



SB2134

RELATING TO TRAINING

Senate Committee on Hawaiian Affairs

Senate Committee on Labor

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

February 1, 2018

1:35 p.m.

Room 016

The Office of Hawaiian Affairs (OHA) **STRONGLY SUPPORTS** SB2134, which is a bill in OHA's 2018 Legislative Package. SB2134 **expands the application of Act 169 (Session Laws 2015) to provide certain additional state and county officials with training on Native Hawaiian and public trust law**, so that they may understand and make decisions that are consistent with their fiduciary obligations to the Native Hawaiian people, and to the public trust. As OHA has done in the past, our agency will continue to pay to develop and administer this course, rather than requesting general funds for such purposes.

A training course in Native Hawaiian Law and the Public Trust for policymakers is necessary to fulfill the trust obligations and responsibilities held by the State of Hawai'i towards Kānaka Maoli. Accordingly, since 2013, OHA has offered a Native Hawaiian Law training course for state and county legislators, board and commission members, and other relevant individuals to attend on a voluntary basis. Based on the success of this course, since 2015, members of certain key state boards and commissions have been required to attend a Native Hawaiian Law training course within one year of their appointment. **Course attendees have consistently and continually expressed their appreciation for the course, and have overwhelmingly indicated that as a result of the course, they better understood the State's legal responsibilities towards Native Hawaiians and the public trust.**

The additional state and county officials who would be required to attend a training course under this measure implement policy decisions, administer resources, and manage programs that directly impact Native Hawaiian traditional and customary rights, natural and cultural resources, and the public trust. Each of the agencies represented have specific duties to protect and enforce Native Hawaiian rights, and to administer the public trust in the interest of its beneficiaries, including Native Hawaiians. **Notably, notwithstanding the broad range of expertise and experiences of the individuals elected, appointed, and hired for these positions, many may not possess knowledge of the unique legal rights and responsibilities that relate to Native Hawaiians, or to the public trust.** Unfortunately, this has likely contributed to a sense of disenfranchisement felt by many in

the Native Hawaiian community, and policy decisions that have failed to uphold the constitutional duties of the State and its counties.

Requiring training course attendance by the officials named in this bill, each of whom has unique kuleana to the Native Hawaiian community and under the public trust, will ensure that a greater number of critical decisionmakers are provided with the information they need to successfully fulfill the State's and counties' legal obligations. **More fully-informed decision-making by these individuals will thereby help to uphold our constitutional mandates, increase public confidence in state and county decision-making, and reduce conflicts and legal challenges in policymaking as well as policy implementation and enforcement.** Towards this end, OHA has and will continue to commit funds for the further development and administration of a Native Hawaiian Law and Public Trust training course, eliminating the need for appropriations from the state general fund.

In its current form SB2134 omits from the proposed requirement the deputy directors of the Department of Land and Natural Resources, who are critical decision-makers with authority over many issues involving Hawaiian practices and the resources they depend upon. This omission may significantly limit the effectiveness of this measure and the fulfillment of its purposes. Therefore, to more fully realize the intent of this bill, OHA respectfully requests that the Committees amend the language of Section 2 on page 3, lines 16-17 to read as follows:

(2) The first deputy, deputy for water, and division
heads of the department of land and natural
resources;

Accordingly, OHA strongly urges the Committees to **PASS SB2134**. Mahalo nui loa for the opportunity to testify on this important measure.



Native Hawaiian Education Council

January 30, 2018

Senator Maile S. L. Shimabukuro, Chair
Senator Brickwood Galuteria, Vice Chair
State of Hawai'i, Senate
Senate Committee on Hawaiian Affairs

Senator Jill N. Tokuda, Chair
Senator J. Kalani English, Vice Chair
State of Hawai'i, Senate
Senate Committee on Labor

Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair
State of Hawai'i, Senate
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Via: Electronic Upload

RE: SB2134 – RELATING TO TRAINING

Aloha mai kakou,

The Native Hawaiian Education Council (NHEC or the Council) **STRONGLY SUPPORTS SB2134 – RELATING TO TRAINING** based on our Native Hawaiian Education Platform and 2017-2018 Education Priorities (attached) and in support of the Native Hawaiian Education Mission, Vision and two Goals.

We also recommend that the training applicability section be expanded to include the heads of the Departments of Education, Health and Human Services as the training on “..Hawaiian and Hawaiian rights, the sources of these rights, and how infringement of these rights, affects the native Hawaiian...” and “...Hawaiian and Hawaiian traditional and customary rights, natural resources and access rights, and the public trust..” is valuable and critical for framing the delivery of services and working with families and communities.



Senator Maile S. L. Shimabukuro, Chair
Senator Brickwood Galuteria, Vice Chair, etal.
January 30, 2018
Page 2

The Native Hawaiian Education Council was established in 1994 under the federal Native Hawaiian Education Act. The Council is charged with coordinating, assessing and reporting and making recommendations on the effectiveness of existing education programs for Native Hawaiians, the state of present Native Hawaiian education efforts, and improvements that may be made to existing programs, policies, and procedures to improve the educational attainment of Native Hawaiians.

