

CONFERENCE COMMITTEE REP. NO. **41**

Honolulu, Hawaii

APR 29 2011 , 2011

RE: S.B. No. 1520
S.D. 2
H.D. 3
C.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1520, S.D. 2, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to add a new chapter in the Hawaii Revised Statutes to recognize the native Hawaiian people as the only indigenous, aboriginal, maoli people of Hawaii.

Your Committee on Conference has had a very difficult task - to consider and reconcile widely different concepts for Native Hawaiian recognition. The task did not begin on January 19, 2011, with the opening of the current legislative session; it began decades ago in the early days of the "Hawaiian Renaissance". It began when a few courageous individuals saw injustice and stepped forward - not away from protests, confrontation, and for some, physical danger. Your Committee on Conference pays tribute to these leaders, to these



ordinary people who accomplished extraordinary feats and took the first step in the process of Native Hawaiian recognition.

This measure is one more step in a journey, long overdue, but for your Committee on Conference, better late than never. This measure builds on the past, acknowledges present reality, and moves the process forward. It is intended to move in concert with the efforts by Senator Akaka and Hawaii's Congressional Delegation to achieve federal recognition of Native Hawaiians. It is a commitment to acknowledging and recognizing the first people of Hawai'i, while preserving the diversity that has made Hawai'i home to so many.

Your Committee on Conference has greatly expanded the language in the new chapter in the Hawaii Revised Statutes, moving beyond a single statement of recognition, to the establishment of a process for Native Hawaiians to organize themselves as a step in the continuing development of a reorganized Native Hawaiian governing entity and, ultimately, the federal recognition of Native Hawaiians.

Your Committee on Conference has amended this measure accordingly, to:

- (1) Expand the findings and purpose section of the measure to include a history of the past efforts toward recognition of Native Hawaiians;
- (2) Establish the purpose of the new chapter to provide for and to implement the recognition of the Native Hawaiian people;
- (3) Establish a five-member Native Hawaiian Roll Commission, within the Office of Hawaiian Affairs for administrative purposes, to prepare and maintain a roll of qualified Native Hawaiians, and define a "qualified Native Hawaiian";
- (4) Require the Governor, within 180 days of the effective date of this measure, to appoint the members of the Native Hawaiian Roll Commission from nominations submitted by qualified Native Hawaiians and qualified Native Hawaiian membership organizations, and clarify that a qualified Native Hawaiian membership organization includes an organization that has been in existence for at least ten years, and whose purpose has been and is the betterment of the conditions of the Native Hawaiian people;



- (5) Require four members of the five-member Native Hawaiian Roll Commission to reside in the four counties, with one member to serve at-large;
- (6) Require the Native Hawaiian Roll Commission to publish the roll to facilitate commencement of a convention for the purpose of organization;
- (7) Require the Governor to dissolve the commission after publication of the roll;
- (8) Clarify that the chapter shall not diminish rights or privileges enjoyed by Native Hawaiians;
- (9) Reaffirm the delegation of federal authority, governmental authority and power, and negotiations, and clarify that consistent with the policies of the State of Hawaii, the members of the qualified Native Hawaiian roll, and their descendants, shall be acknowledged by the State of Hawaii as the indigenous, aboriginal, maoli population of Hawaii;
- (10) Clarify that nothing in the new chapter established by this measure is intended to serve as a settlement of any claims or affect the rights of Native Hawaiian people under state, federal, or international law;
- (11) Clarify that the Hawaiian Homes Commission Act, 1920, shall be amended, subject to approval by the United States Congress, if necessary, to accomplish the purposes set forth in this Act;
- (12) Require the Office of Hawaiian Affairs to provide funding for the Native Hawaiian Roll Commission;
- (13) Require the Native Hawaiian Roll Commission, in cooperation with the Office of Hawaiian Affairs, to report to the Governor and the Legislature prior to the Regular Session of 2012 on the status of the preparation of the roll, related expenditures, and concerns or recommendations; and
- (14) Change the effective date from July 1, 2030, to upon approval.

In conclusion, your Committee on Conference urges the Office of Hawaiian Affairs to work with the Native Hawaiian Roll Commission by



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utilizing the current Kau Inoa Native Hawaiian registration list, with the approval of the individual registrants, to support the Native Hawaiian Roll Commission's purpose of preparing and maintaining a roll of qualified Native Hawaiians.

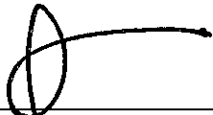
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1520, S.D. 2, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1520, S.D. 2, H.D. 3, C.D. 1.

Respectfully submitted on behalf
of the managers:

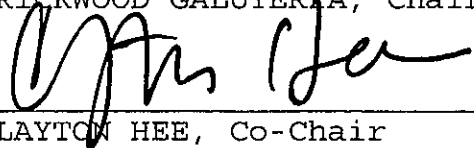
ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



FAYE HANOHANO, Co-Chair


BRICKWOOD GALUTERIA, Chair


GILBERT KEITH-AGARAN, Co-Chair


CLAYTON HEE, Co-Chair


CHRIS LEE, Co-Chair


DAVID Y. IGE, Co-Chair



Hawaii State Legislature

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 1520, SD 2, HD 3	Date/Time: 4:15pm April 29, 2011
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
GALUTERIA, Brickwood, Chr.	✓				HANOHANO, Faye P., Co-Chr.	✓			
HEE, Clayton, Co-Chr.	✓				KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓			
IGE, David Y., Co-Chr.				✓	LEE, Chris, Co-Chr.	✓			
KAHELE, Gilbert	✓				CHONG, Pono				✓
SOLOMON, Malama	✓				JORDAN, Jo				✓
					OSHIRO, Blake K.	✓			
					WARD, Gene				✓
TOTAL	4			1	TOTAL	4			3

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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