

HCR 10 / HR 11 REQUESTING A STUDY TO IDENTIFY STATE OF HAWAI'I LAWS THAT MAY NEED AMENDMENT SOON AFTER THE ENACTMENT OF THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT

House Committee on Hawaiian Affairs

March 2, 2011	9:30 a.m.	Room 329
	J.J. Q. M.I.I.	

The Office of Hawaiian Affairs (OHA) strongly <u>SUPPORTS</u> HCR 10 and HR 11, which are both included in OHA's 2011 Legislative Package. These resolutions ask the Legislative Reference Bureau to conduct a study of State of Hawai'i laws that may need amendment to facilitate the process under the federal Native Hawaiian Government Reorganization Act (NHGRA) of establishing a Native Hawaiian governing entity that will negotiate with the state and federal governments concerning such matters as the transfer of lands and other assets.

The NHGRA (often called the Akaka Bill) has not been enacted, and the Hawai'i Legislature is now focusing on state legislative measures designed to bring about recognition of Native Hawaiians by the State of Hawai'i. Nevertheless, OHA, while in support of state recognition, also continues to support enactment of NHGRA as a very important measure for bettering the conditions of Native Hawaiians.

We emphasize that the requested study would be limited to State of Hawai'i laws that may need to be amended to facilitate the timely and effective implementation of both (1) the steps in the NHGRA process leading up to federal recognition; and (2) federal recognition itself. The study would lay the groundwork, but not substitute, for other future statutory amendments that may result from negotiations involving the Native Hawaiian governing entity, the State of Hawai'i, and the federal government once federal recognition is obtained.

We respectfully urge your committee to PASS these resolutions. Mahalo for the opportunity to testify on this important measure.

Charlotte A. Carter-Yamauchi Acting Director

Research (808) 587-0666 Revisor (808) 587-0670 Fax (808) 587-0681



LEGISLATIVE REFERENCE BUREAU State of Hawaii State Capitol 415 S. Beretania Street, Room 446 Honolulu, Hawaii 96813

Written Testimony

HCR10 and HR11

REQUESTING A STUDY TO IDENTIFY STATE OF HAWAI'I LAWS THAT MAY NEED AMENDMENT SOON AFTER THE ENACTMENT OF THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT

Testimony by the Legislative Reference Bureau Charlotte A. Carter-Yamauchi, Acting Director

Presented to the House Committee on Hawaiian Affairs

Wednesday, March 2, 2011, 9:30 a.m. Conference Room 329

Chair Hanohano and Members of the Committee:

I am Charlotte Carter-Yamauchi, Acting Director of the Legislative Reference Bureau. The Bureau appreciates this opportunity to submit written testimony on HCR 10 and HR 11. The Bureau takes no position on the merits of the measures, but notes the following concerns:

- (1) The measures, among other things, direct the Legislative Reference Bureau to study state laws that may need amendment to facilitate the process under the Native Hawaiian Government Reorganization Act of establishing a Native Hawaiian governing entity that will later negotiate with the state and federal governments;
- (3) This would be a project that would require a substantial amount of effort--much of which could be for naught if the Native Hawaiian Government Reorganization Act is amended in unexpected ways prior to its final enactment;
- (4) We also believe that to produce a product that would truly be useful to the Legislature would require expertise that the Bureau does not have and is in no position to acquire.

2011 HCR10 HR 11 HAW.doc

Honorable Faye P. Hanohano Chair, House Committee on Hawaiian Affairs Page 2

- (5) In light of the foregoing, we believe that the Legislature's needs would be better served by amending the measure to instead request the Office of Hawaiian Affairs to contract with one or more experts in Native American tribal law to produce a general "roadmap" of state laws that would be affected by the establishment of a Native American sovereign entity within the boundaries of an existing state.
- (6) We note that the Bureau does not have the funds to contract for such a study.

Thank you again for allowing us to comment on this measure.



Association of Hawaiian Civic Clubs P. O. Box 1135 Honolulu, Hawai`i 96807

TESTIMONY OF PRESIDENT SOULEE STROUD

IN SUPPORT OF HCR 10/HR 11 Before the Committee on Hawaiian Affairs Wednesday; March 2, 2011; 9:30 am; Rm. 329

REQUESTING A STUDY TO IDENTIFY STATE OF HAWAI'I LAWS THAT MAY NEED AMENDMENT SOON AFTER THE ENACTMENT OF THE NATIVE HAWAI'IAN GOVERNMENT REORGANIZTION ACT

Aloha Madam Chair Hanohano, Vice Chair Lee and members of the Hawai`ian Affairs Committee. I am Soulee Stroud, President of the Association of Hawaiian Civic Clubs, here to testify in support of this House Concurrent Resolution that will study Hawai`i laws to facilitate the process of establishing a Native Hawaiian governing entity.

This entity, will in time, negotiate with state and federal governments on the process leading to federal recognition.

The Association of Hawaiian Civic Clubs has for many years supported federal recognition and finds that HCR 10/HR11 is consistent with our past actions. We support this measure without reservation.

Thank you for the opportunity to present this testimony.

Contact: jalna.keala2@hawaijantel.net

www.aohcc.org



Aha Kiole Advisory Committee

TESTIMONY IN SUPPORT

<u>OF HR 11</u>

Relating to Native Hawaiian Governing Entity Study

Submitted to: Hearing of the Committee on Hawaiian Affairs

Hearing Date: March 2, 2011, 9:30 a.m., Room 329

Submitted by: Vanda Hanakahi, Chair, Moloka'i

Aloha Chair Hanohano and Members of the House Committee on Hawaiian Affairs,

Thank you for the opportunity to testify on HR 11, the resolution that calls for the Legislative Reference Bureau to conduct a study of the State of Hawai'i laws that may need amendment to facilitate the process under the Native Hawaiian Government Reorganization Act of establishing a Native Hawaiian governing entity that will later negotiate with the state and federal government.

This is the proper procedure at this time to prepare for the long-overdue recognition of Native Hawaiians in Hawaii. We urge the passage of HR 11.

Mahalo nui loa,

Vanda Hanakahi, Chair

Aha Kiole Advisory Committee

P.O. Box 507, Ho'olehua, HI 96729

Phone: 808-336-6184

Email: kaiwilauula@yahoo.com