Please feel free to contact the Council's Executive Director, Dr. Sylvia Hussey, directly via e-mail (sylvia@nhec.org) or office (808.523.6432) with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Lisa M. Watkins-Victorino". The signature is written in a cursive, flowing style.

Dr. Lisa M. Watkins-Victorino, Chair

Attachments

cc: Policy & Advocacy and Executive Committees and staff



Native Hawaiian Education Platform*

‘O Hawai‘i ke kahua o ka ho‘ona‘auao.

Hawai‘i is the foundation of our learning.

Perpetuate ‘Ōlelo Hawai‘i

Actions on advancing ‘Ōlelo Hawai‘i expectations; actualizing a Hawaiian speaking workforce; amplifying access and support; and achieve normalization of ‘Ōlelo Hawai‘i

Amplify Family and Community Voices

Recognizes parents and families as first educators; Actions that inform, illuminate, elevate and strengthen parent, family and community engagement in education

Advance Hawaiian Culture Based Education

Actions that promote further understanding, connecting, supporting and advancing ‘ike and ‘Ōlelo Hawai‘i: policy and pathways; teachers, leaders and communities; pedagogy and programs; curriculum, instruction, assessment and research practices; and evaluation and accreditation mechanisms.

Intensify Systems Engagement

Actions that intensify systems level action---federal, state, primary, secondary, tertiary, national and international, health, housing—to strengthen families and communities.

* Formal set of principal goals



**Native Hawaiian
Education Council**
735 Bishop Street, Suite 224
Honolulu, Hawaii 96813
808-523-6432
www.nhec.org

2017-2018 Native Hawaiian Education Priorities

Native Hawaiian Education Council

Perpetuate ‘Ōlelo Hawai‘i

- Support the Working Group recommendations re: the Expansion of Hawaiian Language Instruction Throughout the University of Hawai‘i Systems.
- Support continuing work on Hawaiian language standards and assessments.

Amplify Family and Community Voices

- Advocate for the effective implementation of ESSA for the benefit of families and communities.
- Aggregate field data on family and community voices by island community.

Advance Hawaiian Culture Based Education

- Illuminate Models and Practices of Innovation.
- Elevate Accreditation Frameworks, Designations and Schools.
 - Create a Native Hawaiian research agenda.
 - Continue Native Hawaiian education meta-evaluation.
- Include CBE in Teacher Education and Preparation Programs and Professional Development

Intensify Systems Engagement

- Continue national advocacy work re: ESSA implementation and Native Control of Native Education.
- Engage in early learning planning and implementation work.
- Advance the implementation of Board of Education Policy E-3 Na Hopena A‘o.
- Support the continuing 2-Pathways of Education Design and Development



Native Hawaiian
Education Council
735 Bishop Street, Suite 224
Honolulu, Hawaii 96813
808-523-6432
www.nhec.org



KEAOMĀLAMALAMA

www.keaomalalama.org

Nu'ukia (Vision)

'O Hawai'i ke kahua o ka ho'ona'auao.

Hawai'i is the foundation of our learning.

Ala Nu'ukia (Mission)

I nā makahiki he 10 e hiki mai ana e 'ike 'ia ai nā hanauna i mana i ka 'ōlelo a me ka nohona Hawai'i no ka ho'omau 'ana i ke ola pono o ka maui Hawai'i.

In 10 years, kānaka will thrive through the foundation of Hawaiian language, values, practices and wisdom of our kūpuna and new 'ike to sustain abundant communities.

Pahuhopu (Goals)

In the next 10 years, our learning systems will . . .

Goal #1 — 'Ōlelo Hawai'i:

- **Advance 'Ōlelo Hawai'i Expectations**
Develop and implement a clear set of expectations for 'ōlelo Hawai'i that permeates all levels of education.
- **Actualize a Hawaiian Speaking Workforce**
Increase a prepared 'ōlelo Hawai'i workforce to ensure community and 'ohana access and support.
- **Amplify Access and Support**
Increase 'ōlelo Hawai'i context and programming to support the kaiāulu.
- **Achieve Normalization**
Pursue normalization of 'ōlelo Hawai'i.

Goal #2 — 'Ike Hawai'i:

- **Actualize 'Ike Hawai'i**
Increase use of knowledge from traditional and diverse sources.
- **Amplify Leo Hawai'i**
Increase 'ohana and kaiaulu learning and participation.
- **Advance Hana Hawai'i**
Increase resources to support practice and leadership.

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 Senate Committees on
HAWAIIAN AFFAIRS
and
LABOR
and
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS**

**Thursday, February 1, 2018
1:35 PM
State Capitol, Conference Room 016**

**In consideration of
SENATE BILL 2134
RELATING TO TRAINING**

Senate Bill 2134 proposes to expand training on Native Hawaiians Rights by expanding the categories of people required to attend. **The Department of Land and Natural Resources (Department) supports this measure as a way to ensure a deeper understanding of native Hawaiian rights in government.**

The Department has encouraged its pertinent staff to attend the training, provided there is space and most have taken advantage of the opportunity. Department staff who have previously attended have commented that the training is well worth the time spent. The Department asks that at least one additional training be added per year so that staff have adequate options to fit their schedules. The Department appreciates the Office of Hawaiian Affairs providing this training.

