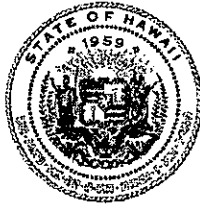
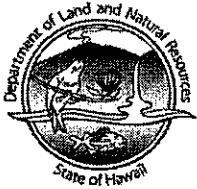


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
HAWAIIAN AFFAIRS**

**Wednesday, February 9, 2011
8:30 AM
State Capitol, Conference Room 329**

**In consideration of
House Bill 396
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS**

House Bill 396 would require certain council, board and commission members to take a training course by the Office of Hawaiian Affairs ("OHA") relating to native Hawaiian traditional and customary rights, natural resource protection and access rights, and public trust. Entities within the Department of Land and Natural Resources ("Department") that would be subject to this requirement would be the Board of Land and Natural Resources, the Commission on Water Resource Management, the Legacy Land Conservation Commission, the Natural Area Reserves Commission, and the Hawaii Historical Places Review Board. The Department has no objections to this measure and offers the following comments.

The Department is keenly aware of the need for the members of its boards and commissions to be properly educated and sensitive to the important subject matters that would serve as the focus of this proposed training course. However, all of the members of these boards and commissions fulfill an important public service by serving on a volunteer basis. The Department requests that OHA consider this while developing the training course as to avoid imposing too great a burden on the various board and commission members' time.

The Department notes that its general fund appropriations and special fund revenues have substantially decreased in recent years. In the past two years, the Department has lost at least 80 positions, which constitutes approximately 10% of the Department's workforce. The Department does note the bill tasks OHA with providing the entire scope of the training program, including the development, administration and most importantly, funding. The Department appreciates it is not tasked with this responsibility as it could cripple an already hobbling Department.

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
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
KAIKOOLOAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

clee2 - Matt

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 8:12 PM
To: HAWtestimony
Cc: Ken_Conklin@yahoo.com
Subject: Testimony for HB396 on 2/9/2011 8:30:00 AM

Testimony for HAW 2/9/2011 8:30:00 AM HB396

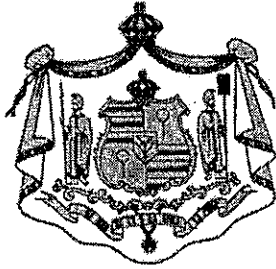
Conference room: 329
Testifier position: oppose
Testifier will be present: No
Submitted by: Kenneth R. Conklin, Ph.D.
Organization: Individual
Address:
Phone: 247-7942
E-mail: Ken_Conklin@yahoo.com
Submitted on: 2/5/2011

Comments:

I oppose HB396 for at least the following three reasons.

1. This bill authorizes OHA to exercise power over all or most state agencies. It elevates OHA to a position of superiority over other agencies of the State of Hawaii, by forcing employees of those agencies to place themselves under the authority of OHA, where OHA will determine the contents of the courses they are required to take, and OHA will be the sole judge of whether those employees have learned the subject matter and have shown proper deference to the political views of OHA. This bill forces government employees to submit to political indoctrination -- brainwashing -- in the views of OHA, many of which are highly controversial, morally reprehensible, and probably unconstitutional.
2. This bill establishes a particular religion as the government-approved religion which government employees are required to learn and reverence. Only a few weeks ago the Senate made the decision to abolish the custom of opening each session of the Senate with a religious invocation; and the House is apparently considering the same thing. The Senate made that decision because of concerns that such invocations violate the "establishment" clause of the First Amendment to the U.S. Constitution. The Hawaiian religion is the only one to be given special deference under the terms of this bill; thus this bill would be an establishment of religion. For example, when the State of Hawaii provides grants or other aid to institutions which are predominantly oriented to a particular religion (such as Catholic Charities), then, under the theory of this bill, there should be a requirement that all state employees who conduct relations with that institution to implement the terms of that grant must undergo a training program designed and taught by that institution to ensure that the government employees are knowledgeable and deferential to the religious views of that institution (such as the Doctrine of Trans-substantiation, the Doctrine of the Virgin Birth. etc.).
3. I would point out that in 1819, the year before the American missionaries came to Hawaii, the sovereign King Liholiho Kamehameha II, with his regent stepmother Queen Ka'ahumanu, and with Kahuna Nui (High Priest) Hewahewa, exercised sovereignty on behalf of all native Hawaiians to abolish the ancient religion, and ordered the destruction of the heiaus and burning of idols. Today's ethnic Hawaiians disrespect the decision of their ali'is and ancestors by trying to resurrect the ancient religion. 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 multiracial, multicultural people of Hawaii by passing this bill.



