please realize that many people feel moral revulsion at the concept of taxpayer funded racial entitlements. So by analogy, imagine the situation of a middle-school student from a Christian fundamentalist family being forced to attend a sex-education course which graphically describes anal sex as normal behavior, and whose parents are denied the right to opt-out their kids.

This bill places one state agency, OHA, in a position of authority over other state agencies by requiring employees to pass a course whose purpose is to brainwash them with the political views of OHA. Dozens -- perhaps hundreds -- of state and county department heads would now be placed under the direct authority and supervision of OHA, knowing that if they refuse to kow-tow to their OHA instructor they will be forced out of class or given a failing grade in this mandatory course and will then be ineligible to continue in their job. Does any state agency other than OHA exercise comparable authority over other agencies?

OHA has certain views regarding who owns the ceded lands and whether the state has a right to sell parcels of ceded lands. The Hawaii Supreme Court made a 5-0 decision upholding OHA's views. But on appeal, the U.S. Supreme Court ruled 9-0 that OHA's views are wrong. Can we expect OHA to teach correct information about who owns the ceded lands and whether the state can sell them?

OHA has certain views about the Hawaiian revolution of 1893 that overthrew the monarchy, and points to the Blount Report of 1893

and the U.S. apology resolution of 1993 to bolster OHA's views. But those views are controversial, and are disproved by the Morgan Report issued by the U.S. Senate in 1894 and by the majority report of the Native Hawaiians Study Commission issued by a joint Senate/House commission in 1996. Can we expect OHA to provide both sides of this controversy, or will OHA brainwash state employees by teaching only the views OHA endorses?

This bill would require government employees to learn about, and give deference to, the ancient Hawaiian religion as the justification for various state laws and practices regarding water rights for taro, protection of ancient burials, etc. It would constitute an establishment of religion contrary to the First Amendment of the U.S. Constitution; and it would also force employees who have no Hawaiian blood to bow to a religion which portrays people who do have Hawaiian blood as possessing an inherent God-given right to rule these islands.

This bill requires government employees to learn about "traditional and customary rights" of Native Hawaiians to ensure that in carrying out their duties, the employees will give respect and deference to Native Hawaiian beliefs and cultural values. For example, we might expect employees to be trained regarding sacred places, the reasons why taro patches are given special guarantees of access to water, the reasons why ancient burials must not be disturbed, etc.

Those topics, and many others, are based in the ancient Hawaiian religion, which has a creation legend which today's sovereignty activists (incorrectly) describe as portraying Native Hawaiians (and only Native Hawaiians) as genealogically the children of the gods and the brothers to these islands, and the younger brothers of the taro plant, in a way nobody ever can be who lacks a drop of native blood.

The Hawaiian religion is the only one to be given special deference under the terms of this bill; thus this bill would be a government establishment of religion. Under terms of this legislation, government money will be used to indoctrinate government employees with a religious belief. Furthermore, the way that belief is likely to be taught can best be described as religious fascism because it provides a theological justification for giving governmental authority over land-use decisions to a particular racial group.

In 1819, the year before the American missionaries came to Hawaii, the sovereign King Liholiho Kamehameha II, with his birth mother Keopuolani and his regent stepmother Queen Ka'ahumanu, and with Kahuna Nui (High Priest) Hewahewa, exercised self-determination on behalf of all native Hawaiians to abolish the ancient religion, and ordered the destruction of the heiaus and burning of idols. Those ethnic Hawaiians who try to resurrect the ancient religion for political purposes disrespect the decision of their ali'is and ancestors. By seeking to elevate that ancient religion above all other religions, they disrespect the right to freedom of religion possessed by all Americans.

This committee should not disrespect the mainstream majority of today's ethnic Hawaiians, and the multiracial, multicultural people of Hawaii, by passing this bill. Please vote "No."

By the way, this committee utterly fails to exercise its fiduciary responsibility to the public to provide much-needed oversight and correction to OHA. Instead of forcing administrators of other departments to subjugate themselves to training by OHA, how about forcing OHA administrators and board members to be trained by the state Auditor and the Ethics Commission regarding what the laws require regarding compliance with accounting and procurement procedures.



Testimony Before The
House Committee on Judiciary and Hawaiian Affairs
IN SUPPORT OF SB 1409 SD 2
Tuesday, March 16, 2021, 2:00PM, Rm. 325

Aloha members of the House Committee on Judiciary and Hawaiian Affairs,

We are Kevin Chang and Miwa Tamanaha Co-Directors of Kua'āina Ulu 'Auamo (or KUA). KUA works to empower grassroots rural and Native Hawaiian mālama 'āina groups -fishers, farmers, families- to celebrate their places and pass on their traditions to better Hawai'i and achieve 'āina momona— an abundant, productive ecological system that supports community well-being.