Thank you for the opportunity to testify on this measure.

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

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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

Professor Melody Kapilialoha MacKenzie
Ka Huli Ao Center for Excellence in Native Hawaiian Law
William S. Richardson School of Law, UH-Mānoa
2515 Dole Street, Honolulu, Hawai'i 96822

S.B. 2134
Relating to Training

COMMITTEE ON HAWAIIAN AFFAIRS
Senator Maile S.L. Shimabukuro, Chair
Senator Brickwood Galuteria, Vice Chair

COMMITTEE ON LABOR
Senator Jill N. Tokuda, Chair
Senator J. Kalani English, Vice Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Hearing on Thursday, February 1, 2018, at 1:45 p.m.

Mahalo for this opportunity to submit testimony in strong **support** of S.B. 2134, which expands the applicability of Act 169, Session Laws of Hawai'i 2015, to require that certain state and county officials attend the Native Hawaiian law training course, funded by the Office of Hawaiian Affairs (OHA). This training is necessary so that more key decision-makers will better understand their legal responsibilities to Native Hawaiians and their public trust duties.

I am a professor at the William S. Richardson School of Law and the founding director of Ka Huli Ao Center for Excellence in Native Hawaiian Law. I have been the lead at Ka Huli Ao in working with OHA to establish and implement the training. We began this training initiative in 2013, before the passage of Act 169. Since 2013, Ka Huli Ao has conducted ten Native Hawaiian law trainings with almost 700 people in attendance. Although Act 169 specifically targets members of state boards, councils, and commissions, a number of state legislators, county councilmembers, and other decision-makers and staff have also attended the trainings.

The response to the training course has been overwhelmingly positive. As a result, Ka Huli Ao was invited to hold a training on Kaua'i for key state and county decision-makers. We were also honored to provide condensed training sessions to both the University of Hawai'i Board of Regents and the Governor's Cabinet. Finally, we have received requests from both Maui County and Hawai'i Island County to bring the training to those islands.

Another indication of the success of the training course has been the positive evaluations and feedback we have received from attendees. The evaluations from our most recent

December 2017 training indicate that 88% of those responding were *very satisfied* with the course. Furthermore, 77% of those responding felt that the course provided them with a better understanding of the state's legal and trust responsibilities. When asked to identify the most important "take-aways" from the December 2017 training, responses included:

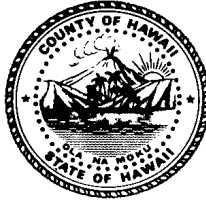
- We all have a responsibility to protect our natural and cultural resources
- I am a trustee; all public natural resources are held in trust by the state for the benefit of the people
- [The] Public trust doctrine has a particular articulation in Hawaii
- There are no vested rights in water
- Native Hawaiian interests are everyone's interests
- Traditional & customary rights need to be clarified/brought into the 21st century
- Be proactive in dealing with iwi [Native Hawaiian ancestral remains] in light of climate change and environmental threats
- The law is still unclear and so black & white application is not yet possible
- Lawmakers and agencies must really understand the underlying laws and cultural history to make good decisions

We believe that the training courses have greatly increased the understanding of attendees and have given them the knowledge and tools to aid in making difficult decisions. Furthermore, the training course facilitates interactions and discussion between attendees, allowing them to share concerns and possible solutions with each other, thus helping to build common understanding and increased cooperation among different agencies and departments.

Our natural and cultural resources are irreplaceable. The state's duty to protect these resources is enshrined in our state constitution and other laws, and has been reaffirmed by our courts time and again. Expanding the training course requirement to include those identified in this bill will help to ensure that more key decision-makers have a better understanding of their obligations to Native Hawaiians and the public trust, especially in relation to traditional and customary rights, the public land trust, water, and iwi kūpuna.

Mahalo for this opportunity to express **strong support** for S.B. 2134.

*From the office of -
Council Member
District 3*



Office: (808) 961-8396
Fax: (808) 961-8912
Email: sue.leeloy@hawaiicounty.gov

SUSAN L.K. LEE LOY

25 Aupuni Street, Hilo, Hawai'i 96720

The Honorable Maile S.L. Shimabukuro, Chair
And members of the Committee on Hawaiian Affairs

The Honorable Jill N. Tokuda, Chair
And members of the Committee on Labor

The Honorable Clarence K. Nishihara, Chair
And members of the Committee on Public Safety, Intergovernmental, and Military Affairs

January 30, 2018

Dear Chair Shimabukuro, Chair Tokuda, Chair Nishihara, and Joint Committee Members,

I strongly support SB 2134, which expands the application of Act 169 (Session Laws 2015) to provide certain additional state and county officials with training on Native Hawaiian and public trust law, through the OHA-sponsored Native Hawaiian Law Training Course.