ASSOCIATION OF HAWAIIAN CIVIC CLUBS
O'AHU COUNCIL
P. O. Box 37874
Honolulu, Hawaii 96827-1122

**TESTIMONY IN SUPPORT OF HB 396, WITH AMENDMENT,
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS**

Committee on Hawaiian Affairs

Rep. Faye P. Hanohano, Chair; Rep. Chris Lee, Vice Chair

Wednesday, February 9, 2011, 8:30 a.m.

Aloha, Representative Hanohano, Chair; Rep Chris Lee, Vice Chair; and members of the Committee on Hawaiian Affairs.

The O'ahu Council of the Association of Hawaiian Civic Clubs, supports HB396, relating to the Office of Hawaiian Affairs. HB396 proposes that certain council, board and commission members take a training course offered by OHA relating to native Hawaiian traditional and customary rights, natural resource protection and access rights, and the public trusts. The course would help enable these new leaders to execute their roles, fully informed of their responsibilities under the Hawaii Constitution and other laws.

Section 2 of HB396 proposes to amend Chapter 10 by adding a new part, entitled, "Part... Required Training Relating to Native Hawaiian and Hawaiian Traditional and Customary Rights, Native Hawaiian and Hawaiian Natural Resource Protection and Access Rights, and the State's Obligations Under the Public Trust." Section 10-A identifies specific councils and commissions. Recommend HB 396 be amended to include the following among the list of organizations in S10-A:

- Board of Education given issues of rental of ceded lands and charter schools, etc.
- High Tech Development Corporation; High Tech Innovative Corporation – as these corporations explore economic growth of Hawaii, such as alternative energy systems, they keep in mind the state's laws relative to native Hawaiian traditional and customary rights, natural resources protection and access rights, the public trusts, and intellectual property.
- Hawaii Tourism Authority assuring that the visitor industry respects native Hawaiian culture and sacred sites

Me kealoha pumehana

MAHEALANI CYPHER
President

About the O'ahu Council

The O'ahu Council of the Association of Hawaiian Civic Clubs is comprised of 26 clubs located on the Island of O'ahu. It has several objectives, among which are, to actively promote the civic, economic, social, health and moral welfare of our community; to pursue this interest with a commitment to and sensitivity for the Native Hawaiian traditional cultural values, and to champion endeavors aimed at improving programs benefiting Hawaiians in standard education and financial aid for students, economic development, entrepreneurship and employment, housing and home financing, and health education, health services, nutrition, genealogy and aid to the aged.



KO'OLAUPOKO HAWAIIAN CIVIC CLUB

February 8, 2011

TESTIMONY

TO: Rep. Faye P. Hanohano, Chair/And Members
Committee on Hawaiian Affairs
House of Representatives

FROM: Alice P. Hewett, President *Alice P. Hewett*
Ko'olaupoko Hawaiian Civic Club

RE: H.B. 396 – Relating to the Office of Hawaiian Affairs

Aloha mai kakou!

The Ko'olaupoko Hawaiian Civic Club strongly supports H.B. 396, which would require certain council, board and commission members to undertake a training course to help them understand native Hawaiian traditional and customary rights, natural resource protection and access rights, and the public trust. This training is long overdue and would, in our view, be beneficial not just to these various state appointees but even to the members of the State Legislature.

A few years ago, we encountered a situation with one of the state department heads who, though of native Hawaiian ancestry, was unprepared and ill-equipped to work with native Hawaiians on cultural issues for properties under his kuleana. If he had been given the opportunity to raise his awareness, knowledge and understanding of our culture, perhaps he could have avoided the conflict that resulted from his actions.

We urge your committee to pass this bill and forward it to the House floor for approval.

Mahalo for this opportunity to offer our mana'o.

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koolaupokohcc.org