KUA employs a community-driven approach that currently supports a network of more than 36 mālama 'āina community groups collectively referred to as E Alu Pū (moving forward together), 40 fishpond projects and practitioners called the Hui Mālama Loko I'a, and a growing hui of Limu practitioners all from across our state.

KUA and the E Alu Pū network were founded by rural Native Hawaiian cultural and subsistence practitioners who have long understood and worked to affirm the mandates of our state constitution to uphold their traditional and customary practices. A primary function of KUA includes development of the 'auwai, a stream of resources tools, bridges and networks that help to cultivate and take our communities' work to greater levels of collective impact. A core source of the flow in this 'auwai includes leadership within government that are enlightened to the constitutional mandates and purposes behind among other things, Article XII Section 7.

KUA strongly supports SB 1409 SD2. This bill prohibits council, board, and commission members from serving if the member has not completed, within the requisite time, the required training course related to Native Hawaiian traditional and customary rights, Native Hawaiian natural resource protection and access rights, and the public trust, including the State's fiduciary responsibility.

For too long the constitutional pathway toward affirming Native Hawaiian traditional and customary practices has been dammed. The current system though laudable could be greatly improved by having all public officials who make constitutionally impactful decisions be informed as to what our constitution says and means. Indeed, failure to understand our constitution at the highest decision-making levels have seeded community division based on this failure. Ignorance of our constitution also lies at the heart of the difficulties our community has in coming to terms with our collective and political history. The environment toward reconciliation and civic stewardship is hardened when the leadership of a community continues to be ignorant of the values we wish to hold.

Indeed, we agree, as this legislature acknowledges, that courts have held that the State "must take the initiative in considering, protecting, and advancing public rights in the resource at every stage of the planning and decision[-]making process." *In re Water Use Permit Applications*, 94

Hawai'i 97, 143, P.3d 209, 255 (2000). Therefore, this measure strengthens the requirement of training and will ensure greater recognition and incorporation of Native Hawaiian knowledge, values, and rights in land use and resource management decision-making.

Please pass this bill out of your committee and mahalo for this opportunity to testify.

Aloha 'Āina Momona.


OFFICE OF HAWAIIAN AFFAIRS
‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai
Legislative Testimony

SB1409 SD2
RELATING TO TRAINING IN NATIVE HAWAIIAN RIGHTS
Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i
House Committee on Judiciary & Hawaiian Affairs

Malaki 16, 2021

2:00 p.m.

Lumi 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB1409 SD2. This measure would ensure greater compliance with Act 169 (Session Laws 2015),¹ which requires that certain state board and commission members attend a Native Hawaiian Law Training Course within 12 months of the date of their initial appointment. Greater compliance with Act 169’s mandate will facilitate more fully-informed decisionmaking by policymakers who have substantive legal obligations to Native Hawaiians and under the public trust; **this in turn will help to ensure that the state’s fiduciary duties to Native Hawaiians and the public trust are more consistently upheld, and potentially reduce conflicts and legal challenges arising from decisions that inadvertently fail to take such duties into account.**

The Native Hawaiian Law Training Course was designed to provide important legal, historical, and cultural context for key board and commission members whose decisions directly impact Native Hawaiian traditional and customary rights, natural resource protection and cultural access rights, and the public trust. Such training is necessary because the individuals appointed to serve on these boards and commissions may not initially possess knowledge of the unique legal responsibilities they may have relating to Native Hawaiian rights and the public trust. Indeed, since the Native Hawaiian Law Training Course began as a pilot program in 2013, attendees have consistently and continually expressed their appreciation for the course and have overwhelmingly indicated that as a result of the training, they better understood the state’s and their own legal responsibilities towards Native Hawaiians and the public trust.

As an initial matter, OHA would like to express appreciation for the large number of board and commission members who have attended the Native Hawaiian Law Training Course pursuant to Act 169, as well the many others who have attended the training even without a legal mandate. However, records of training course attendance indicate that some individuals continue to neglect their training requirement. Because there are no statutory remedies for noncompliance with Act 169, such individuals are at risk of

¹ Act 169, codified in H.R.S. §§ 10-41 – 10-42, requires that members of the following entities attend the Native Hawaiian Law Training Course: the Land Use Commission; the Board of Land and Natural Resources, the Commission on Water Resources Management, the Environmental Council, the Board of Directors of the Agribusiness Development Corporation, the Board of Agriculture, the Legacy Land Conservation Commission, the Natural Area Reserves Aystem Xommission, and the Hawai‘i Historic Places Review Board.

rendering decisions that neglect to account for their legal duties and obligations to Native Hawaiians and under the public trust, which can result in significant impacts to the ‘āina and associated Hawaiian rights and practices, as well as increase the likelihood of conflict and distrust between the state government and the Native Hawaiian community.