Since 2015, this course has aided in educating certain key policymakers about the State's legal responsibilities towards Native Hawaiians and the public trust. This highly successful training course continues to provide attendees with a deeper understanding of the State's legal obligations and leaves them better equipped to develop and implement policies involving our natural and cultural resources.

Having attended one such training course on December 15, 2017, I can personally attest to its value for policy makers in Hawai'i.

The expansion of this course would allow more fully informed decision-making and enable our state and county officials to better uphold our constitutional mandates. Furthermore, this measure would help to prevent and reduce conflicts and legal challenges when implementing and enforcing policy.

Therefore, I respectfully urge the Joint Committee to pass SB 2134.

Aloha Piha,

A handwritten signature in black ink, appearing to read "Susan L.K. Lee Loy". The signature is fluid and cursive, with a large, stylized "S" and "L" at the beginning.

Susan L.K. Lee Loy
Hawai'i County Council Member, District 3

SB-2134

Submitted on: 1/29/2018 4:52:31 PM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michele McLean	County of Maui / KIRC	Comments	No

Comments:

Aloha,

The Maui County Planning Department has concerns over SB2134 as drafted. As you may know, the Maui County Council recently adopted an ordinance requiring this training for the members of our three island planning commissions. However, providing the training has proved to be problematic.

These commissions are subject to the Sunshine Law and their proceedings are, therefore, open to the public. The Maui Planning Commission's meetings are regularly filmed and rebroadcast by AKAKU - Maui Community Media. OHA was resistant to allowing these training sessions to be open to the public and broadcast over community cable television, which is a deal-breaker. OHA was also not able to provide the training during these commissions' regular meeting days and at their regular locations, which also makes it difficult.

We believe the training would be valuable and insightful, and would encourage our staff and others to also listen in. However, it must be open to the public and must be provided on Lanai and Molokai, and in Hana, during the commissions' regular meeting times.

Mahalo for your consideration,

Michele Chouteau McLean

Deputy Planning Director, County of Maui

Council Chair
Mike White

Vice-Chair
Robert Carroll

Presiding Officer Pro Tempore
Stacy Crivello

Councilmembers
Alika Atay
Elle Cochran
Don S. Guzman
Riki Hokama
Kelly T. King
Yuki Lei K. Sugimura




COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

January 30, 2018

TO: Honorable Maile Shimabukuro, Chair
Senate Committee on Hawaiian Affairs

Honorable Jill N. Tokuda, Chair
Senate Committee on Labor

Honorable Clarence K. Nishihara, Chair
Committee on Public Safety, Intergovernmental, and Military Affairs

FROM: Stacy Helm Crivello
Councilmember 

DATE: Thursday, February 1, 2018

SUBJECT: **SUPPORT OF SB 2134, RELATING TO TRAINING**

Thank you for the opportunity to testify in **support** this important measure. The purpose of this measure is to require certain additional government decision-makers at both the state and county levels to complete the Office of Hawaiian Affairs' training course on Native Hawaiian and Hawaiian rights established by Act 169 SLH 2015.

I **support** this measure for the following reasons:

1. The training course has educated decision-makers, lawmakers and government staff about their legal responsibilities regarding the rights of Native Hawaiians and the public trust.
2. The training has provided a deeper understanding of the public land trust, native Hawaiian traditional and customary rights, Hawaii's water laws, native Hawaiian burials and the public trust doctrine enabling public officials to be better equipped to develop and implement policies.
3. Expanding the required training to additional state and county officials helps ensure a greater level and breadth of understanding and protection of the native Hawaiian and Hawaiian people.

For the foregoing reasons, I **support** this measure.

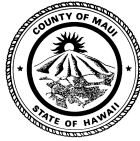
2018SB2134Support

Council Chair
Mike White

Vice-Chair
Robert Carroll

Presiding Officer Pro Tempore
Stacy Crivello

Councilmembers
Alike Atay
Elle Cochran
Don S. Guzman
Riki Hokama
Kelly T. King
Yuki Lei K. Sugimura



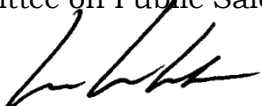
COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

January 30, 2018

TO: The Honorable Maile S.L. Shimabukuro, Chair
Senate Committee on Hawaiian Affairs

The Honorable Jill N. Tokuda, Chair
Senate Committee on Labor

The Honorable Clarence K. Nishihara, Chair
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

FROM: Mike White
Council Chair 

SUBJECT: **HEARING OF FEBRUARY 1, 2018; OFFERING COMMENTS ON
SB 2134, RELATING TO TRAINING**

Thank you for the opportunity to offer **comments** on this measure. The purpose of this bill is to require certain additional government decision-makers at both the state and county levels to complete the Office of Hawaiian Affairs' training courses on Native Hawaiian and Hawaiian rights established by Act 169, SLH 2015.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

Training on Native Hawaiian history, law, and rights is crucial in assisting decision makers to create policies that respect, perpetuate, and reflect the culture of our islands.

