



GOV. MSG. NO. 652

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

May 1, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: Senate Bill No. 1108

On April 30, 2009, Senate Bill No. 1108, entitled "A Bill for an Act Relating to Native Hawaiians" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to extend from June 30, 2009 to June 30, 2011 the sunset date for the operation of the Aha Kiole Advisory Committee.

This Committee was established in 2007 to initiate a process for using indigenous best practices in managing State natural resources. This Administration supports the concepts embodied in the original bill which called for the adoption of traditional, community-based natural resource management techniques.

Unfortunately, the actual operations of the Committee have strayed from the original intent, to the extent that certain Native Hawaiian organizations are calling for the Committee to be abolished.

The concerns with this bill are twofold. First, it fails to address the need for a larger cross-section of the native Hawaiian community to be represented on the membership. Act 212 established a membership selection process that required the Governor to select names submitted by only one umbrella organization. There are many groups and individuals in the Native Hawaiian community who care deeply about the preservation and restoration of our ecosystems. It is unfortunate that the membership has come from only one portion of that community and no efforts were made to expand that membership in this bill.

Second, there is a growing concern about the focus and positions that this Advisory Committee has taken. The Committee has taken official stances on issues that appear to be

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outside of the scope of its intended jurisdiction, which are the natural resources of the State of the Hawaii. The Advisory Committee has weighed in on the issue of fisheries management in jurisdictions outside of this state, affecting other countries and their ability to oversee their own resources. Further, the Committee has acted in a manner that masks its advisory nature, blurring the lines between advising others and taking positions independent of the State or the Department of Land and Natural Resources. Again, this bill to extend the Committee fails to redefine and clarify the matters that the Committee should address.

This measure does not include an appropriation for the Advisory Committee. I believe it is incumbent upon the Legislature to review the sources of support the Aha Kiole Advisory Committee has used and determine if those sources have compromised the independence or objectivity of the Committee.

For the foregoing reasons, I allowed Senate Bill No. 1108 to become law as Act 39, effective April 30, 2009, without my signature.

Sincerely,



LINDA LINGIE

JAN 26 2009

A BILL FOR AN ACT

RELATING TO NATIVE HAWAIIANS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 2 of Act 212, Session Laws of Hawaii
2 2007, is amended as follows:

3 1. By amending subsection (c) to read:

4 "(c) The advisory committee shall submit a written interim
5 report of its findings and recommendations, including any
6 proposed legislation, no later than twenty days prior to the
7 convening of the 2008 regular session. The advisory committee
8 shall submit [~~a written final report~~] annual reports of its
9 findings and recommendations, including any proposed
10 legislation, no later than twenty days prior to the convening of
11 the 2009 regular session[-] and no later than twenty days prior
12 to the convening of the 2010 regular session. The advisory
13 committee shall submit its final report to the legislature no
14 later than twenty days prior to the convening of the 2011
15 legislative session."

16 2. By amending subsection (e) to read:



1 " (e) The 'aha kiole advisory committee shall cease to exist
2 on June 30, [~~2009-~~] 2011."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *Russell Kolb*

J. Alan Gil

John Hill



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2 on June 30, [~~2009-~~] 2011."

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4 and stricken. New statutory material is underscored.

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APPROVED this day of , 2009

GOVERNOR OF THE STATE OF HAWAII