SB1409 SD2 will reinforce the state’s legal commitments to the Native Hawaiian community by providing statutory remedies for the failure to attend the Native Hawaiian Law Training Course. In doing so, this measure will better ensure that the existing training course requirement is fulfilled by all board and commission members subject to the requirement, which in turn will ensure better informed and more legally responsible decisionmaking with regards to Native Hawaiian rights and interests. **OHA notes that the proposed remedies provide ample opportunity for noncompliant board and commission members to be made aware of and to fulfill their training course attendance requirement, with the most significant sanction – a required reconfirmation by the Senate – delayed until the end of the legislative session following their one-year attendance deadline, providing such members with two full years to attend a training course.**

Therefore, for the reasons described above, OHA respectfully urges the Committee to **PASS** SB1409 SD2. Mahalo nui loa for the opportunity to testify on this measure.



COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

Tuesday, March 16, 2021 @ 2pm

Testimony of Kūpuna for the Mo'opuna

SB 1409, SD 2 – RELATING TO TRAINING IN NATIVE HAWAIIAN RIGHTS. **SUPPORT**

Aloha,

We, Kūpuna for the Mo'opuna, a group of kūpuna Hawaiian homestead farmers committed to the well-being of Hawai'i for the next generations to come, **are in support of SB 1409, SD 2.**

SB 1409, SD 2 seeks to enforce the **mandatory** training in Native Hawaiian rights as set forth in Act 169, Session Laws of Hawai'i 2015.

We urge this Committee to PASS SB 1409, SD 2. Mahalo.

Ua mau ke ea o ka 'āina i ka pono!

SB-1409-SD-2

Submitted on: 3/13/2021 10:59:19 AM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Hendrickson	Individual	Support	No

Comments:

I support this measure.

SB-1409-SD-2

Submitted on: 3/13/2021 1:29:07 PM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Individual	Support	No

Comments:

Continue to support this measure that will help to ensure that the state's fiduciary duties to Native Hawaiians and the public trust are more consistently upheld, and potentially reduce conflicts and legal challenges arising from decisions that inadvertently fail to take such duties into account.

SB-1409-SD-2

Submitted on: 3/13/2021 2:07:42 PM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Keawe	Individual	Support	No

Comments:

I support 1409 sd2

SB-1409-SD-2

Submitted on: 3/13/2021 7:56:41 PM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

I am in support of this bill. Educating State Board and commissioners of the unique Hawaiian rights and laws for which the are charged to enforce, is good board governance.

SB-1409-SD-2

Submitted on: 3/15/2021 11:44:42 AM

Testimony for JHA on 3/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl B.	Individual	Support	No

Comments:

Support

Perhaps it should read courses not just trainings in understanding the rights of the people of these islands with readings such as Honor Killing and From a Native Daughter as requirements which must be completed.

SUPPORT ENFORCING TRAINING REQUIREMENTS WITH SB1409

Chair Mark Nakashima
Committee on Judiciary
Hawaii State Capitol
Room 432

Aloha Chair Nakashima, Vice Chair Matayoshi, and Members,

I write in strong support of SB 1409 which ENFORCES already established training requirements. This bill does not create new requirements, it makes sure individuals actually take the training they are required to do, and that is paid for with taxpayer money.

This is a critical need for our members of the BLNR and LUC. They have, in their hands the stewardship of our sacred and historic natural resources. Thank you for your consideration.

Mahalo nui loa,

Daniel Lee

TESTIMONY IN STRONG SUPPORT of SB1409 Relating to the HAWAIIAN TRAINING

Chair Mark Nakashima
Committee on Judiciary and
Hawaiian Affairs
415 S. Beretania Street
Honolulu, HI 96813

Mahalo piha Chair Nakashima and Committee Members for hearing this bill.

I write in **strong support** for enforcing training that is already required and paid for by the state, for members of the BLNR and LUC. I find it hard to believe that we are expending funds and also requiring this training to these members, and yet these individuals do not complete this training.

Hawaiian perspectives are crucial for making the decisions that these individuals need to make. The training provided is extremely helpful, well done, and is eye opening. We are not like the continent, or any other place on earth. There is only one Hawai'i in the world, and these commission members have the power and responsibility in their hands to steward our natural resources and protect Native Hawaiian interests.

Thank you for your consideration.

With Aloha,

Rikako Ishiki