I support the intent of this measure, but offer the following comments:

1. Understanding the effectiveness of the training course created by the Office of Hawaiian Affairs through Act 169, the Maui County Council passed Bill 119 (2016). The bill required the Maui, Molokai, and Lanai Planning Commissions along with the Hana Advisory Committee, to take part in this specific Native Hawaiian law training course. In deliberations over the bill, Councilmembers were informed that funding was available from the Office of Hawaiian Affairs to meet these training requirements.
2. In the fall of 2017, the Maui County Department of Planning attempted to organize the training for commissioners. They were notified that trainings were only available on weekends and at a central location. Training was not available for each island or during a commission meeting. Therefore, this would require travel by Molokai, Lanai, and Hana members to a central location. As funds were

not available for such travel, the county requested to utilize the Council's video conferencing system. For Molokai, Lanai, and Hana to view the training being conducted in the Council Chamber, a live-stream must be broadcasted on Akaku, our public access television provider. Due to the nature of the training, the Office of Hawaiian Affairs did not want the training to be broadcasted.

3. Logistics are still being discussed to allow future Maui County trainings. However, appropriate funding is necessary to implement the trainings effectively. Please keep in mind that Maui County consists of Maui, Molokai, Lanai, and the rural district of Hana. Each of these unique areas have their own commissions and therefore, would be required to travel to a central location, or individual trainings would need to be organized in their respective communities. Appropriate funding is necessary, otherwise this will become another unfunded mandate.
4. When legislative bodies are subject to training, the sunshine law must also be considered. Hawaii Revised Statutes, 92-2.5 (e) states:
(e) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may attend an informational meeting or presentation on matters relating to official board business, including a meeting of another entity, legislative hearing, convention, seminar, or community meeting; provided that the meeting or presentation is not specifically and exclusively organized for or directed toward members of the board. The board members in attendance may participate in discussions, including discussions among themselves; provided that the discussions occur during and as part of the informational meeting or presentation; and provided further that no commitment relating to a vote on the matter is made or sought.
5. Any trainings that encompass issues that are or may become board business must be conducted in compliance with Chapter 92-2.5 (e) or posted on an official meeting notice. An alternative is to exempt this specific training from the sunshine law.

These comments are offered with the spirit and desire to make this training achievable statewide and not as a deterrent. The training created by the Office of Hawaiian Affairs is truly invaluable and should be expanded.

Mahalo.

SB-2134

Submitted on: 1/30/2018 11:50:53 AM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Hawaiian Civic Club of Honolulu	Support	No

Comments:

SB-2134

Submitted on: 1/31/2018 12:48:06 PM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shane Akoni Nelsen	Kuakini Hawaiian Civic Club	Support	No

Comments:

SB-2134

Submitted on: 1/29/2018 7:51:12 PM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	DPH Hawaiian Affairs Caucus	Support	No

Comments:

The Hawaiian Affairs Caucus of the Democratic Party of Hawaii supports SB2134. The State of Hawaii has a trust obligation and a fiduciary duty to Native Hawaiians. Knowledgeable leaders make sound decisions on matters concerning Native Hawaiians and comply with applicable laws. OHA's training class has been well- received by those who have attended it. Mahalo for the opportunity to testify in support of SB2134.

SB-2134

Submitted on: 1/30/2018 11:57:42 PM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Desire DeSoto	Community	Support	No

Comments:

I STRONGLY SUPPORT SB2134, which expands the application of Act 169 (Session Laws 2015) to provide certain additional state and county officials with training on Native Hawaiian and public trust law, through the OHA-sponsored Native Hawaiian Law Training Course. Since 2015, this course has aided in educating certain key policymakers about the State's legal responsibilities towards Native Hawaiians and the public trust. This highly-successful training course continues to provide attendees with a deeper understanding of the State's legal obligations and leaves them better equipped to develop and implement policies involving our natural and cultural resources. The expansion of this course would allow more fully-informed decision-making and enable our state and county officials to better uphold our constitutional mandates. Furthermore, this measure would help to prevent and reduce conflicts and legal challenges when implementing and enforcing policy. Therefore, I respectfully urge the Committee to PASS SB2134.

SB-2134

Submitted on: 1/30/2018 11:43:02 AM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carl M Jellings Sr	Fishermen	Support	No

Comments:

Support

Carl P Jellings Sr

SB-2134

Submitted on: 1/29/2018 2:12:09 PM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Support	Yes

Comments:

SB-2134

Submitted on: 1/31/2018 5:43:34 PM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:

**PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAII
TO THE COMMITTEE ON HAWAIIAN AFFAIRS
COMMITTEE ON LABOR
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL,
AND MILITARY AFFAIRS
THE SENATE
TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018
Thursday, February 1, 2018**

1:35 p.m.

Hawaii State Capitol, Conference Room 312

RE: Testimony in Support of SB 2134, RELATING TO TRAINING

To the Honorable Maile S.L. Shimabukuro, Chair; the Honorable Brickwood Galuteria, Vice-Chair, and Members of the Committee on Hawaiian Affairs:

To the Honorable Jill N. Tokuda, Chair; the Honorable J. Kalani English, Vice-Chair, and Members of the Committee on Labor:

To the Honorable Clarence K. Nishihara, Chair; the Honorable Glenn Wakai, Vice-Chair and Members of the Committee on Safety, Intergovernmental, and Military Affairs:

Good morning, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on Senate Bill No. 2134, relating to Hawaiian cultural training to State and County Officials by the Office of Hawaiian Affairs. The OCC Legislative Priorities Committee is in favor of Senate Bill No. 2134 and support its passage.

