

Honolulu, Hawaii

FEB 18 2011

RE: S.B. No. 1520  
S.D. 1

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

Sir:

Your Committees on Hawaiian Affairs and Judiciary and Labor,  
to which was referred S.B. No. 1520 entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT,"

beg leave to report as follows:

The purpose and intent of this measure is to establish  
procedures for state recognition of a First Nation government by  
establishing a new chapter in the Hawaii Revised Statutes to  
include:

- (1) An extensive findings and purpose section and definitions;
- (2) An affirmation of the State of Hawaii policy regarding Native Hawaiians;
- (3) Establishment of a nine-member Commission to prepare, maintain, and certify a roll of qualified Native Hawaiian constituents;
- (4) Establishment of requirements and procedures for preparation of the roll;
- (5) Establishment of a process of recognition and ratification of governing documents and an Interim First Nation Governing Council;



- (6) Clarification that there is no diminishment of rights or privileges enjoyed by the Native Hawaiian people that are not inconsistent with the provisions of this measure;
- (7) A reaffirmation of the delegation of federal authority, governmental authority and power, and negotiations;
- (8) Clarification that nothing in this measure is intended to serve as a settlement of any claims against the State of Hawaii, or affect the rights of the Native Hawaiian people under state, federal, or international law;
- (9) Authorization to adoption of rules; and
- (10) An appropriation of unspecified funds for expenditure by the Office of Hawaiian Affairs.

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands, Sovereign Councils of the Hawaiian Homelands Assembly, Waianae Kai Hawaiian Homestead Association, Association of Hawaiian Civic Clubs, Maunaloa Hawaiian Civic Club, Aha Kiole Advisory Committee, Council for Native Hawaiian Advancement, and three individuals. Your Committees received testimony in opposition to this measure from Na Koa Ikaika o Ka Lahui Hawaii, The Koani Foundation, Committee of Hawaiian Nationals, Kingdom of Hawai'i, Ke Aupuni O Hawaii, The Libertarian Party, Citizens for Truth and Justice - Maui County, and twenty-four individuals. Your Committees received comments on this measure from the Office of Hawaiian Affairs, Aha Hawai'i 'Oiwai, and one individual.

Your Committees first wish to thank all those who testified on this measure and on S.B. No. 1, who took the time to share their mana'o - whether in support or opposition. Your Committees understand that for many, this was one more inconvenient trip to the State Capitol, one more reading of a carefully prepared statement, one more day of frustration - or hope.

Your Committees share that frustration, but the members also believe that the two measures before your Committees take a step on the road. Your Committees understand that much of the opposition to this measure is based on deeply held philosophical differences, and your Committees respect this right to differ.



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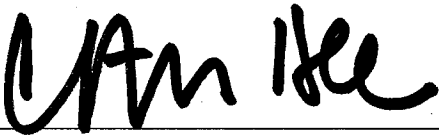
These measures are not perfect and your Committees are well aware of that. This is a process and it will not be completed with the passage of either of these bills, or a combination of the concepts. Your Committees believe strongly, however, that this measure and S.B. No. 1, bring that process home where it belongs.

Your Committees have amended this measure by:

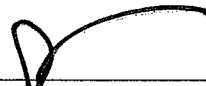
- (1) Clarifying that in the matter of contracts, both the Commission and the Interim First Nation Governing Council may enter into contracts with, or obtain grants from, any federal or state agency for the purposes of the new chapter established by this measure; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1520, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1520, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Hawaiian Affairs  
and Judiciary and Labor,



CLAYTON HEE, Chair

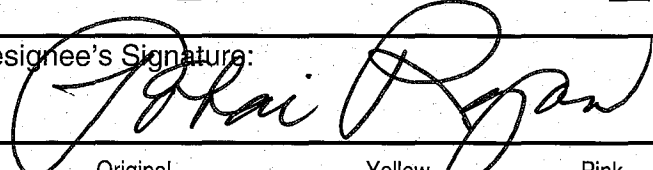


BRICKWOOD GALUTERIA, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Hawaiian Affairs**  
**HWN**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1520	HWN/JDC, WAM	2/16/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GALUTERIA, Brickwood (C)	✓			
RYAN, Pohai (VC)	✓			
ENGLISH, J. Kalani	✓			
HEE, Clayton	✓			
KAHELE, Gilbert	✓			
KIDANI, Michelle N.	✓			
SOLOMON, Malama	✓			
SLOM, Sam		✓		
<b>TOTAL</b>	<b>9</b>	<b>1</b>		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB1520</b>	Committee Referral: <b>HWN/JDL, WAM</b>	Date: <b>2/14/11</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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