Senate Bill No. 2134, is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it aims to protect and restore the civil and human rights of the Native Hawaiian people. Specifically, the DPH Platform states, "Native Hawaiian are the indigenous people of Hawai'i and deserve a just relationship with the state and federal governments. We support Native Hawaiian rights to self-determination in the formation of their chosen governmental entity. We support recognition of Native Hawaiians as indigenous people as provided by the U.S. Constitution; such recognition will add to the process of Native Hawaiian self-determination. We also support the international rights of the Native Hawaiian people.

We support the continued engagement and empowerment of the Native Hawaiian community in decisions related to county and state affairs." (Platform of the DPH, P. 4, Lines 204-211 (2016)),

Given that Senate Bill No. 2134 requires certain additional government decision-makers at both the state and county levels to complete the Office of Hawaiian Affairs' training courses on Native Hawaiian and Hawaiian rights established by Act 169, SLH 2015, it is the position of the OCC Legislative Priorities Committee to support this measure as it perpetuates a just relationship between the Native Hawaiians as the indigenous people of Hawai'i and the state and federal governments.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ **Melodie Aduja**

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889

SB-2134

Submitted on: 1/31/2018 9:44:00 PM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Angus Raff-Tierney	Society for Hawaiian Archaeology	Support	No

Comments:

I am Angus Raff-Tierney, Legislative Committee Chair of the Society for Hawaiian Archaeology (SHA). We have over 150 members that include professional archaeologists and advocates of historic preservation in general. I am writing this testimony in **SUPPORT of SB2134**, which expands the application of Act 169 (Session Laws 2015) to provide certain additional state and county officials with training on Native Hawaiian and public trust law, through the OHA-sponsored Native Hawaiian Law Training Course. Since 2015, this course has aided in educating certain key policymakers about the State's legal responsibilities towards Native Hawaiians and the public trust. This highly-successful training course continues to provide attendees with a deeper understanding of the State's legal obligations and leaves them better equipped to develop and implement policies involving our natural and cultural resources. The expansion of this course would allow more fully-informed decision-making and enable our state and county officials to better uphold our constitutional mandates. Therefore, I respectfully urge the Committee to **PASS SB2134**.

SB-2134

Submitted on: 1/29/2018 7:57:05 PM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaulana Dameg		Support	No

Comments:

SB-2134

Submitted on: 1/29/2018 8:34:11 PM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Lauifi		Support	No

Comments:

SB-2134

Submitted on: 1/31/2018 8:44:17 AM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Chang		Support	No

Comments:

SB-2134

Submitted on: 1/31/2018 9:34:36 AM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Donna K Santos		Support	No

Comments:

Aloha,

I am a Native Hawaiian from the Kipu Ahupua`a, Puna Moku of Kaua`i. **I am in strong support of SB2134 and urge your support as well.**

The County of Kaua`i brought this workshop to Kaua`i early 2017 and the turnout was great—both county and state division leaders, planners, elected officials, new and seasoned appointees to the various boards and commissions who live on Kaua`i and even community advocates wanting to expand their understanding. I was fortunate to get to attend as an invited community member and remain appreciative it was available.

I came away believing the knowledge this training shared is a strong supportive tool for everyone desiring to serve in elected and/or appointed positions because they are tasked to balance the sentiments of their community issues with their appointment's obligations. This course can give them a foundational knowledge of the kuleana they must carry and expands their knowledge of resources that can support their decision making process, if needed.

So, I urge you to support and **pass SB2134**. Mahalo.

SB-2134

Submitted on: 1/31/2018 2:05:31 PM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Leanne Fox		Support	No

Comments:

STRONGLY SUPPORT SB2134, which expands the application of Act 169 (Session Laws 2015) to provide certain additional state and county officials with training on Native Hawaiian and public trust law, through the OHA-sponsored Native Hawaiian Law Training Course. Since 2015, this course has aided in educating certain key policymakers about the State's legal responsibilities towards Native Hawaiians and the public trust. This highly-successful training course continues to provide attendees with a deeper understanding of the State's legal obligations and leaves them better equipped to develop and implement policies involving our natural and cultural resources. The expansion of this course would allow more fully-informed decision-making and enable our state and county officials to better uphold our constitutional mandates. Furthermore, this measure would help to prevent and reduce conflicts and legal challenges when implementing and enforcing policy.

Therefore, I respectfully urge the Committee to **PASS SB2134**.

Mahalo, Dr. Leanne Kealoha Fox

From: [Taffi Wise](#)
To: [HWNTestimony](#)
Subject: Please PASS SB2134
Date: Tuesday, January 30, 2018 8:30:19 PM

I STRONGLY SUPPORT SB2134, which expands the application of Act 169 (Session Laws 2015) to provide certain additional state and county officials with training on Native Hawaiian and public trust law, through the OHA-sponsored Native Hawaiian Law Training Course. Since 2015, this course has aided in educating certain key policymakers about the State's legal responsibilities towards Native Hawaiians and the public trust. This highly-successful training course continues to provide attendees with a deeper understanding of the State's legal obligations and leaves them better equipped to develop and implement policies involving our natural and cultural resources. The expansion of this course would allow more fully-informed decision-making and enable our state and county officials to better uphold our constitutional mandates. Furthermore, this measure would help to prevent and reduce conflicts and legal challenges when implementing and enforcing policy. Therefore, I respectfully urge the Committee to PASS SB2134.

Me ka ha'aha'a,
Taffi Wise

SB-2134

Submitted on: 1/31/2018 3:42:21 PM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne		Support	No

Comments:

Aloha mai kākou,

Please **SUPPORT** this measure, and ensure that our public officials more fully understand their constitutional and fiduciary obligations to Native Hawaiians and the public trust.

Too much time and resources have been spent correcting unlawful albeit unintentional decisions by state and county officials who have not had the opportunity to learn about their concrete legal obligations to the Native Hawaiian and larger communities. Please **support** this common-sense legislation to improve the efficiency and legal consistency of state and county actions with regards to Native Hawaiian rights and the public trust doctrine.

Mahalo nui for your favorable consideration of this measure!

Wayne Tanaka

SB-2134

Submitted on: 1/31/2018 6:18:54 PM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mahesh Cleveland		Support	Yes

Comments:

Aloha, Chair and Members of the Committee:

My name is Mahesh Cleveland. I am a third year student at the William S. Richardson School of Law and a Native Hawaiian. I have had the opportunity to assist in facilitating two of the Native Hawaiian Law trainings held on our campus, and urge you to support SB 2134, requiring such training for a broader range of State officials and employees. Many of the lawsuits brought against state agencies regarding the issues of Native Hawaiian rights and public trust law could have been avoided by just this kind of training. These rights, both of Native Hawaiians and the general public, are cemented in state law, both in our Constitution and in the Hawai'i Revised Statutes. To avoid costly litigation required at times to enforce these rights, and to ensure fulfillment of the state's constitutional mandate, it is imperative that state officials and their staff are educated as to the nature and extent of these rights. I believe that these trainings will help to alleviate many conflicts or misunderstandings surrounding the issue. As always, education is the key, and the expert knowledge imparted in these trainings help to clarify both public rights and government responsibilities.

Thank you for taking the time to receive my testimony, and aloha nui to you all.

Sincerely,

Mahesh Cleveland

SB-2134

Submitted on: 1/31/2018 7:16:09 PM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Landen Paikai		Support	No

Comments:

I STRONGLY SUPPORT HB1745/SB2134, which expands the application of Act 169 (Session Laws 2015) to provide certain additional state and county officials with training on Native Hawaiian and public trust law, through the OHA-sponsored Native Hawaiian Law Training Course. Since 2015, this course has aided in educating certain key policymakers about the State's legal responsibilities towards Native Hawaiians and the public trust. This highly-successful training course continues to provide attendees with a deeper understanding of the State's legal obligations and leaves them better equipped to develop and implement policies involving our natural and cultural resources. The expansion of this course would allow more fully-informed decision-making and enable our state and county officials to better uphold our constitutional mandates. Furthermore, this measure would help to prevent and reduce conflicts and legal challenges when implementing and enforcing policy. Therefore, I respectfully urge the Committee to PASS HB1745/SB2134.

From: [Jayna Weatherwax](#)
To: [HWNTestimony](#)
Subject: Please PASS SB2134
Date: Tuesday, January 30, 2018 7:48:39 PM

I STRONGLY SUPPORT SB2134, which expands the application of Act 169 (Session Laws 2015) to provide certain additional state and county officials with training on Native Hawaiian and public trust law, through the OHA-sponsored Native Hawaiian Law Training Course. Since 2015, this course has aided in educating certain key policymakers about the State's legal responsibilities towards Native Hawaiians and the public trust. This highly-successful training course continues to provide attendees with a deeper understanding of the State's legal obligations and leaves them better equipped to develop and implement policies involving our natural and cultural resources. The expansion of this course would allow more fully-informed decision-making and enable our state and county officials to better uphold our constitutional mandates. Furthermore, this measure would help to prevent and reduce conflicts and legal challenges when implementing and enforcing policy. Therefore, I respectfully urge the Committee to PASS SB2134.

--

Sent from Gmail Mobile

From: [Kathleen Papalimu](#)
To: [HWNTestimony](#)
Subject: Please PASS SB2134
Date: Wednesday, January 31, 2018 5:00:56 AM

I STRONGLY SUPPORT SB2134, which expands the application of Act 169 (Session Laws 2015) to provide certain additional state and county officials with training on Native Hawaiian and public trust law, through the OHA-sponsored Native Hawaiian Law Training Course. Since 2015, this course has aided in educating certain key policymakers about the State's legal responsibilities towards Native Hawaiians and the public trust. This highly-successful training course continues to provide attendees with a deeper understanding of the State's legal obligations and leaves them better equipped to develop and implement policies involving our natural and cultural resources. The expansion of this course would allow more fully-informed decision-making and enable our state and county officials to better uphold our constitutional mandates. Furthermore, this measure would help to prevent and reduce conflicts and legal challenges when implementing and enforcing policy. Therefore, I respectfully urge the Committee to PASS SB2134.

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: SENATE COMMITTEE ON HAWAIIAN AFFAIRS,
COMMITTEE ON LABOR , and COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL, AND MILITARY AFFAIRS

For hearing Thursday, February 1, 2018

Re: SB2134

RELATING TO TRAINING.

Requires certain additional government decision-makers at both the state and county levels to complete the Office of Hawaiian Affairs' training courses on Native Hawaiian and Hawaiian rights established by Act 169, SLH 2015.

TESTIMONY IN OPPOSITION

Last year 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. This year OHA wants to expand its empire by requiring more government employees of additional departments to endure the OHA training. Next year OHA will seek to expand even further.

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? 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.

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 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."

SB-2134

Submitted on: 1/31/2018 11:18:45 PM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Summer Sylva		Support	No

Comments:

SB2134 would require a number of additional government officials to attend a Native Hawaiian Law and Public Trust Training Course. Training additional government officials would better ensure that these key officials better understand their legal obligations to Native Hawaiians and to our islands' natural and cultural resources, thereby reducing unnecessary litigation, strife, and expense resulting from statutory and/or constitutional violations often based on incomplete or erroneous understandings of the law. Training courses better ensure both compliance with and enforcement of all applicable laws at every stage.

SB-2134

Submitted on: 2/1/2018 8:12:09 AM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christina Aiu	Individual	Support	No

Comments:

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lieutenant Governor

LUIS P. SALAVERIA
Director

MARY ALICE EVANS
Deputy Director



LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

DANIEL ORODENKER
Executive Officer

Bert K. Saruwatari
Planner
SCOTT A.K. DERRICKSON AICP
Planner

RILEY K. HAKODA
Chief Clerk/Planner

FRED A. TALON
Drafting Technician

Statement of
Daniel E. Orodenker
Executive Officer
Land Use Commission
Before the
Senate Committee on Hawaiian Affairs
Senate Committee on Labor
Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Thursday February 1, 2018
1:35 PM
State Capitol, Conference Room 016

In consideration of
SB 2134
RELATING TO TRAINING

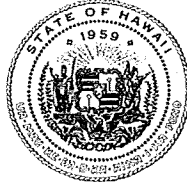
Chairs Shimabukuro, Tokuda, and Nishihara; Vice Chairs Galuteria, English, and Wakai; and members of the Committees on Hawaiian Affairs; Labor; and, Public Safety, Intergovernmental, and Military Affairs:

The Land Use Commission supports this measure to expand the training courses on Native Hawaiian and Hawaiian Rights.

Commissioners have had the opportunity to attend these training sessions for the past several years. During that time the feedback we have received from our commissioners and staff has been overwhelmingly positive. Many commissioners and staff have opted to attend more than one session due to the value in learning the most current information to assist them in carrying out their duties.

Thank you for the opportunity to testify on this matter.

DAVID Y. IGE
GOVERNOR



Testimony by:
JADE T. BUTAY
INTERIM DIRECTOR

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 1, 2018
1:35 p.m.
State Capitol, Room 016

S.B. 2134
RELATING TO TRAINING

Senate Committee on Hawaiian Affairs,
Senate Committee on Labor and
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

The Department of Transportation (DOT) **supports** this bill relating to training on native Hawaiian and Hawaiian rights and how these rights affect the Native Hawaiian and Hawaiian people. We recognize the importance of this knowledge for our decision-makers in the department because of our activities involving land, air, and sea, and the impact to historical and archaeological sites.

Thank you for the opportunity to provide testimony.

SB-2134

Submitted on: 2/1/2018 11:19:42 AM

Testimony for HWN on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments:

From: [Paul Bucher](#)
To: [HWNTestimony](#)
Subject: Please PASS SB2134
Date: Thursday, February 1, 2018 12:24:54 PM

I STRONGLY SUPPORT SB2134, which expands the application of Act 169 (Session Laws 2015) to provide certain additional state and county officials with training on Native Hawaiian and public trust law, through the OHA-sponsored Native Hawaiian Law Training Course. Since 2015, this course has aided in educating certain key policymakers about the State's legal responsibilities towards Native Hawaiians and the public trust. This highly-successful training course continues to provide attendees with a deeper understanding of the State's legal obligations and leaves them better equipped to develop and implement policies involving our natural and cultural resources. The expansion of this course would allow more fully-informed decision-making and enable our state and county officials to better uphold our constitutional mandates. Furthermore, this measure would help to prevent and reduce conflicts and legal challenges when implementing and enforcing policy. Therefore, I respectfully urge the Committee to PASS SB2134.